

**TWAIN HARTE COMMUNITY SERVICES DISTRICT  
Finance/Policy Committee Meeting**

**Chair:** *Gary Sipperley*  
**Co-Chair:** *Eileen Mannix*

**THCSD CONFERENCE ROOM  
22912 VANTAGE POINTE DR., TWAIN HARTE  
March 6, 2024 1:30 p.m.**

**NOTICE: Public May Attend this Meeting In-Person.**

The meeting will be accessible via ZOOM for anyone that chooses to participate virtually:

- Videoconference Link: <https://us02web.zoom.us/j/89056787606>
- Meeting ID: 890 5678 7606
- Telephone: (669) 900-6833

**AGENDA**

- 1. Discussion regarding option to contract with Regional Government Services Authority (RGS) for financial services.**
- 2. Annual review of Policy #1030 – Communications Policy.**
- 3. Review proposed revisions to Policy #2040 – Sick Leave.**
- 4. Review Policy #2160 – Grievance Procedure.**
- 5. Review Policy #2170 – Sexual Harassment.**
- 6. Review Policy #2215 – Harassment.**
- 7. Review Policy #2280 – Employee Entrance Medical Exam.**
- 8. Review Policy #2285 – Providing Employment Reference Information.**
- 9. Review Policy #2341 – Water/Wastewater Intern Program.**
- 10. Adjourn.**

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**HOW TO VIRTUALLY PARTICIPATE IN THIS THIS MEETING**

The public can virtually observe and participate in a meeting as follows:

- **Computer:** Join the videoconference by clicking the videoconference link located at the top of this agenda or on our website. You may be prompted to enter your name and email. Your email will remain private and you may enter “anonymous” for your name.
- **Smart Phone/Tablet:** Join the videoconference by clicking the videoconference link located at the top of this agenda OR log in through the Zoom mobile app and enter the Meeting ID# and Password found at the top of this agenda. You may be prompted to enter your name and email. Your email will remain private and you may enter “anonymous” for your name.
- **Telephone:** Listen to the meeting by calling Zoom at (4669) 900-6833. Enter the Meeting ID# listed at the top of this agenda, followed by the pound (#) key.

\* NOTE: your personal video will be disabled and your microphone will be automatically muted.

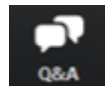
### **SUBMITTING PUBLIC COMMENT**

The public will have an opportunity to comment before and during the meeting as follows:

- **Before the Meeting:**
  - Email comments to [ksilva@twainhartecsd.com](mailto:ksilva@twainhartecsd.com), write “Public Comment” in the subject line. In the body of the email, include the agenda item number and title, as well as your comments.
  - Mail comments to THCSD Board Secretary: P.O. Box 649, Twain Harte, CA 95383
- **During the Meeting:**
  - Computer/Tablet/Smartphone: Click the “Raise Hand” icon and the host will unmute your audio when it is time to receive public comment. If you would rather make a comment in writing, you may click on the “Q&A” icon and type your comment. You may need to tap your screen or click on “View Participants” to make icons visible.



Raise Hand Icon:



Q&A Icon:

- Telephone: Press \*9 if to notify the host that you have a comment. The host will unmute you during the public comment period and invite you to share comments.
- In-Person: Raise your hand and the Board Chairperson will call on you.

\* NOTE: If you wish to speak on an item on the agenda, you are welcome to do so during consideration of the agenda item itself. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period. Persons speaking during the Public Comment will be limited to five minutes or depending on the number of persons wishing to speak, it may be reduced to allow all members of the public the opportunity to address the Board. Except as otherwise provided by law, no action or discussion shall be taken/conducted on any item not appearing on the agenda. Public comments must be addressed to the board as a whole through the President. Comments to individuals or staff are not permitted.

### **MEETING ETIQUETTE**

Attendees shall make every effort not to disrupt the meeting. Cell phones must be silenced or set in a mode that will not disturb District business during the meeting.

### **ACCESSIBILITY**

Board meetings are accessible to people with disabilities. In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the District office 48 hours prior to the meeting at (209) 586-3172.

**WRITTEN MEETING MATERIALS**

If written materials relating to items on this Agenda are distributed to Board members prior to the meeting, such materials will be made available for public inspection on the District's website:

[www.twainhartecsd.com](http://www.twainhartecsd.com)

## Cost Comparison of Finance Officer Options

Option	Salary & Benefits	Outside Services*	Total Cost	(Savings) / Extra Cost**
Baseline - Higgins as 3/4 Time Finance Officer	\$ 683,800		\$ 683,800	
Full-Time Finance Officer	\$ 697,103		\$ 697,103	\$ 13,303
GM as Finance Officer w/3/4-Time Admin Assistant & RGS	\$ 588,305	\$ 69,800	\$ 658,105	\$ (25,695)

### Notes

\* Outside services costs are an estimated maximum cost and will likely be less.

\*\* The added cost of unfunded pension liability associated with an employee is not included in the estimate



Regional Government Services (RGS) provides comprehensive finance management support to local government agencies. Public agencies, whether having a handful or dozens of administrative staff, often do not have enough financial planning and accounting resources to get everything done. There is just too much work, with budget development and tracking, audit, capital projects and on-going transactions consuming already strained resources. RGS provides professional-level to executive-level financial experience for day-to-day operations and long-range planning, as well as just the right amount of up-to-date financial technical experience to suit your agency's needs. Partnering with RGS for overall financial management services provides agencies with access to the sound strategic guidance and leadership needed in this critical area, along with experienced staff to perform daily operations – all without incurring the on-going costs required for additional in-house finance positions.

The RGS team has developed and implemented a broad range of programs, projects, and services for cities, counties, special districts, and Joint Powers Authorities throughout California. The RGS team has extensive experience in all aspects of public-sector financial management and accounting, including system-wide financial assessment program services; RDA successor issues, GASB reporting implementations, ERP implementation and development and implementation of legally-compliant and effective financial policies and procedures. RGS specializes in providing professional support for small to mid-sized agencies, serving as the finance management team or supplementing the agency's finance and accounting resources.

**Our areas of expertise include:**

- **Services that can be scoped and tailored to an agency's specific needs and priorities.**
- **Short-term assignments to provide capacity and expertise to finance departments in transition.**
- **Long-term support and outsourcing of operational functions (e.g. accounts payable, payroll).**
- **Finance department operational assessments.**
- **Internal control review to assess compliance with State Controller's Office requirements of agency management to maintain a controlled environment that averts fraud, losses and material financial reporting errors.**
- **Finance system analysis and needs assessments.**
- **Project management for operational initiatives and/or systems implementation.**
- **Full-service assessment of finance policies, procedures, practices, and compliance with ordinances, codes, GASB, and other guidelines.**
- **Fiscal policy development and implementation (e.g., long-term planning, resource allocation).**

// **TWAIN HARTE COMMUNITY SERVICES DISTRICT**//  
**Policy and Procedure Manual**

**POLICY TITLE:** Communications Policy  
**POLICY NUMBER:** 1030  
**ADOPTED:** July 12, 2012  
**AMENDED:** 9/10/2015  
**LAST AMENDED:** March 11, 2020

**1030.10 PURPOSE**

The purpose of this policy is to provide direction to Twain Harte Community Services District Board of Directors and staff in responding to various forms of public communication.

**1030.20 PREPARATION**

Prior to responding to any form of communication received from the public, another agency/business or the media, the following items must be considered:

1. Source. Identify who communicated the information and who the communication was specifically directed toward.
2. Topic. Determine the main objective of the communication and whether it is based on factual or false information.
3. Level of Importance. Evaluate the level of importance and the level of response needed, if any.
4. Sensitivity. Determine the level of interest in the community and the degree of sensitivity.
5. Timelines. Determine how quickly a response needs to be made.
6. Resolution. Attempt to identify any resolutions to keep issues from becoming long term or ongoing.
7. Form. Identify how the information was distributed (i.e. letter, public meeting, email, phone call, etc.).
8. Response Form. Identify the most appropriate form of response (i.e. individual letter, letter to all customers, website post, press release, media interview, etc.).
9. Responder. Identify the appropriate person to communicate the response.
10. Approval. Identify who needs to approve and/or review the response before release.

### **1030.30 COMMUNICATION AUTHORITY**

Except as specifically described in this policy or as is necessary for the normal carrying out of staff job functions, all communications shall be approved or designated by the General Manager or approved by the Board of Directors. If communications received by the District are determined to have high importance and/or sensitivity, the General Manager may wish to consult with the Board to determine the best communication strategy.

### **1030.40 Public Comments at Board Meetings**

1. Matters not on the Agenda. In accordance with State law, the Board is prohibited from discussing items not calendared on the agenda. The public may address the Board on any item not listed on the agenda and is within the Board's jurisdiction, under the agenda item "**Public Comment: This time is provided to receive information from the public.**" Matters brought up which are not on the agenda may be referred to staff for action or calendared on a future agenda. For public comments regarding items on the agenda, if the comment is erroneous and a staff person can correct the misstatement, staff is encouraged to do so.
2. Clarifications. If a staff person or Board member has some factual data that clarifies and or addresses the comment being made, the staff person or Board member shall respond/answer at that time, instead of waiting for the matter to be put on a future agenda. Public discussion, as in extended question and answer, debate and/or pontification is discouraged.

### **1030.50 Correspondence from Directors**

1. Letters. Directors may wish to have letters/correspondence written to customers, businesses or other entities. Typically, the General Manager and/or Board President (decision made by the entire Board of Directors) shall be charged with transmitting the District's position on matters to the customers, businesses or other entities.
2. Disagreements. On occasion, Directors may disagree with a position the District has taken on an issue. In these instances, Directors may communicate their individual position as private citizens only (no use of title), and shall not use District letterhead or District staff to prepare such responses. If speaking as a Director, Directors shall comply with Section 1030.65 of this Policy.

### **1030.60 PUBLIC COMPLAINTS**

1. Lowest Level. The Board of Directors desires that public complaints be resolved at the lowest possible administrative level and that the method for resolution of complaints be logical and systematic.
2. Definition. A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute of which

the individual has been adversely affected and shall be submitted in writing and signed by the person filing the complaint.

3. Method of Resolution. The individual with a complaint (“complainant”) shall first be directed to the department manager to discuss the matter with the objective of resolving the matter informally.
  - a. If the complainant is not satisfied with the disposition of the complaint by the department manager, the department manager shall refer the complainant to the General Manager. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager may document his/her decision in writing, with the complainant being provided a copy; otherwise the resolution or decision of the General Manager will take effect immediately after conferring with the complainant.
  - b. If the complainant is not satisfied with the disposition of the matter by the General Manager, he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager’s decision. The Board may consider the matter at its next regular Board meeting or call a Special Meeting. In making a decision, the Board may conduct conferences, refer the matter to Committee, hear testimony, as well as utilize the transcripts of written documentation. The Board’s final decision shall be in writing with the complainant being provided a copy.
4. Responding To Public Complaints. When Directors receive a complaint or inquiry from the public regarding the District’s services and/or staff, the Director should acknowledge the complaint/inquiry without making any comment/promise as to what will happen on behalf of the District and forward the message to the General Manager. The General Manager shall either respond to the complaint or designate response to the appropriate staff member.
5. Speaking for the District. When Directors are asked the District’s position on an issue, the response should reflect the position of the District as a whole, based on Board action, policy or ordinance. A Director may clarify his/her vote on an issue by stating, “While I voted against XX, the District voted in support of it.” The General Manager has authority to speak on behalf of the District at all times. When communicating the District’s position, the General Manager’s communication shall be based solely on prior Board action, policy or ordinance.

A Board Director may represent the District at meetings or other venues if the entire Board first authorizes such representation through official Board action. When representing the District, the Director can state the District’s position, not their individual position on any issue.
6. No Prohibition. This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present



a testimony, complaint, or statement in regard to action of the Board, District programs and services, or impending considerations of the Board.

### **1030.70 MEDIA CONTACTS**

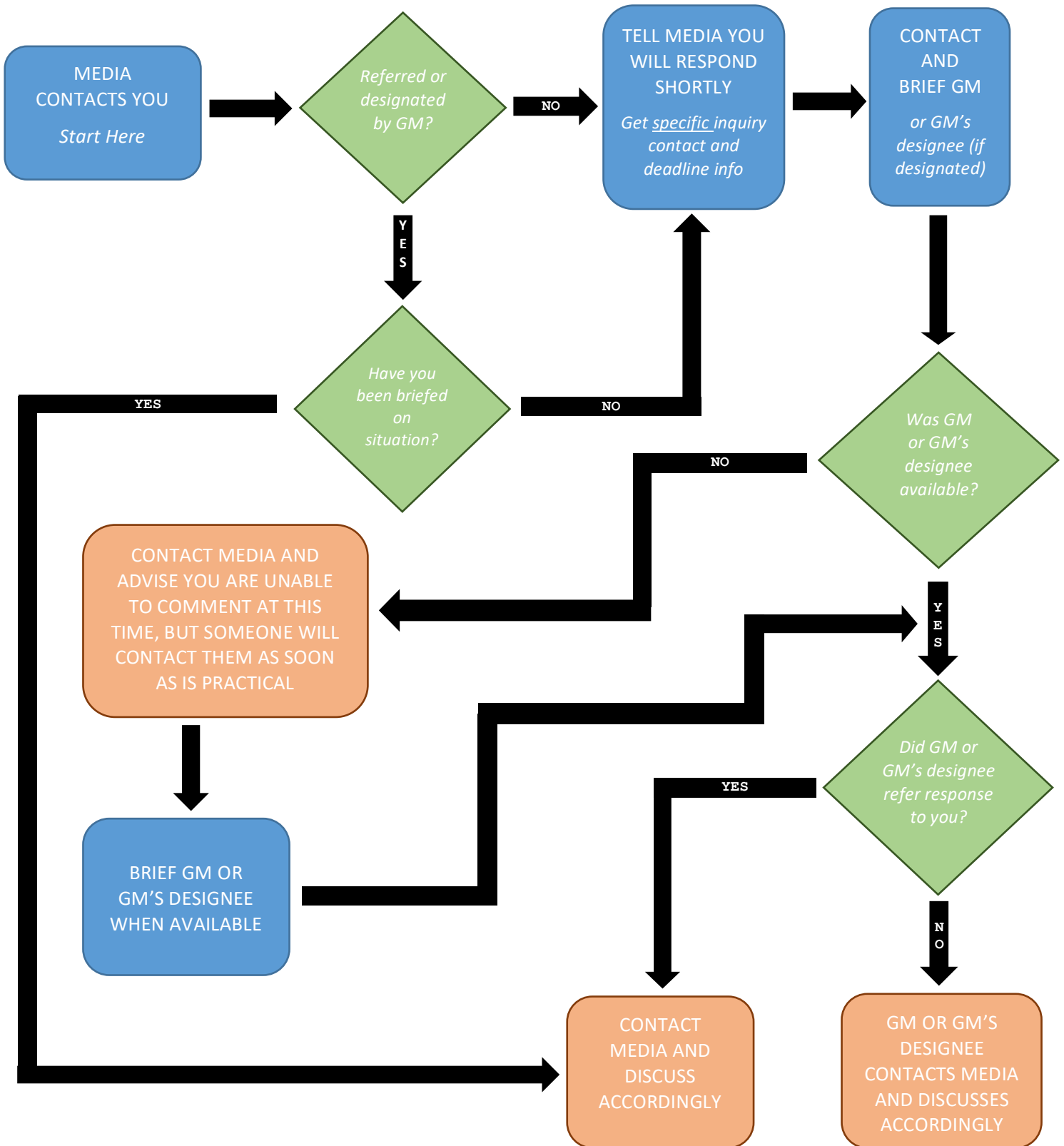
1. Authority. The General Manager has sole authority to contact and respond to media inquiries on behalf of the District. The General Manager may choose to designate personnel or Directors to speak to the media on behalf of the District for specific or routine District activities.

The Board of Directors may vote to designate media contact authority to a Director for a specific time frame in the event the General Manager is unavailable or specific circumstances warrant such action.

2. Referring Questions. In the event Directors or staff are approached for comment by the news media, they shall refer all inquiries to the General Manager in accordance with the attached Media Response Flow Chart.
3. No Admission of Legal Responsibility. No employee or Director shall have any right or authority to make any representation to members of the public or others that the District has legal responsibility for any action, omission or event causing injury, financial loss, damage or inconvenience to any person or property.

# MEDIA RESPONSE FLOW CHART

## *Twain Harte Community Services District*



**TWAIN HARTECOMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Sick Leave  
**POLICY NUMBER:** 2040  
**ADOPTED:** January 10, 2008  
**AMENDED:** 4/14/2016, 11/10/2016, 9/9/2020, 5/10/2023  
**LAST AMENDED:** March 13, 2024

**2040.10 PURPOSE AND DEFINITION FOR SICK LEAVE BENEFIT**

**2040.11 Definition.** Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to the employee's immediate supervisor.

**2040.12 Purpose.** In order to minimize the economic hardships that may result from an unexpected short-term injury or illness to an employee, immediate family member, or legal dependent, the District provides paid sick leave benefits to regular full-time, regular part-time, seasonal, and temporary employees.

**2040.13 Availability.** Sick leave is available in the following situations:

1. For diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member or designated person as defined in section 2040.40.
2. To obtain any relief or services related to the employee being a victim of domestic violence, sexual assault, or stalking including any items listed in section 2040.50.
3. In those cases in which an employee is taking a sick leave of absence approved in writing by the department head and/or the General Manager.

**2040.20 REGULAR FULL-TIME & PART-TIME EMPLOYEES**

Regular full-time employees of the District shall be entitled to paid sick leave at the rate of 96 hours per year for regular 40 hour employees. Regular part time employees shall be entitled to sick leave benefits at a prorated rate. Fire personnel on shift work accumulate 144 hours per year. Introductory employees shall earn sick leave credits at

the same rate as non-introductory employees within the same classification. Sick leave accrual shall be subject to the following:

1. Accrued sick leave may carry over from year to year, not to exceed 480 hours for regular employees and 664 hours for eligible fire personnel.
2. Sick leave accrues at the rate of 1/ 26<sup>th</sup> of these totals per pay period and sick leave balances are determined at the end of each pay period.
3. Sick leave does not accrue during periods of approved leave without pay.

### 2040.30 TEMPORARY AND SEASONAL EMPLOYEES

Temporary and Seasonal employees of the District shall be entitled to paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. Sick leave accrual shall be subject to the following:

1. A seasonal or temporary employee is not eligible to begin using any accrued paid sick leave until the 90<sup>th</sup> day of employment with the District and is only allowed to use up to a maximum of **3-5 days** or **24-40 hours** of paid sick leave in a 12 month period.
2. Sick leave may accrue up to a cap of **6-10 days** or **48-80 hours** ongoing. Any unused accrued paid sick leave may carryover year to year while continuously employed.
3. Sick leave does not accrue during periods of approved leave without pay.

**Commented [KS1]:** Updated to 5 days/40 hours per SB 616, effective 1/1/2024.

**Commented [KS2]:** Updated accrual cap to 10 days/80 hours per SB 616, effective 1/1/2024.

### 2040.40 FAMILY CARE SICK LEAVE

**2040.41 Regular Full-Time and Part-Time Employees.** Each regular/full-time employee may use accrued sick leave, up to half the time accrued per calendar year for family care sick leave as defined in section 2040.43.

**2040.42 Seasonal and Temporary Employees.** Each seasonal or temporary employee may use **3-5 days** or **24-40 hours** of accrued paid sick leave in a 12-month period for family care leave as defined in section 2040.43.

**Commented [KS3]:** Updated to 5 days/40 hours per SB 616, effective 1/1/2024.

**2040.43 Eligible Uses.** Family Care Sick Leave may be used for the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member including:

- Child (including a biological, adopted, or foster child, stepchild, legal ward or a child to whom the employee has accepted the duties and responsibilities of raising.)
- Spouse or Registered Domestic Partner

- Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who had accepted the duties and responsibilities of raising the employee when the employee was a minor child.)
- Grandparent
- Grandchild
- Sibling
- Designated Person (A "designated person" is any individual related by blood or whose association with the employee is the equivalent of family relationship. An employee can only have one "designated person" per 12-month period of paid sick leave.)

**2040.50 SICK LEAVE USE RELATED TO BEING A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING**

Sick Leave may be used to obtain any relief or services related to the employee being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

- A temporary restraining order or restraining order.
- Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.
- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault, or stalking.
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

**2040.60 SPECIAL LIMITATIONS ON SICK LEAVE**

**2040.61 Extended Illness.** If an employee's illness or disability lasts more than seven (7) calendar days, or if an employee is hospitalized before the eighth day of an absence, the employee will be asked to apply for State Disability Insurance (SDI) benefits as a condition of being eligible to receive sick leave benefits, if appropriate. Sick leave benefits will be withheld from any employee who fails to apply for SDI benefits when required to do so. Accrued sick leave benefits will be used to supplement SDI benefits only to the extent necessary to provide a

combination of sick leave and SDI benefits equal to the employee's straight time compensation immediately before beginning of the illness or disability. Upon request, the District shall assist the employee in filing for SDI benefits.

**2040.62 Worker's Compensation.** An employee receiving Worker's Compensation benefits may request that accrued sick leave benefits be used to supplement Worker's Compensation benefits to the extent necessary to provide a combination of sick leave and Worker's Compensation benefits equal to the employee's straight time compensation immediately before the beginning of the Worker's Compensation illness or disability. The District will assist an employee in filing for Worker's Compensation benefits.

#### **2040.70 CEILING ON SICK LEAVE BENEFITS**

**2040.71 Cap.** Unused sick leave benefits shall not accumulate in excess of 480 hours for regular employees and 664 hours for eligible fire personnel.

**2040.72 Exhaustion of Leave.** Once an employee has exhausted available sick leave and accrued vacation time, no further leave with pay shall be granted until further sick leave is accrued, unless a special case extension is granted. A special extension may be granted on a case-by-case basis in the sole discretion of the General Manager and may be granted only when an employee has fully exhausted accrued sick leave, and the extension is necessary for a specified period of time under difficult and unusual circumstances.

#### **2040.80 STATEMENT OF PHYSICIAN**

The District, through the Department head and/or General Manager, reserves the right to require a satisfactory statement of a licensed physician whenever an employee misses work due to an illness, injury or disability of the employee, or under any conditions justifying Family Care and Medical Leave. The employee may be asked to provide a physician's statement certifying lack of fitness for duty, its beginning and ending dates, and/or the employee's ability to return to work, and any limitations, without endangering his/her own safety or the safety of others. When requested, such verification and releases may be a condition to receiving sick leave benefits or returning to work. The General Manager may request such a statement in all situations where it is determined that such a statement is warranted.

#### **2040.90 SICK LEAVE PROCEDURE**

**2040.91 Non-Introductory Employees.** Employees who are unable to report to work due to personal, dependent, family or spousal illness or injury or any other qualifying reason, must contact their Department Head, Immediate Supervisor or the General Manager not later than 30 minutes before normal starting time, with the intent of providing as much advance notice as possible. Fire employees must also contact the on-duty captain at the fire station. If an employee becomes sick

during the day, the employee's immediate supervisor or Department Head should be notified before the employee leaves work. Failure to follow these procedures may result in treatment of time as an unexcused absence and may result in disciplinary action.

**2040.92 Introductory Employees.** Introductory regular full and part-time employees are eligible to use paid sick leave after sixty (60) days of continuous employment. Introductory employees absent due to illness or non-work related injury may have their introductory periods extended by a period of time equal to the length of the employee's sick leave.

#### **2040.100 INCENTIVE PLAN FOR NON-USE**

**2040.101 Purpose.** The District and its customers receive benefit when its employees do not abuse sick leave. The District acknowledges this benefit by providing an incentive plan for extended non-use of sick leave.

**2040.102 Eligibility.** Participation in the Incentive Plan is subject to the following eligibility requirements:

1. Must have a minimum of five (5) years continuous service with the District. Seasonal, relief and other employees who perform sporadic work for the District for five consecutive years are not considered to have provided continuous service and are not eligible.
2. Employees who are terminated, resign in lieu of termination or accept some other agreement in lieu of termination are not eligible for Incentive Plan benefits.

**2040.103 Reimbursement Incentive.** Eligible employees may be reimbursed for unused sick leave as follows:

1. Employees may be reimbursed for up to half ( $\frac{1}{2}$ ) of the employee's total accrued sick leave hours, not to exceed 240 hours per fiscal year for miscellaneous and non-shift personnel or 332 hours per fiscal year for fire shift personnel.
2. Reimbursement of unused sick leave will be paid at a rate of one (1) hour for every two (2) hours reimbursed.

**2040.104 Reimbursement during Employment.** Eligible employees may request reimbursement for unused sick leave as follows:

1. Eligible employees will be provided an opportunity to request reimbursement for unused sick leave (not to exceed the limits specified

above) each fiscal year during the months of April and May.

2. All requests for reimbursement shall be on an approved District form and shall specify the number of hours requested for reimbursement.
3. Payments will be made only one-time per year in the month of June as part of the normal payroll process.

**2040.105 Reimbursement upon Separation from Employment.** Upon amicable separation from District employment, eligible employees will be reimbursed for unused sick leave as follows:

1. Reimbursement of half of the employee's unused sick leave will be paid in the employee's final paycheck. Reimbursement will be subject to the maximum quantities and reimbursement rate specified in Section 2040.103.
2. If the employee is separating from employment as part of an official retirement through CalPERS, the employee may choose to apply unused sick leave toward retirement, as provided in the District's CalPERS contract. An employee opting to do this will not be eligible for reimbursement for unused sick leave in their final paycheck.



**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Grievance Procedure

**POLICY NUMBER:** 2160

**ADOPTED:** April 9, 2009

**AMENDED:**

**LAST AMENDED:**

### **2160.10 PURPOSE**

The purpose of this policy is to provide a procedure by which an employee may formally claim that he/she has been affected by a violation, misapplication or misinterpretation of a law, District policy, rule, regulation, or instruction.

### **2160.20 ELIGIBILITY**

This policy shall apply to all regular employees in all classifications at the District, except for employees in a recognized bargaining unit that has a separate grievance procedure in an applicable Memorandum of Understanding (MOU) or Collective Bargaining Agreement (CBA).

### **2160.20 EXCLUSIONS**

Specifically excluded from this procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances, or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.

### **2160.40 GRIEVANCE PROCEDURES**

**2160.41 Level I, Preliminary Informal Resolution.** Any employee who feels he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within three working days after the presentation of such evidence. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.

**2160.42 Level II, General Manager.** If the grievance has not been resolved at Level I, the grievant may present his/her grievance in writing on a form provided by the District (attached hereto as Appendix A) to the General Manager within ten working days after the occurrence of the act or omission giving rise to the grievance.

The statement shall include the following:

1. A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied, or misinterpreted.
2. The circumstances involved.
3. The decision rendered by the immediate supervisor at Level I
4. The specific remedy sought.

The General Manager shall communicate his/her decision within ten working days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons thereto and will be transmitted to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other.

**2160.43 Level III, Board of Director's Administrative/Policy Committee.** In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (Attachment A) to the District Board of Director's standing Finance/Policy Committee within five days. The statement shall include a copy of the original grievance, a copy of the written decision by the General Manager and a clear, concise statement of the reasons for the appeal to Level III.

The Finance/Policy Committee shall, as soon as possible, schedule a hearing in normally closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made.

## **2160.50 BASIC RULES**

The following basic rules shall apply to grievances:

1. If an employee does not present the grievance or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
2. By agreement in writing, the parties may extend any and all time limitations specified above.
3. The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.
4. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

# Appendix A

## EMPLOYEE GRIEVANCE FORM Twain Harte Community Services District

Employee's Name: \_\_\_\_\_

Today's date: \_\_\_\_\_

Date of occurrence (s): \_\_\_\_\_

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied, or misinterpreted:

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Circumstances involved:

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Decision rendered by informal conference:

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Specific Remedy sought:

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**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Sexual Harassment  
**POLICY NUMBER:** 2170  
**ADOPTED:** April 10, 2007  
**AMENDED:** June 13, 2013

**2170.10** It is legally mandated by state and federal laws that employees have a right to work in an environment that is free from all forms of discrimination including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code section 12940. Sexual harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is, therefore, the policy of the Twain Harte Community Services District that sexual harassment is unacceptable and will not be tolerated.

**2170.20** Sexual harassment is generally defined as unsolicited and unwelcome sexual advances of a severe and/or pervasive nature, be they written, verbal, physical and/or visual, that usually occur when:

**2170.21** Submission to that conduct or communication is made, either explicitly or implicitly, a term or condition of employment or continued employment.

**2170.22** Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee.

**2170.23** Such conduct or communication has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment.

**2170.30** Sexual harassment manifests itself in many forms. The following are a few examples of sexual harassment:

**2170.31** Written: Sexually suggestive or obscene letters, notes or invitations.

**2170.32** Verbal: Sexually derogatory comments, slurs, jokes, remarks or epithets.

**2170.33** Visual: Leering, making sexual gestures or displaying sexually suggestive objects, pictures, cartoons or posters.

**2170.34** Physical: Assault, attempted rape, impeding or blocking movement or touching.

**2170.35** Other:

**2170.35.1** Sexual advances which are unwanted (this may include situations which began as reciprocal attractions but later ceased to be reciprocal).

**2170.35.2** Women in non-traditional work environments who are subjected to hazing (this may include being dared or asked to perform unsafe work practices, having tools and equipment stolen, etc.) if requests for sexual favors are not met.

**2170.35.3** Employment benefits affected in exchange for sexual favors (may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).

**2170.35.4** Implying or actually withholding support for appointment, promotion, transfer or change of assignment or initiating a rejection of probation or adverse action or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

**2170.35.5** Reprisals or threats after negative response to sexual advances.

**2170.40** All employees shall be informed of the District's sexual harassment policy and complaint process prior to their need to know and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

**2170.41** All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the General Manager.

**2170.42** All supervisory personnel must complete 2 hours of sexual harassment training every 2 years, per California Code AB1825.

**2170.50** Any employee who believes they have been the victim of sexual harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

**2170.51** An informal complaint is made verbally by the employee to his/her supervisor. Although filing the complaint with said immediate supervisor is preferred, the employee is free to file his/her complaint with any supervisory employee.

**2170.52** A formal complaint is made in writing using the Employee Grievance form attached hereto as Attachment 2170A and made a part hereof. Said form should be submitted by the employee to his/her immediate supervisor. Although submitting the formal complaint with said immediate supervisor is preferred, the employee is free to submit his/her formal complaint with any supervisory employee or with the President of the Board of Directors if the employee's immediate supervisor is the General Manager or if the General Manager is unavailable or personally involved in said complaint.

**2170.60** Any supervisory employee who receives a formal or informal sexual harassment complaint shall, at all times, maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the General Manager or to the Board President if the General Manager is unavailable or personally involved in said complaint.

**2170.61** Within twenty-four (24) hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be conducted by the General Manager or by a person designated by the General Manager or Board President.

**2170.62** A written record of any investigation of an alleged sexual harassment shall be maintained by the General Manager.

**2170.63** All discussions resulting from said investigation shall be kept confidential.

**2170.64** The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

**2170.70** Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the appropriate authority against the harasser where sexual harassment is found. Whatever punishment is meted out to the harasser shall be made known to the victim of the harassment.

**2170.71** Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

**2170.72** Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims.

**2170.73** Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

## **TWAIN HARTE COMMUNITY SERVICES DISTRICT**

### **ATTACHMENT A EMPLOYEE GRIEVANCE FORM**

THCSD 2170 Sexual Harassment

Page 3 of 4

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Statement of grievance including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted: \_\_\_\_\_

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Circumstances involved: \_\_\_\_\_

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Decision rendered by the conference: \_\_\_\_\_

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Specific Remedy Sought: \_\_\_\_\_

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**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Harassment  
**POLICY NUMBER:** 2215  
**ADOPTED:** April 10, 2007  
**AMENDED:**

**2215.10** The Twain Harte Community Services District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment (see Policy #2170) and harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all District employees, management and the Board of Directors.

**2215.20** Harassment because of a person's race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including, but not limited to the following behavior:

**2215.21** Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

**2215.22** Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.

**2215.23** Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.

**2215.24** Retaliation for having reported or threatened to report harassment.

**2215.30** If any employee of the District believes that they have been harassed, they should provide a written complaint to their supervisor or the General Manager as soon as possible after the incident. Their complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness/witnesses. Staff receiving harassment complaints will refer them immediately to the General Manager (or their supervisor for presentation to the President of the Board of Directors, in the event the complaint involves the General Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s).

**2215.40** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination.

**2215.41** Action taken against the harasser will be communicated to the employee



lodging the complaint. Retaliation by management or co-workers against anyone filing a complaint will not be permitted or tolerated.

**2215.50** Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Unlawful Harassment

**POLICY NUMBER:** 2215

**ADOPTED:** April 10, 2007

**AMENDED:**

**LAST AMENDED:**

**2215.10 PURPOSE**

The Twain Harte Community Services District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment (~~see Policy #2170~~) and harassment because of race, religious creed, color, gender (including gender identity or gender expression), national origin or ancestry, physical or mental disability, medical condition, marital status, age (40 years or older), sexual orientation, pregnancy/childbirth (or related medical conditions), military/veteran status, reproductive health decision making or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all District employees, management, and the Board of Directors, unpaid interns, volunteers, vendors, customers, independent contractors and any other person.

**2215.20 PROHIBITED HARASSMENT**

~~Prohibited Harassment harassment because of a person's race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including includes~~, but is not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.;
4. Retaliation for having reported or threatened to report harassment; and.
5. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in

return for sexual favors

### **2215.30 REPORTING HARASSMENT**

If any employee of the District believes that they have been harassed in violation of this policy, they should provide a ~~written~~ complaint to their direct supervisor or the General Manager as soon as possible after the incident. If the employee is not comfortable reporting the incident to their direct supervisor (or the incident involves their direct supervisor), there are several alternative avenues of reporting a confidential complaint, other than to a direct supervisor, including the following:

- Report to the direct supervisor's supervisor.
- Report to the General Manager.
- If the complaint is in regards to the General Manager, report to the President of the Board of Directors.

Their complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness/ witnesses. Staff receiving a harassment complaint will refer the ~~m~~ complaint immediately to the General Manager (or their supervisor for presentation to the President of the Board of Directors, in the event the complaint involves the General Manager). The District who will immediately undertake an immediate, timely, effective, thorough and objective investigation of the harassment allegation(s) complaint. The District will maintain any such harassment complaint as confidential to the extent possible, but cannot guarantee the overall confidentiality of the complaint.

Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

### **2215.40 REMEDIAL ACTION**

If it is determined that harassment in violation of this policy has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment in violation of this policy will be subjected to appropriate disciplinary action, up to and including termination of employment.

~~Action taken against the harasser~~ The results of the investigation and whether the allegations were sustained will be communicated to the employee lodging the complaint. However, because any disciplinary action by the District against the alleged harasser is considered a confidential personnel matter, this information will not be provided to the employee who lodged the complaint.

Retaliation by management or co-workers against anyone filing a harassment complaint will not be permitted or tolerated.

### **2215.50 FILING COMPLAINTS WITH OTHER AGENCIES**

**Commented [KS1]:** Removed the reference to a "written complaint" as the District cannot compel an employee to provide a written harassment complaint and must investigate any verbal harassment complaint received. Added language to clarify that the District will maintain confidentiality to the extent possible, but cannot guarantee it.

Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved. Employees should be aware that the Federal Equal Employment Opportunity Commission and the California Civil Rights Department investigate and prosecute complaints of prohibited harassment in employment. If an employee believes they have been harassed or retaliated against for resisting harassment or for making a complaint, the employee may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

### **2215.60 TRAINING**

The District provides required sexual harassment training for all employees to the extent required by law. More information on such training is available on the California Civil Rights Department's website (<https://calcivilrights.ca.gov/shpt/>).

**Commented [KS2]:** The FEHA regulations require that an employer's harassment policy provide references to the EEOC and CCRD resources available.

**Commented [KS3]:** The FEHA regulations require that an employer's harassment policy provide references to the obligation to provide harassment training to non-supervisor and supervisor employees.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Unlawful Harassment

**POLICY NUMBER:** 2215

**ADOPTED:** April 10, 2007

**AMENDED:**

**LAST AMENDED:**

**2215.10 PURPOSE**

The Twain Harte Community Services District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment and harassment because of race, religious creed, color, gender (including gender identity or gender expression), national origin or ancestry, physical or mental disability, medical condition, marital status, age (40 years or older), sexual orientation, pregnancy/childbirth (or related medical conditions), military/veteran status, reproductive health decision making or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all District employees, management, the Board of Directors, unpaid interns, volunteers, vendors, customers, independent contractors and any other person.

**2215.20 PROHIBITED HARASSMENT**

Prohibited harassment includes, but is not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
4. Retaliation for having reported or threatened to report harassment; and
5. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors

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If any employee of the District believes that they have been harassed in violation of this policy, they should provide a complaint to their direct supervisor as soon as possible after the incident. If the employee is not comfortable reporting the incident to their direct supervisor (or the incident involves their direct supervisor), there are several alternative avenues of reporting a confidential complaint, other than to a direct supervisor, including the following:

- Report to the direct supervisor's supervisor.
- Report to the General Manager.
- If the complaint is in regards to the General Manager, report to the President of the Board of Directors.

Their complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness/ witnesses. Staff receiving a harassment complaint will refer the complaint immediately to the General Manager (or their supervisor for presentation to the President of the Board of Directors, in the event the complaint involves the General Manager). The District will immediately undertake a timely, effective, thorough and objective investigation of the harassment complaint. The District will maintain any such harassment complaint as confidential to the extent possible, but cannot guarantee the overall confidentiality of the complaint.

Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

### **2215.40 REMEDIAL ACTION**

If it is determined that harassment in violation of this policy has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment in violation of this policy will be subjected to appropriate disciplinary action, up to and including termination of employment.

The results of the investigation and whether the allegations were sustained will be communicated to the employee lodging the complaint. However, because any disciplinary action by the District against the alleged harasser is considered a confidential personnel matter, this information will not be provided to the employee who lodged the complaint.

Retaliation by management or co-workers against anyone filing a harassment complaint will not be permitted or tolerated.

### **2215.50 FILING COMPLAINTS WITH OTHER AGENCIES**

Employees should be aware that the Federal Equal Employment Opportunity Commission and the California Civil Rights Department investigate and prosecute complaints of prohibited harassment in employment. If an employee believes they have

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### **2215.60 TRAINING**

The District provides required sexual harassment training for all employees to the extent required by law. More information on such training is available on the California Civil Rights Department's website (<https://calcivilrights.ca.gov/shpt/>).

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Employment Entrance Medical Examination Program  
**POLICY NUMBER:** 2280  
**ADOPTED:** September 13, 2007  
**AMMENDED:**

**2280.10** Employers are authorized by federal and state law to require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant and may condition an offer of employment on the results of such an examination if:

**2280.11** All entering employees in similar positions are subject to such an examination, regardless of disability.

**2280.12** Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

**2280.12.1** Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

**2280.12.2** First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

**2280.12.3** Government officials investigating compliance with the federal or state law shall be provided relevant information on request.

**2280.20** Special Districts Workers Compensation Authority has determined that all member districts must comply with these legal requirements and that all applicants for full-time positions at any member district must be examined by a medical doctor to determine the applicant's ability to perform the job-related physical activity requirements of the job, prior to the commencement of employment duties by the applicant.

**2280.30** The District shall prepare and have on file a written job description for each employment position in the district, which describes the essential functions of the job including the responsibilities, tasks, duties and qualifications for such position. In addition to the job description, the District shall also prepare a specification of the different types of physical activities required in the performance of each job, such as lifting, bending, stooping, pushing,



pulling, et cetera, and the frequency that such physical activities will be required on a daily basis. The physical activity requirements should be developed by the District in consultation with those employees that are now performing the job in the District.

**2280.40** Whenever the District accepts applications for a job opening, it shall include as part of any notice concerning the job opening, a general description of the essential functions and physical activity requirements of such job and a statement that the District will require that applicants be examined by a medical doctor to determine an applicant's ability to perform the job-related functions of the job, prior to the commencement of employment duties by the applicant. The District shall review the job description and the physical activity requirements with each job applicant at the time of the job interview and each applicant is required to read and sign the Statement by Applicant, included herein as Attachment A.

**2280.50** The District shall appoint a local medical doctor or medical facility to perform the employment entrance medical examinations for the District on a regular basis. This may be the same medical doctor or medical facility to which the District refers employees with on-the-job injuries for treatment. At the time an offer of employment is made to a job applicant for a regular District position, and prior to the commencement of employment duties, the District shall condition the offer of employment on the results of the employment entrance medical examination by such medical doctor. The examination should be scheduled as soon as possible after the conditional offer of employment.

**2280.60** Prior to the employment entrance medical examination, the District should send to the medical doctor or medical facility that will perform the examination, the job description and physical requirements form which relate to the position for which applicant has been conditionally employed and which has been signed by the applicant. After completing the medical examination, the medical doctor must complete the Statement of Physician form, included herein as Attachment B, stating his/her opinion as to whether applicant is or is not medically able to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodations. The medical doctor should then immediately return to the District, by mail, the completed job description form in an envelope marked "Confidential". The medical doctor may also provide to the District a written report concerning his/her evaluation of any medical conditions affecting applicant's ability to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodation.

**2280.70** The District must consider the Statement of Physician and any written report concerning the Employment Entrance Medical Examination in determining whether this condition of employment has been met or can be accomplished by making reasonable accommodations, without imposing an undue hardship on the operation of the business of the District. The burden of establishing undue hardship is upon the District. Several factors may be considered in determining undue hardship including:

**2280.71** The nature and cost of the accommodation.

- 2280.72** The overall financial resources of the District or the services involved.
- 2280.73** The number of persons employed at the District.
- 2280.74** The effect of such accommodation on the operation of the District.
- 2280.75** The overall size of the District and the number, type and location of its facilities.
- 2280.76** The type of operation or operations of the District, including the composition, structure and functions of the work force.
- 2280.80** Internal Fire Department policy is not changed by this CSD policy.

**THCSD POLICY 2280 ATTACHMENT A  
STATEMENT BY APPLICANT**

*Applicant Read and Sign*

I hereby certify that I have no previous medical history or disability which would prevent me from performing the essential job functions or the physical activity requirements of the job for which I am applying. I have reviewed a copy of the physical activity requirements for this position.

I understand that the District will require me to be examined by a medical doctor selected by the District to determine my ability to perform the job related functions described in the physical activity requirements for this position as a condition of any offer of employment by the District.

I further understand that any false statement or material omission by me in connection with such medical examination or concerning my job related physical abilities will disqualify me from employment or be cause for dismissal when the false statement or omission is discovered.

I hereby authorize the release of all medical information obtained during any medical examination to the Twain Harte Community Services District.

\_\_\_\_\_  
(Signature of Applicant)

Date \_\_\_\_\_



**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Employment Entrance Medical Examination Program  
**POLICY NUMBER:** 2280  
**ADOPTED:** September 13, 2007  
**AMENDED:**  
**LAST AMENDED:**

**2280.10 PURPOSE**

The purpose of this policy is to set forth guidelines for requiring job applicants to pass a medical examination prior to beginning employment.

**2280.20 AUTHORIZATION**

Employers are authorized by federal and state law to require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant and may condition an offer of employment on the results of such an examination if:

1. All entering employees in similar positions are subject to such an examination, regardless of disability.
2. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
  - Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
  - First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
  - Government officials investigating compliance with the federal or state law shall be provided relevant information on request.

**2280.30 REQUIREMENTS**

In accordance with requirements from the District's Special Districts Workers Compensation-Risk Management Authority (SDRMA) workers' compensation program, has determined that all member districts must comply with these legal requirements and

~~that~~ all applicants for full-time positions at ~~any member district~~ the District must be examined by a medical doctor to determine the applicant's ability to perform the job-related physical activity requirements of the job, prior to the commencement of employment duties by the applicant.

The following requirements for shall apply:

1. **2280.30**—The District shall prepare and have on file a written job description for each employment position in the ~~district~~District, which describes the essential functions of the job including the responsibilities, tasks, duties and qualifications for such position. In addition to the job description, the District shall also prepare a specification of the different types of physical activities required in the performance of each job, such as lifting, bending, stooping, pushing, pulling, et cetera, and the frequency that such physical activities will be required on a daily basis. The physical activity requirements should be developed by the District in consultation with those employees that are now performing the job in the District.
2. **2280.40**—Whenever the District accepts applications for a job opening, it shall include as part of any notice concerning the job opening, a general description of the essential functions and physical activity requirements of such job and a statement that the District will require that applicants be examined by a medical doctor to determine an applicant's ability to perform the job-related functions of the job, prior to the commencement of employment duties by the applicant. ~~The District shall review the job description and the physical activity requirements with each job applicant at the time of the job interview and each applicant is required to read and sign the Statement by Applicant, included herein as Attachment A.~~
3. **2280.50**—The District shall appoint a local medical doctor or medical facility to perform the employment entrance medical examinations for the District on a regular basis. This may be the same medical doctor or medical facility to which the District refers employees with on-the-job injuries for treatment. At the time an offer of employment is made to a job applicant for a regular District position, and prior to the commencement of employment duties, the District shall condition the offer of employment on the results of the employment entrance medical examination by such medical doctor. The examination should be scheduled as soon as possible after the conditional offer of employment.
4. **2280.60**—Prior to the employment entrance medical examination, the District should send to the medical doctor or medical facility that will perform the examination, the job description and physical requirements form which relate to the position for which applicant has been conditionally employed and which has been signed by the applicant.
5. After completing the medical examination, the medical doctor must complete the Statement of Physician form, included herein as Attachment BA, stating his/her

opinion as to whether applicant is or is not medically able to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodations.

The medical doctor should then immediately return to the District, by mail, the completed job description form in an envelope marked "Confidential." The medical doctor may also provide to the District a written report concerning his/her evaluation of any medical conditions affecting applicant's ability to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodation.

#### **2280.40 DETERMINATION**

The District must consider the Statement of Physician and any written report concerning the Employment Entrance Medical Examination in determining whether this condition of employment has been met or can be accomplished by making reasonable accommodations, without imposing an undue hardship on the operation of the business of the District. [The District may engage in the interactive process with the applicant to review any potential work restrictions in order to determine if a reasonable accommodation may be provided.](#) The burden of establishing undue hardship is upon the District. Several factors may be considered in determining undue hardship including:

1. The nature and cost of the accommodation.
2. The overall financial resources of the District or the services involved.
3. The number of persons employed at the District.
4. The effect of such accommodation on the operation of the District.
5. The overall size of the District and the number, type and location of its facilities.
6. The type of operation or operations of the District, including the composition, structure and functions of the work force.

#### **2280.80 FIRE PERSONNEL**

Internal Fire Department policy is not changed by this policy.

~~THCSD POLICY 2280 ATTACHMENT A  
STATEMENT BY APPLICANT~~

~~*Applicant Read and Sign*~~

~~I hereby certify that I have no previous medical history or disability which would prevent me from performing the essential job functions or the physical activity requirements of the job for which I am applying. I have reviewed a copy of the physical activity requirements for this position.~~

~~I understand that the District will require me to be examined by a medical doctor selected by the District to determine my ability to perform the job related functions described in the physical activity requirements for this position as a condition of any offer of employment by the District.~~

~~I further understand that any false statement or material omission by me in connection with such medical examination or concerning my job related physical abilities will disqualify me from employment or be cause for dismissal when the false statement or omission is discovered.~~

~~I hereby authorize the release of all medical information obtained during any medical examination to the Twain Harte Community Services District.~~

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of Applicant)

Date \_\_\_\_\_





**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Employment Entrance Medical Examination Program  
**POLICY NUMBER:** 2280  
**ADOPTED:** September 13, 2007  
**AMENDED:**  
**LAST AMENDED:**

**2280.10 PURPOSE**

The purpose of this policy is to set forth guidelines for requiring job applicants to pass a medical examination prior to beginning employment.

**2280.20 AUTHORIZATION**

Employers are authorized by federal and state law to require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant and may condition an offer of employment on the results of such an examination if:

1. All entering employees in similar positions are subject to such an examination, regardless of disability.
2. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
  - Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
  - First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
  - Government officials investigating compliance with the federal or state law shall be provided relevant information on request.

**2280.30 REQUIREMENTS**

In accordance with requirements from the District's Special District Risk Management Authority (SDRMA) workers' compensation program, all applicants for full-time positions at the District must be examined by a medical doctor to determine the applicant's ability

to perform the job-related physical activity requirements of the job, prior to the commencement of employment duties by the applicant.

The following requirements for shall apply:

1. The District shall prepare and have on file a written job description for each employment position in the District, which describes the essential functions of the job including the responsibilities, tasks, duties and qualifications for such position. In addition to the job description, the District shall also prepare a specification of the different types of physical activities required in the performance of each job, such as lifting, bending, stooping, pushing, pulling, et cetera, and the frequency that such physical activities will be required on a daily basis. The physical activity requirements should be developed by the District in consultation with those employees that are now performing the job in the District.
2. Whenever the District accepts applications for a job opening, it shall include as part of any notice concerning the job opening, a general description of the essential functions and physical activity requirements of such job and a statement that the District will require that applicants be examined by a medical doctor to determine an applicant's ability to perform the job-related functions of the job, prior to the commencement of employment duties by the applicant.
3. The District shall appoint a local medical doctor or medical facility to perform the employment entrance medical examinations for the District on a regular basis. This may be the same medical doctor or medical facility to which the District refers employees with on-the-job injuries for treatment. At the time an offer of employment is made to a job applicant for a regular District position, and prior to the commencement of employment duties, the District shall condition the offer of employment on the results of the employment entrance medical examination by such medical doctor. The examination should be scheduled as soon as possible after the conditional offer of employment.
4. Prior to the employment entrance medical examination, the District should send to the medical doctor or medical facility that will perform the examination, the job description and physical requirements form which relate to the position for which applicant has been conditionally employed and which has been signed by the applicant.
5. After completing the medical examination, the medical doctor must complete the Statement of Physician form, included herein as Attachment A, stating his/her opinion as to whether applicant is or is not medically able to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodations.

The medical doctor should then immediately return to the District, by mail, the

completed job description form in an envelope marked "Confidential." The medical doctor may also provide to the District a written report concerning his/her evaluation of any medical conditions affecting applicant's ability to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodation.

#### **2280.40 DETERMINATION**

The District must consider the Statement of Physician and any written report concerning the Employment Entrance Medical Examination in determining whether this condition of employment has been met or can be accomplished by making reasonable accommodations, without imposing an undue hardship on the operation of the business of the District. The District may engage in the interactive process with the applicant to review any potential work restrictions in order to determine if a reasonable accommodation may be provided. The burden of establishing undue hardship is upon the District. Several factors may be considered in determining undue hardship including:

1. The nature and cost of the accommodation.
2. The overall financial resources of the District or the services involved.
3. The number of persons employed at the District.
4. The effect of such accommodation on the operation of the District.
5. The overall size of the District and the number, type and location of its facilities.
6. The type of operation or operations of the District, including the composition, structure and functions of the work force.

#### **2280.80 FIRE PERSONNEL**

Internal Fire Department policy is not changed by this policy.



**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Providing Employment Reference Information

**POLICY NUMBER:** 2285

**ADOPTED:** March 13, 2008

**AMENDED:**

**LAST AMENDED:**

**2285.10 PURPOSE**

[The purpose of this policy is to set forth guidelines on the types of information that can be provided when employment references are requested for current and past employees.](#)

**2285.20 CONFIDENTIALITY**

All information pertaining to the work performance of District employees or volunteers, promotions, demotions, terminations, layoffs or any other personnel information shall be considered confidential and shall not be publicly disclosed, except as specifically authorized in writing by the General Manager or Board of Directors, [or where otherwise required by law.](#)

**2285.20-30 REQUEST BY EMPLOYER FOR REFERENCE**

Only the following information, once verified as accurate, may be publicly disclosed by the General Manager or his/her designee to anyone calling for an employment reference for a current or former District employee:

- Employee or volunteer name
- Employee job title(s)
- Dates of service

~~2285.24 Confirm a salary, provided to prospective employer by employee.~~

**2285.40 REQUEST BY EMPLOYEE FOR REFERENCE**

A current or former District employee may submit a written request to the General Manager for preparation of a letter of recommendation which contains additional information regarding the employee's/former employee's work performance.

The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be

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**Commented [KS1]:** Gov't Code section 1031.1 may require the District to provide personnel information upon a signed notarized authorization. There may also be federal laws related to certain federal employment positions with the same requirements.

**Commented [KS2]:** Labor Code section 432.3 generally prohibits employers from seeking out prior salary history information. As a result, the District should not provide this information in response to reference requests.

accurate and conform to all requirements of law. Therefore, the General Manager or his/her designee is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the General Manager or his/her designee before dissemination.

The General Manager or designee shall process all requests for letters of recommendation or information about the reasons for separation regarding all District employees other than himself/herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager or his/her designee.

At his/her discretion, the General Manager or his/her designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

**2285.50 [AUTHORIZED BACKGROUND INVESTIGATIONS](#)**

This policy should not apply to any valid, legally authorized background investigation. This written authorization shall become a part of the employees' permanent personnel record.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Water/Wastewater Intern Program

**POLICY NUMBER:** 2341

**ADOPTED:** June 9, 2016

**AMENDED:**

**LAST AMENDED:**

**2341.10 PURPOSE**

Twain Harte Community Services District offers internships in an effort to provide those pursuing a career in the water and wastewater industry the opportunity to apply traditional academic classroom learning to actual work experience. The District strongly believes that internships are an important tool in developing qualified people to serve in a governmental water and wastewater organization and an important part of preparing the workforce of the future. The District internship program is designed to maximize workforce preparation by providing essential operator in training hours, leading interns to meet the ultimate goal of obtaining certification and potential full-time employment with the District.

**2341.20 ELIGIBILITY**

In order to qualify for the water/wastewater intern program, the volunteer intern must meet the following criteria:

1. Be enrolled in a college or vocational water/wastewater program or have recently completed a college or vocational water/wastewater program and actively pursuing a career in the water/wastewater industry.
2. Fill out and sign an Internship Application form.
3. Prior to beginning an intern assignment, volunteer interns may be required to complete occupational fitness screening, drug screening, and or a physical exam.
4. Have a valid California driver's license and a satisfactory driving record.

**2341.30 ORIENTATION AND TRAINING**

Upon an intern's successful acceptance into the program, the District will provide orientation that will include:

- A tour of the District's facilities
- Introduction to District Staff
- Information on the history, vision and services of the District



- A list of expectations, duties, and goals
- If needed, the District will provide training regarding basic performance of work.
- The District will also provide assignment-specific safety training.

#### 2341.40 SCOPE OF WATER/WASTEWATER INTERN PROGRAM

1. Duration of Program: The ~~length-fixed duration~~ of an internship will be ~~at-mutually agreed upon between~~ the intern ~~or-and the~~ District's ~~convenience~~.
2. Volunteer Status & Stipends:
  - a. Interns are volunteers and as such are not considered employees of the District and will not be eligible for compensation or benefits. The intern understands that they are voluntarily agreeing to serve as an intern.
  - b. As volunteers, interns are not eligible for Workers' Compensation benefits.
  - c. Interns will receive pre-determined fixed nominal stipends (listed below) with the intent of offsetting out-of-pocket expenses incurred incidental to participating in the intern program, for example the cost of meals and transportation expenses. Interns may be reimbursed for some pre-approved training expenses.
  - d. An intern will receive \$20.00 per regular shift, \$10.00 for each back-up on-call rotation, and \$15 per call-out when on call.
  - e. The district will provide uniforms and personal protective equipment.
3. Supervision: Water/Wastewater interns will receive immediate supervision from the Operations Manager. Technical training/supervision may also be provided by operations staff.
4. Schedule: An intern's schedule may include weekday, weekend, and holiday shifts as well as on-call rotation. Schedules will be determined upon acceptance into the program.
5. Essential Duties: The Water/Wastewater intern will participate in work details that have been assigned to him/her by the Operations Manager or assigned staff member. Work may include but not be limited to:
  - a. Assisting with the operation, repair, construction, replacement and maintenance of the District water treatment plant, water distribution and wastewater systems.
  - b. Serving as secondary back-up for standby and emergency service responsibilities.
  - c. Assisting with the operation of control valves, recording levels and water quality analysis related to the water treatment facility and distribution system.
  - d. Assisting with the operation and maintenance of potable water treatment equipment and water quality testing.

- e. Assisting with preventative maintenance on pumps, valves, hydrants and other water treatment and distribution facilities.
- f. Assisting with a wide variety of skilled and semi-skilled manual labor and automated tasks.

#### **2341. 50 INTERN CONDUCT**

Interns represent and act on behalf of the District while enrolled in the program. As such, participants are required to conduct themselves in a professional and courteous manner while performing intern work. Interns must act in a manner that does not put other interns, staff, public and District facilities in danger.

#### **2341. 60 INTERN AGREEMENT**

Interns must sign the attached Intern Agreement prior to participation in the program.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT WATER/WASTEWATER  
VOLUNTEER INTERNSHIP AGREEMENT**

As an intern for the Twain Harte Community Services District, I agree to the following:

1. I will perform the duties assigned to me in a professional and courteous manner with the goal of enhancing the District's services and community relationships.
2. I will conduct myself in a manner that does not put other interns, staff, public or District facilities in danger.
3. I understand that my participation as an intern is unpaid and is voluntary and that I will not be entitled to any compensation other than a nominal fee as established in policy.
4. I understand that my voluntary participation in this program is as an unpaid intern and does not create an employment relationship with the District and I will not be entitled to receive any of the benefits conferred on District employees, including, but not limited to, Workers' Compensation benefits.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_