

EMPLOYEE POLICY MANUAL



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

Last Revised May 23, 2019

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1. Equal Employment Opportunity	1
1.2. Discrimination and Harassment Prohibited	1
1.2.1. Policy Against Workplace Harassment	2
1.2.2. Sexual Harassment	2
1.2.3. Other Harassment	2
1.2.4. Reporting Discrimination and Harassment	3
1.2.5. Harassment Training	3
1.3. Business Ethics	3
1.4. Conflicts of Interest	4
1.5. Employment of Relatives and Friends	4
1.6. Accommodations	4
1.6.1. Disability Accommodation	4
1.6.2. Religious Accommodation	5
1.6.3. Accommodation for Nursing Mothers	5
2. PERSONNEL RECORDS	6
3. EMPLOYMENT AND BENEFITS	7
3.1. Recruitment and Selection of Employees	7
3.2. Work Week	7
3.3. Flex-Time	7
3.4. Employee Classifications	8
3.4.1. Regular Employee	8
3.4.2. Exempt Employee	8
3.4.3. Nonexempt Employee	8
3.4.4. Full-Time Employee	8
3.4.5. Part-Time Employee	8
3.4.6. Temporary Employee	9
3.4.7. Intern	9
4. PAID TIME OFF	10
4.1. Vacation	10
4.2. Personal Days	11
4.3. Holidays	11
4.3.1. Observed District Holidays	12
5. GROUP INSURANCE PROGRAM	13
5.1. Current District-Paid Coverage	13
5.2. Current Employee-Paid Coverage	13
5.3. Other Insurance	13
5.3.1. Unemployment Compensation Insurance Policy	13
5.3.2. Workers' Compensation Insurance Policy	13
6. RETIREMENT PLAN	15
7. ABSENCE DUE TO ILLNESS OR EMERGENCY	16
7.1. Sick Leave	16
7.2. Inclement Weather	16
8. LEAVE OF ABSENCE	18

8.1.	Use of All Other Available Leave	18
8.2.	Eligibility/Criteria.....	18
8.3.	Reasons for LOA.....	19
8.4.	Documentation	19
8.5.	Other Employment During Leave	20
8.6.	Reinstatement	20
8.7.	Benefits/Premium Payments.....	20
8.8.	Revocation.....	20
8.9.	Military Leave	20
8.10.	Parental (Maternity/Paternity/Adoption) Leave	21
8.10.1.	Overview	21
8.10.2.	Eligibility	21
8.10.3.	Health Insurance	21
8.10.4.	Compensation.....	21
8.10.5.	Use and Duration of Leave	22
8.10.6.	Return to Work.....	22
8.11.	Other Absences.....	22
8.11.1.	Court Leave.....	22
8.11.2.	Bereavement Leave.....	23
9.	PAY POLICY ADMINISTRATION	24
9.1.	Pay Periods	24
9.2.	Definitions	24
9.3.	Wages and Overtime	24
9.4.	Compensatory Time	25
9.4.1.	Earning Comp Time	25
9.4.2.	Maximum Comp Time Accruals	25
9.4.3.	Using Comp Time	25
9.5.	Deductions.....	26
9.6.	Direct Deposit Option.....	26
9.7.	Compensation Policy.....	26
9.7.1.	Promotions and Salary Adjustments.....	26
9.7.2.	Cost of Living Increases	27
9.7.3.	Merit-Based Increases	27
9.7.4.	Objectives-Based Incentive Compensation	27
9.7.5.	Sale of Accrued Benefits	27
9.8.	Timekeeping and Leave-Balances Administration.....	28
9.8.1.	Daily Time Recording	28
9.8.2.	Timesheet Notation	28
9.8.3.	Approvals	29
9.8.4.	Regular Work Hours.....	29
9.8.5.	Travel Work Hours.....	30
9.8.6.	Telecommuting.....	31
10.	REIMBURSEMENT POLICIES	32
10.1.	Professional Memberships, Certifications, and Education	32
10.1.1.	Professional Registration Fees	32
10.1.2.	Professional Societies	32
10.1.3.	Continuing Education	32
10.2.	Meals	33
10.3.	Smartphone Use.....	33

11. OTHER GENERAL POLICIES.....	35
11.1. Length of Service Awards	35
11.2. Personal Appearance	35
11.3. Safety.....	35
11.4. Office Telephone Use.....	35
11.5. District Property and Equipment	36
11.6. Alcohol and Drug Use	37
11.7. Workplace Violence	37
11.8. Weapons Control	37
11.9. Smoking.....	37
11.10. Board and Staff Communication	37
11.11. Searches.....	38
11.12. Professional Conduct.....	38
11.13. Felonies and Misdemeanors	38
11.14. Outside Employment	38
11.15. Authorization for Use of Personal Vehicle.....	39
11.16. Bulletin Boards.....	39
11.17. Computer Security and Copying of Software.....	39
11.18. Employer Sponsored Social Events.....	40
11.19. Nonsolicitation/Nondistribution Policy	40
11.20. Social Media Policy.....	41
11.20.1. Guidelines	41
11.20.2. Know and Follow the Rules.....	41
11.20.3. Be Respectful	41
11.20.4. Maintain Accuracy and Confidentiality	41
11.20.5. Using Social Media at Work	42
11.20.6. Media Contacts	42
11.20.7. Retaliation and Your Rights.....	42
11.21. Third Party Disclosures	42
11.22. Use of Employer Credit Cards.....	43
11.23. Payroll Advances and Loans	43
12. RESOLVING PROBLEMS / THE FORMAL COMPLAINT POLICY	44
13. TERMINATION	46
13.1. Resignation.....	46
13.2. Disciplinary Action	46
13.3. Job Abandonment.....	46
13.4. Workforce Reductions (Layoffs).....	46
13.5. Criminal Activity/Arrests	46
13.6. Exit Interview	47
13.7. Post-Employment Reference Policy	47
13.8. Severance Policy	47
APPENDIX A	48
1. Ethics Policy.....	48
1.1. General Statement of Policy	48
1.2. The Purpose of the Policy.....	48
1.3. Standards of Conduct.....	48
1.4. Communication of Ethics Policy.....	49
1.5. Financial Reporting of Directors	49
1.6. Conflict of Interest.....	49

1.7.	Revolving Door	51
1.8.	Remedies	51
APPENDIX B		53
1.	Policy for a Drug-Free Workplace	53
1.1.	Purpose	53
1.2.	Definitions	53
1.3.	General Policy Provisions	54
1.4.	Preventive Acts.....	54
1.5.	Drug Testing.....	54
1.6.	Mandatory Reporting of Convictions	55
1.7.	Employee Assistance Program	55
1.8.	Coordination with Law Enforcement Agencies	55
1.9.	Reservation of Rights	56
1.10.	Other Laws and Regulations.....	56
	Drug-Free Workplace Policy	57
	<u>Employee Acknowledgement</u>	57
APPENDIX C		58
1.	Policy on Suspected Misconduct and Dishonesty (Fraud Policy)	58
1.1.	Introduction	58
1.2.	Purpose	58
1.3.	Definition of Misconduct and Dishonesty	58
1.4.	Policy and Responsibilities.....	59
1.4.1.	Reporting	59
1.4.2.	Additional Responsibilities of Managers	59
1.4.3.	Responsibility and Authority for Follow-Up and Investigation	60
1.4.4.	Reported Incident Follow-Up Procedure.....	60
APPENDIX D		63
1.	Travel Policy.....	63
1.1.	Purpose	63
1.2.	Travel Criteria	63
1.3.	Responsibilities.....	63
1.3.1.	Employee.....	63
1.3.2.	General Manager	63
1.3.3.	Board of Directors	64
1.3.4.	District.....	64
1.4.	Liabilities.....	64
1.4.1.	Employee and/or Director	64
1.4.2.	District.....	64
1.5.	Forms.....	65
1.5.1.	Travel Expense Report	65
1.5.2.	Request for Cash Advances or Per Diem	65
1.5.3.	Travel Expense Reporting	65
1.6.	Expenses Eligible for Reimbursement	67
1.7.	Expenses Not Eligible for Reimbursement.....	68
1.8.	Tax Exemptions.....	68
1.9.	Booking Policies.....	68
1.10.	Expenses for District Business-Related Guests.....	68
1.11.	Reimbursement and Accounting for Travel Expenses	68

1.12. Prohibitions.....	69
APPENDIX E	70
1. Employee Incentive Compensation Plan	70
1.1. Eligibility of Participants.....	70
1.2. Incentive Amount	70
1.3. Individual Employee Objectives	70
1.4. General Manager Participation	71
APPENDIX F.....	72
1. Telecommuting Policy and General Elements of Telecommuting Agreements.....	72
1.1. Policy Statement	72
1.2. Considerations for Eligibility	72
1.3. Conditions for Telecommuting Arrangement.....	73
1.4. Elements of Telecommuting Agreements	73

1. INTRODUCTION

This Employee Policy Manual contains important information and should therefore be read in its entirety upon receipt. While this manual has a lot of information, it cannot cover all subjects completely. Therefore, if there are any questions about the policies of the Barton Springs/Edwards Aquifer Conservation District (District), the employee should ask their Team Leader or the General Manager. The term “employees” as used throughout this document excludes all members of the Board of Directors (Board).

Employment with the District is on an at-will basis. This means that the employment relationship is not an entitlement but rather a privilege that may be terminated at any time by either the employee or the District for no reason at all or for any reason not expressly prohibited by law. The contents of this manual do not constitute a contract of employment. Nothing contained in this manual should be construed as a guarantee of continued employment or of any particular policy or benefit. The policies, programs, and benefits described in this manual may be eliminated, added to, subtracted from, or otherwise amended at any time without advance notice or cause. Interpretations of this policy are reserved to the General Manager or his/her designee under guidance of the Board. Any agreement with regard to this or any other policy is invalid unless it is in writing and signed by the General Manager.

1.1. Equal Employment Opportunity

The District is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities (EEO), and all other employment laws and regulations. The District is committed to fair and equal treatment of all employees, and fair and equal consideration of all prospective employees, without regard to race, color, age, religion, sex, ancestry, Vietnam or disabled veteran status, national origin, genetic make-up, or disability.

The District commits to administering all personnel actions fairly, including such matters as employment, promotions, demotions, transfers, compensation, benefits, training, education, and social and recreational programs.

1.2. Discrimination and Harassment Prohibited

The District intends to maintain a work environment that is free of harassment, discrimination, or retaliation because of sex (including pregnancy, childbirth, or related medical conditions), gender, race, religion, color, national origin, physical or mental disability, genetic information, marital status, age (40 and older), sexual orientation, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws. The District is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

The District will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, retaliation, or any violation of the EEO Policy in a confidential manner. The District will take appropriate corrective action, if and where warranted. The District prohibits retaliation

against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the EEO Policy.

Employees are all responsible for upholding this policy. An employee may discuss questions regarding equal employment opportunity with the General Manager or any other designated member of management.

1.2.1. Policy Against Workplace Harassment

The District has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's sex (including pregnancy, childbirth, or related medical conditions), gender, race, religion, color, national origin, physical or mental disability, genetic information, marital status, age (40 and older), sexual orientation, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

1.2.2. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

1.2.3. Other Harassment

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's sex (including pregnancy, childbirth, or related medical conditions), gender, race, religion, color, national origin, physical or mental disability, genetic information, marital status, age (40 and older), sexual orientation, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on our premises, or circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

1.2.4. Reporting Discrimination and Harassment

If an employee feels that they have witnessed or have been subjected to any form of discrimination or harassment, immediately notify the General Manager. Refer to Section 12 of this manual for further details on reporting.

The District prohibits retaliation against employees who, based on a reasonable belief, provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination.

The District will promptly and thoroughly investigate any claim and take appropriate action where the District finds a claim has merit. To the extent possible, we will retain the confidentiality of those who report suspected or alleged violations of the harassment policy.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the District determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the District may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the District will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

1.2.5. Harassment Training

Harassment Training will be required for all employees every two years.

1.3. Business Ethics

The District is a political subdivision of the State of Texas, and its employees are public servants. The District strives to maintain the highest standards of business conduct and ethics and will comply with all state laws governing ethics and conflicts of interest. The employee's adherence to these standards while carrying out the job is vital.

The District respects the employee's rights to engage in activities outside the District that are private in nature and which in no way conflict with or reflect upon the integrity or good name of the employee or the District. Because of potential conflicts of interest, ethical considerations and liability matters, an employee must advise and discuss the matter with the General Manager before acceptance of any outside employment or engaging in any activities which may result in conflicts of interest or possibly compromising the District's ethical or professional standards.

- District employees may not use their official position to secure special privileges or exemptions for themselves or others;
- Employees may not grant any special consideration, treatment or advantage to any citizen, individual or group beyond those that are available to every other citizen, individual or group;
- Employees may not disclose, without proper authorization, confidential information that could adversely affect the property, management, or affairs of the District, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interest of others; and

- District employees should not represent, directly or indirectly, or appear on behalf of private interests before the Board, nor shall they represent any private interest in any action or proceeding involving the District, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the District.

The above list is not all-inclusive. Violation of the public trust in any way is a violation of the District's Ethics Policy and may result in disciplinary actions or termination. The Board has established an Ethics Policy for all elected or appointed officials, agents, and employees of the District. Please refer to, review, and sign the Statement of Affirmation in Appendix A, the District's Ethics Policy, found at the end of this document.

1.4. Conflicts of Interest

The District is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between an employee and a competitor, supplier, distributor, or contractor to the District, the employee must disclose it to their Team Leader. If an actual or potential conflict of interest is determined to exist, the District will take such steps as it deems necessary to reduce or eliminate this conflict.

1.5. Employment of Relatives and Friends

The District will not employ relatives in positions where actual conflicts may arise that could compromise supervision, safety, confidentiality, security, and morale at the District.

1.6. Accommodations

No provision of this policy (Section 1.6) applies, or will be enforced, if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, local law, or regulation.

1.6.1. Disability Accommodation

The District complies with the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the District will provide reasonable accommodations to otherwise qualified individuals with a disability where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If accommodation is required because of a disability, it is the employee's responsibility to notify their Team Leader. The employee may be asked to include relevant information such as:

- A description of the proposed accommodation.
- The reason for the accommodation.
- How the accommodation will help the employee perform the essential functions of their job.

After receiving the request, the District will engage in an interactive dialogue with the employee to determine the precise limitations of the disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, the District may need the employee's permission to obtain additional information from the employee's medical provider. All information received by the District in connection with a request for accommodation will be treated as confidential and maintained in a file separate from the personnel files.

The District encourages the employee to suggest specific reasonable accommodations that they believe would allow them to perform their job. However, the District is not required to make the specific accommodation requested by the employee and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the District.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The District will not discriminate or retaliate against employees for requesting an accommodation.

1.6.2. Religious Accommodation

The District is dedicated to treating its employees equally and with respect, and recognizes the diversity of their religious beliefs. All employees may request an accommodation when their religious beliefs cause a deviation from the District dress code or the individual's schedule, basic job duties, or other aspects of employment. The District will consider the request, but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, the effect that an accommodation will have on current established policies, and the burden on operations, including other employees, when determining a reasonable accommodation. At no time will the District question the validity of a person's belief.

If an employee requires a religious accommodation, the employee shall speak with their Team Leader.

1.6.3. Accommodation for Nursing Mothers

The District will provide nursing mothers reasonable paid break time to express milk for their infant child(ren) as needed without significant interruption to District operations for up to one year following the child's birth.

If an employee is nursing, the employee will be provided with a space, other than a restroom, that is shielded from view and free from intrusion from co-workers and the public. Expressed milk can be stored in a personal cooler.

An employee who exercises rights under this policy will not be discriminated against.

The employee is encouraged to discuss the length and frequency of these breaks with their Team Leader.

2. PERSONNEL RECORDS

The District maintains a personnel file for each employee that includes the employment application and resume; indicates educational experience; and contains experience records, evaluations, and other pertinent information.

All information is kept confidential to the extent allowed by law, with only authorized personnel (as determined by the General Manager) having access to it. The employee's individual records are available for review upon request, and employees may review their personnel records during work time, and may make copies of those records.

Maintenance to keep data up-to-date in the file is important to the employee and the District. The Administration staff should be notified in writing promptly of changes in the following:

- Name
- Address
- Telephone number
- Marital status
- Beneficiaries to be named on insurance policies
- Person(s) to be notified in event of emergency
- Military status (if applicable)

This information will be maintained as part of the employee's personnel record. As stated in Section 552.024 of the Texas Government Code (the Public Information Act), the employee may request that his/her home address, home telephone number, emergency contact information, social security number, or information that reveals whether the employee has family members be kept confidential. This election must be made in writing within the first 14 days of employment or within 14 days of termination of employment with the District. If the election is not timely made, all or part of this information will be subject to disclosure in response to a request for public information.

The District will confirm employment information to authorized credit bureaus over the telephone, with the exception of salary information, which will be confirmed only upon the employee's specific written approval. No other information will be provided to services outside of the District without the employee's written permission, unless required by law.

3. EMPLOYMENT AND BENEFITS

3.1. Recruitment and Selection of Employees

The District hires employees based on knowledge, skills and abilities, experience, and other qualifications that relate to the duties of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law.

Job openings for Regular positions are posted in a manner designed to be available to a wide range of applicants, both internal and external. The posting will include the job title, any required qualifications, the method for applying, and any applicable application deadlines.

All applications must be submitted to the General Manager within any specified application period and must be on a form provided by the District. The District does not consider or retain any application that is posted outside of any application deadline or any applications submitted for "any position" or for a position that is not vacant and posted.

Depending upon the position sought, an applicant may be required to consent to a criminal background check and/or a credit check. Some job offers are made contingent upon the successful applicant passing a medical examination that is job-related and consistent with business necessity.

3.2. Work Week

The District's work week begins at 12:01 a.m. Monday morning and ends at 12:00 midnight Sunday night. Normal business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

3.3. Flex-Time

The District offers the individual employee the option of working the traditional five-day, eight hours per day work week; or to opt for a flex-time schedule. A flex-time schedule may consist of a compressed four-day, ten hours per day work week and/or an alternate schedule allowing for a start or finish time that is within two hours of normal business hours. All flex-time schedules must be approved by the General Manager. In making a decision about whether to approve a flex-time schedule, the General Manager will take into consideration the employee's position, the needs of the District, and the needs of the public citizens.

For scheduling and administrative purposes, all District employees may change their flex-time schedule twice per fiscal year. New employees are not eligible for a flex-time schedule within their first six months of employment.

It is the Board's policy that District business is conducted in a timely and professional manner and that disruption of normal operations is held to a minimum when employees are off. The first concern is that an adequate number of technical and administrative staff are on duty on each day of the work week, meaning that public citizens who request service should expect to be served when they make the effort to visit the District office, and not be asked to return on another date.

Occasionally, employees may need to work on their normal days off in order to meet pending project deadlines or to conduct other District business as required. In cases of conflict, the General Manager will make the final determination.

3.4. Employee Classifications

The General Manager shall make the determination of an employee's classification.

3.4.1. Regular Employee

A Regular Employee is an employee who is hired into a non-temporary position without a predetermined end date, and works regularly scheduled hours per week and not on a time, special job completion or call-when-needed basis.

3.4.2. Exempt Employee

Exempt employees are Regular employees who are not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and are therefore not entitled to overtime pay. The District provides comp time as a benefit to exempt employees as set out in this manual.

3.4.3. Nonexempt Employee

Nonexempt employees are Regular employees and subject to the minimum wage and overtime provisions of the FLSA. Nonexempt employees must be compensated for each hour worked and at one and a half times their regular rate of pay for any hours worked over 40 hours in a single work week. The District provides compensatory time ("comp time") in lieu of overtime under the conditions authorized by the FLSA and as set out in this manual.

3.4.4. Full-Time Employee

A full-time employee is a Regular employee expected to work a minimum of 30 hours each week. Full-time employees are entitled to receive all of the benefits offered by the District including but not limited to Paid Time Off, Compensatory Time, Group Insurance, Retirement, Sick Leave, and Paid Leave of Absence programs. A full-time employee working less than 40 hours in a week, receives leave benefits adjusted on a prorated basis.

The full-time employee can either be exempt or nonexempt. Nonexempt employees earn comp time in accordance with FLSA regulations. Exempt employees will also earn comp time under the circumstances and terms established in this manual.

3.4.5. Part-Time Employee

A part-time employee is a Regular employee expected to work a minimum of 20 hours but less than 30 hours per week. Part-time employees may or may not be specifically limited in the number of hours worked per week or pay period, at the General Manager's discretion, but they must be paid for each hour worked.

Part-time employees are entitled to participate in the District's holiday and vacation portions of the Paid Time Off program, and Sick Leave with these benefits adjusted on a prorated basis. Part-time employees are not eligible for the District's other benefit or comp time earnings programs in accordance with applicable state and federal labor law.

Part-time employees are paid overtime at a rate of time-and-one-half their hourly pay rate for hours they work in excess of 40 hours per work week.

3.4.6. Temporary Employee

A temporary employee is defined as an employee who is hired for a specific period of time or for the completion of a specific task or project. Temporary employees are not limited in the number of hours they can work by week, pay period, or annually. Temporary employees are not eligible for the District's benefit or comp time earnings programs, holiday or other Paid Time Off in accordance with applicable state and federal labor law. Temporary employees are paid overtime at a rate of time-and-one-half their hourly pay rate for hours they work in excess of 40 hours per work week. Temporary employees are not Regular employees.

3.4.7. Intern

An intern is typically a student employee or volunteer for the District who is working to obtain experience and knowledge in furtherance of career goals. An intern may or may not receive monetary compensation. If compensated, the intern is classified as a nonexempt temporary employee. Interns are not eligible for the District's benefit or comp time earnings programs, holiday or other Paid Time Off in accordance with applicable state and federal labor law. If compensated, interns are paid overtime at a rate of time-and-one-half their hourly pay rate for hours they work in excess of 40 hours per work week. Interns are not Regular employees.

4. PAID TIME OFF

The District recognizes the importance of paid time off for rest, relaxation, and recreation. This includes earned vacation, personal days, and holidays.

4.1. Vacation

The amount of vacation time earned is based on the length of employment with the District. All full-time employees and part-time employees earn vacation time in accordance with the following schedule. Employees earn vacation using the same schedule basis as 40-hour week employees, but the accrual rates and maximum accruals are prorated by the number of hours worked in a regular work week relative to a 40-hour week.

Table 1. Vacation Accrual Schedule

Length of Service Employment	Maximum Per Year	Accrual Rate (in hours)			
		Monthly	Biweekly	Weekly	Hourly
0 - end of 4 th year	80	6.67	3.077	1.538	0.0385
5 - end of 9 th year	120	10.00	4.615	2.308	0.0577
10+ years	160	13.33	6.154	3.077	0.0769

All eligible employees will begin to accrue vacation benefits on their first day of employment, and are eligible to take vacation after completion of six months of employment unless otherwise approved by the General Manager. For calculating vacation eligibility, an employee's length of service is the continuous time spent in regular employment by the District, including time spent on military leave of absence but excluding leaves of absence for any other purpose, unless otherwise waived by the Board. Vacation does not accumulate during the time an employee is on a non-military related unpaid leave of absence.

All vacation requests must be submitted with reasonable advance notice for approval by the employee's Team Leader. The Team Leader will evaluate the impact of the proposed vacation on operations, and advise the employee as soon as possible of approval or disapproval of the request. Team Leaders shall submit vacation requests to the General Manager. With reasonable advance notice, the General Manager shall notify the Board Personnel Committee of his/her vacation plans.

If the Team Leader is unavailable to act on the request, the employee may forward the request to the General Manager for action. Failure of the Team Leader or General Manager to act does not result in automatic approval of the request for vacation leave. Every effort will be made to schedule employee vacations at the time they are requested. However, operating conditions will determine whether the employee's vacation can be scheduled at the exact time requested.

Authorized vacation will not count towards overtime or accrual of comp time. Employees may only use accrued vacation leave and may not carry a negative leave balance.

It is the District's opinion that vacations are beneficial to employees. Employees are encouraged to take vacations each year and are limited in the amount of unused vacation that may be accrued. The maximum amount of vacation time an employee may hold at any one time cannot exceed two times the annual rate for the year. For example, a six-year employee may accrue up to 120 hours of vacation time per year. That employee may hold a maximum of 240 hours of vacation leave at any one time. If an employee accrues up to two years vacation time, the employee will not be allowed to accrue further vacation time until the maximum accrued time is reduced by taking time off or it is sold back to the District. Any accrued vacation time can be sold back to the District once a year only, during the first pay period in December. Refer to Section 9.7 for further information on the Sale of Accrued Benefits.

If an employee voluntarily leaves the employment of the District and a minimum of two weeks notice is given or the employee is terminated, the employee will be paid for any unused vacation to which they are entitled at the time of the separation.

4.2. Personal Days

In addition to vacation days, full-time employees receive "personal days" as a District perquisite in accordance with this policy as outlined below. The number of personal days available is dependent upon the Achievement Level of the employee:

- Entry-level employee - no personal day available;
- Staff-level employee - one personal day per fiscal year;
- Senior-level employee – two personal days per fiscal year; and
- Principal-level employee – three personal days per fiscal year.

Employees are eligible for personal days after six months of continuous employment at the District. Personal days may be taken at the employee's discretion like vacation days but require explicit notice to and approval by the Team Leader.

A personal day is credited at ten hours for full-time employees working 40 hours per week and prorated by the number of hours expected to be worked in a regular work week relative to a 40-hour week for employees working less than 40 hours per week.

Personal days are required to be taken in full day increments based on the employee's flex schedule. Employees working a ten-hour, four-day work week will use the ten hour credit on one work day. Employees working an eight-hour, five-day work week will use eight hours on one work day and must use the remaining two hours within the same fiscal year.

Employees become ineligible for using personal days upon giving notice of resignation. There is no carry-over of unused personal days from fiscal year to fiscal year, and unused personal days are not compensated to the employee at any time including termination of employment.

4.3. Holidays

For eligible employees, the District recognizes 12 annual paid holidays as listed below in Section 4.3.1. Holidays which fall on Saturday will be observed on Friday, and those which fall on Sunday

will be observed on Monday. Employees participating in the ten-hour, four-day work week program who are scheduled to be off on Mondays will observe a Monday holiday on Tuesday, and employees scheduled to be off on Friday will observe a Friday holiday on Thursday.

Holidays will be credited at ten hours each for all full-time employees working 40 hours per week. Full time employees working less than 40 hours per week will be paid a prorated amount for the District holiday. Part time employees will be paid a prorated amount for any District holiday for which the employee was regularly scheduled to work.

Employees working a ten-hour, four-day work week will be credited ten hours on the observed holiday. Employees working an eight-hour, five-day work week will use eight hours on the observed holiday and must use the remaining two hours after the observed holiday and within the same fiscal year. There is no carry-over of this additional holiday leave from fiscal year to fiscal year.

If circumstances warrant, an employee may be required to work on a scheduled holiday or may request to work on a scheduled holiday when extraordinary circumstances or responsibility demand it. If an employee requests to work on a holiday, the employee must have prior approval from their Team Leader or the General Manager. If an employee is authorized to work on a scheduled holiday with prior approval, the holiday hours will be added to the regular work hours actually worked for that work week and for the timekeeping period.

Exempt and nonexempt employees could potentially earn comp time off for such work if regular hours plus holiday hours exceeds 40 hour for the work week.

4.3.1. Observed District Holidays

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. Day after Christmas

If a holiday occurs during an employee's vacation, the employee will be paid for that holiday and will not be charged with a vacation day for the day the holiday is observed.

5. GROUP INSURANCE PROGRAM

Full-time employees are eligible for the District's group insurance program on the first day of the month following the completion of 60 days of employment.

The District will pay the cost of the employee's premium of the District's current health insurance provider. The District will pay 25% of the dependent care coverage premium of the District's current health insurance provider. The District will pay the full premium of the employee and employee dependents for dental insurance. The District will pay the full premium for basic employee life insurance coverage at two times the employee's annual salary up to \$100,000 of coverage (the District's life insurance coverage includes short-term disability coverage, long-term disability coverage, and basic employee accidental death and dismemberment coverage). The District will pay the full premium of the employee for vision insurance. Group insurance benefits are subject to change at any time. The District may alter the types of insurance offered, vary or eliminate the amount of premium that the District will pay, or eliminate group insurance benefits entirely.

5.1. Current District-Paid Coverage

- Employee Health Insurance
- 25% Dependent Coverage Health Insurance
- Employee and Dependent Dental Insurance
- Employee Vision Insurance
- Basic Employee Life Insurance (including short-term disability, long-term disability and basic employee accidental death and dismemberment)

5.2. Current Employee-Paid Coverage

- 75% Dependent Coverage Health Insurance
- Various supplemental packages

5.3. Other Insurance

5.3.1. Unemployment Compensation Insurance Policy

Unemployment compensation insurance is paid for by the District and provides temporary income for employees who have lost their job under certain circumstances. The employee's eligibility for unemployment compensation will, in part, be determined by the reasons for the employee's separation from the District.

5.3.2. Workers' Compensation Insurance Policy

Workers' compensation is a no-fault system designed to provide benefits to all employees for work-related injuries. Workers' compensation insurance coverage is paid for by employers and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, and rehabilitation services, as well as

payment for lost wages due to work-related injuries. If an employee is injured on the job while working at the District, no matter how slightly, the employee shall report the incident immediately to their Team Leader. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize the employee's claim for benefits.

To receive workers' compensation benefits, the employee will notify their Team Leader immediately of the claim. If the injury is the result of an on-the-job accident, the employee must fill out an accident report. The employee will be required to submit a medical release before they can return to work.

6. RETIREMENT PLAN

The District maintains a mandatory participation retirement program for its eligible employees after the first year of employment (see Barton Springs/Edwards Aquifer Retirement Plan and Trust, Summary of Plan Provisions, for eligibility requirements). The District will deduct 7.5% of the employee's salary from the employee's paycheck each pay period and then match that 7.5% with a District contribution. The employee portion and the District's portion of the retirement funds are then invested under the employee's name in a retirement plan approved by the Board. An employee may choose from among several different funds for the retirement plan. Upon entry into the program, eligible employees are 50% vested with the District's contribution. After two years of service with the District, eligible employees will become 100% vested. Employee contributions to the account are always 100% vested. Note that this is a federal income tax-deferred program. In other words, 7.5% of gross wages will be tax-deferred for federal income taxes only; not for Social Security or Medicare taxes. The District may alter the terms of its retirement plan or eliminate the plan at its discretion.

7. ABSENCE DUE TO ILLNESS OR EMERGENCY

7.1. Sick Leave

An employee's value to the District depends upon reporting to work daily and on time. It is important to maintain a good attendance record. The District recognizes that there will be times when an employee will be unable to work because of personal illness or injury, regular medical or dental appointments, or because of an emergency or illness involving their immediate family. In this context, immediate family is defined as spouse, children, spouses of children, parents, brother, sister, father-in-law, mother-in-law, grandparents and grandchildren, step-children, step-parents, step-brother, step-sister, step-grandparents and step-grandchildren. In these instances, the District does not want employees to suffer financially as a result of their absence from work.

All full-time 40-hour week employees will receive sick leave credit of ten hours per month (120 hours per calendar year) beginning the first day of employment with the District. All full-time and part-time employees working less than 40 hours per week will receive sick leave credit on a prorated basis by the number of hours worked in a regular work week relative to a 40-hour week.

Sick leave credits are granted by the District for the sole purpose of giving employees income protection when they are absent from work for the reasons described in this policy. They do not entitle the employee to be paid for the time they are absent from work for other reasons. Unused sick leave will be banked in the employee's name and may be drawn on for extended periods of illness or injury.

The maximum amount of sick time an employee may hold at any one time cannot exceed 600 hours. If an employee accrues 600 hours of sick time, the employee will not be allowed to accrue further sick time until the maximum accrued time is reduced by taking sick time off.

If an employee has a sick leave balance that exceeds 600 hours at the time of the adoption of this policy (May 23, 2019), that employee will not lose those extra hours, but will not be able to accrue any further hours until their balance falls below the 600-hour maximum.

Sick leave cannot be sold back to the District at any time, including upon separation from the District. Sick leave is not considered hours worked for purposes of calculating overtime. Employees may only use accrued sick leave and may not carry a negative leave balance.

7.2. Inclement Weather

A major concern of the District is the safety of District employees. Inclement weather is defined as any weather emergency that precludes an employee from performing their normally scheduled duties. These conditions can include, but are not limited to, immediate or residual effects from dangerous driving conditions due to snow, sleet or ice, flooding, or the threat of other severe weather that could threaten or harm the lives of employees at home, work, or while traveling to and from work.

The District offices will officially delay opening or be closed, and inclement weather administrative leave will be authorized when either the Austin Independent School District or the San Marcos Independent School District are also closed for inclement weather, if the schools would otherwise be open. If both of the schools would have been closed anyway (e.g. winter holiday or summer break), the District will officially delay opening or be closed if the offices of non-essential staff for Hays County, Travis County, or the City of Austin are closed. When the office is closed or opening is delayed, employees are not prohibited from coming to work if they think they safely can but are not expected to do so. Under these circumstances, there is no need to notify the General Manager or the other staff of absence from work. Regular employees shall record "Inclement Weather" leave for hours taken off during the delayed office opening or office closure. Employees shall record any hours actually worked on an inclement weather day as hours worked. Employees will be paid for the hours of closure if scheduled to work during the closure.

The District will change the outgoing phone message to announce the office closure.

The office closure notwithstanding, employees should use their own good judgment about whether it is safe for them to commute from their homes to work and back, including taking and picking children up at school before and/or after work as needed. Employees concerned about their own or their family's safety during inclement weather conditions in which the office remains open should notify the General Manager so that administrative leave might be authorized on an individual basis, at the General Manager's discretion.

8. LEAVE OF ABSENCE

Use of an approved leave of absence (LOA) by Regular employees of any duration requires, at a minimum, advance notice of the request for a LOA provided by the employee to the Team Leader and to the General Manager. For a requested leave of absence of two weeks duration or less, the Team Leader may approve the leave. When an employee requests a LOA in excess of two weeks, the employee must request and obtain prior approval for the leave from the General Manager. In excess of two weeks, the General Manager will request and obtain prior approval for the leave from the Board. Generally, an LOA will not be approved for more than 12 weeks. A longer period LOA, up to a maximum of six months, may be approved if the need is substantiated to and approved by the Board. The employee may also seek extensions of leave. Leave extensions must also be approved by the Board.

All requests for LOA and extensions must be submitted on a Leave Request form and must be supported by documentation that will enable the General Manager or the Board to make a decision to grant or deny the request. No LOA including any extension may exceed six months unless otherwise required by law. This policy will be administered consistently with the District's obligations under the ADA, if applicable, and state and federal military leave laws. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the District at the end of the approved leave period. Extended LOA may reduce an employee's participation in the group insurance program.

8.1. Use of All Other Available Leave

All accrued paid leave (unused vacation, personal days, and comp time) must be exhausted before the employee will be authorized unpaid LOA, and runs concurrently with an authorized LOA. Accrued sick leave may be used only in connection with an LOA based on medical necessity, as described below. After exhaustion of all paid leave, the remaining LOA, if any, is unpaid and no paid leave benefits accrue during an unpaid LOA. The six-month maximum absence includes all paid and unpaid days of leave.

8.2. Eligibility/Criteria

To be eligible for an LOA that exceeds an employee's accrued paid leave, a regular full-time employee of the District must have worked at least 1,250 hours during the immediately preceding 12-month period or a regular part-time employee must have worked at least 625 hours during the immediately preceding 12-month period. In calculating such eligibility, hours worked do not include time off for holidays, paid sick leave, personal days or vacation time, or any period of paid or unpaid leave.

Factors considered by the District in granting an LOA include:

- the reason for the leave
- the anticipated duration of the leave
- the documents submitted to substantiate the need for the leave (*e.g.*, medical certification)
- the frequency with which the employee requests approval for leaves of absence
- the number of other District employees who are out on extended leave at the time of request
- the impact that granting the leave will have on District operations and the ability to satisfy essential obligations

While the District would strive to grant any meritorious request for an LOA, the District must ensure granting of the LOA will not create operational hardships, and that all essential obligations of the District are able to be met with the staff available for the duration of the LOA.

8.3. Reasons for LOA

A LOA may be considered in the following circumstances:

- Extended illness, injury, or temporary disability and recovery therefrom for the employee (medical necessity). Incapacitating pregnancy, the recovery from childbirth, and the neonatal and postnatal care of either a natural-born or a newly adopted infant child are treated the same as any other medical condition for which paid sick leave may be used.
- Extended care for incapacitated or otherwise dependent immediate family members requiring special attention (*i.e.*, spouse, children, parents, or other family member residing with the employee).
- Educational purposes, including professional development, when successful completion will contribute to the work of the District.
- Public service assignment.

Other circumstances may be considered on a case-by-case basis and at the sole discretion of the General Manager or, at the General Manager's request for a matter of policy, the Board.

8.4. Documentation

Requests for an LOA must be made in writing to the Team Leader and to the General Manager as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the General Manager. The need for a medical LOA must be supported by documentation acceptable to the District, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. No medical documentation is required in connection with an employee's own pregnancy unless the employee is seeking an LOA prior to childbirth for complications connected with her pregnancy. The General Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from his or her doctor stating that the employee is able to perform the essential functions of his or her job. A job description will be provided by the District for the doctor's reference in submitting a fitness for duty statement.

8.5. Other Employment During Leave

Under no circumstances may an employee on an authorized LOA work another job, whether for pay, as a volunteer, or as self-employment, unless expressly authorized in writing by the General Manager.

8.6. Reinstatement

Employees returning from an LOA will be reinstated to their same position if the position is available. Reinstatement is not guaranteed unless required by state or federal law. If the employee's previous position is not available, the District will use its best efforts to place the employee in a position of similar pay and status. If the same job or one of similar pay and status is not available, reinstatement may, at the District's discretion, be deferred until a position is available. If an employee's same position or a position with similar pay and status is not available, the employee's job may be terminated with eligibility for rehire. An employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned his or her employment with the District.

8.7. Benefits/Premium Payments

All LOAs are unpaid except for any period in which accrued, paid leave is used during the LOA. During the paid leave portion of any approved LOA, all benefits continue to accrue, and the District will continue to pay its portion of any employee and dependent insurance premiums that it normally pays on behalf of the employee. Vacation, sick leave, holiday pay, and other benefits do not accrue during any portion of an approved LOA that is unpaid. If an approved LOA contains any period of unpaid leave, the District will continue to pay its portion of any employee and dependent insurance premiums that it normally pays on behalf of the employee during the first 12 weeks of the LOA during a single 12-month period measured from the first day of the approved LOA. Employees who have group health or any other kind of insurance through the District continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay his or her portion of insurance premiums during an LOA may result in cancellation of coverage, for which reinstatement after the LOA is not assured.

8.8. Revocation

The General Manager may revoke an authorized LOA at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the District per the required schedule, will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

8.9. Military Leave

The District complies with state and federal laws governing an employee's absence from work for military training or duty. If an employee is called to active military duty or to Reserve or National Guard training, or if an employee volunteers for the same, the employee should notify the General Manager and submit copies of their military orders as soon as practicable. The District will pay Regular employees who are members of the state military forces or a reserve component of the

armed forces, or a member of a state or federally authorized urban search and rescue team for a period not to exceed the equivalent of 15 eight-hour days (120 hours) in a fiscal year for full time 40-hours per week employees regardless of flex schedule, and prorated for employees working less than 40 hours per week, their full salary when such employees are engaged in authorized training or duty ordered or authorized by proper authority. Paid time off for military leave need not be consecutive. An employee may use accrued Paid Time Off during the unpaid Military Leave. Otherwise, a military leave of absence is unpaid leave. An employee's eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state law.

8.10. Parental (Maternity/Paternity/Adoption) Leave

8.10.1. Overview

Parental Leave under this policy is a paid leave associated with the birth of an employee's own child or a placement of a child with the employee in connection with adoption.

8.10.2. Eligibility

Eligible employees under this policy are those who have been employed by the District for at least 12 months. Eligible full-time employees must have performed at least 1,250 hours of service in the 12-month period immediately preceding the date leave is to begin. Eligible part-time employee must have worked at least 625 hours during the immediately preceding 12-month period. In calculating eligibility, hours worked do not include time off for holidays, paid sick leave or vacation time, or any period of paid or unpaid leave. Temporary employees and Interns are not eligible for paid parental leave under this policy.

8.10.3. Health Insurance

Health insurance coverage will be maintained by the District during Parental Leave on the same basis as if the employee were still working. The employee must continue to make timely payments of their share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, the employee will be notified 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made.

8.10.4. Compensation

Eligible employees will receive six weeks of paid leave in the amount of 60% of their salary up to a maximum amount of \$1,000.00 per week to be provided either by the District's short-term disability insurance coverage, or funded by the District. Short term disability benefits are provided for maternity leave per the District's paid coverage of the Group Insurance Program for the employee. The employee will receive compensation as outlined under the District's short term disability policy. To the extent that any part of the paid leave provided by this Parental Leave Policy is not covered as a short term disability benefit, the District will fund the remainder of the

paid leave authorized herein. For employees entitled to leave under this policy who are not subject to the District's short term disability policy, the District will fund the Parental leave.

Vacation and sick time will accrue at 60% of their regular rate while employee is on Parental leave. Vacation and sick time will not accrue during any time of unpaid leave.

8.10.5. Use and Duration of Leave

Leave for the birth or placement of a child must be taken in a single block and cannot be taken on an intermittent or reduced schedule basis. Parental leave must be completed within 12 months of the birth or placement of the child; however, the employee may use parental leave before the placement of an adopted child to consult with attorneys, appear in court, attend counseling sessions, etc.

Use of Parental leave is subject to the District's standard LOA Policy. The standard LOA Policy for the district allows for 12 weeks of unpaid leave annually. All paid leave under this policy will count toward the 12-week period.

Employees can only utilize one paid parental leave benefit per fiscal year.

8.10.6. Return to Work

Upon returning to work at the end of leave, the employee will be placed in their original job or an equivalent job with equivalent pay and benefits. However, if the employee has allowed any part of their health insurance coverage to lapse, coverage will be reinstated based upon policy requirements. The employee will not lose any benefits that accrued before leave was taken.

8.11. Other Absences

8.11.1. Court Leave

The District recognizes all employees' civic responsibility to participate in the judicial system as a juror as well as the need to appear as a witness when compelled to do so by subpoena or court order. When an employee receives a summons for jury duty or a subpoena or court order compelling attendance as a witness, he or she should immediately notify their supervisor. Regular employees will receive his or her regular pay, provided adequate proof is furnished.

Time spent on jury duty will be counted as regular working time for all purposes except overtime. The employee must return to work for any reasonable time the court is closed during normal work hours.

No adverse employment action will be taken against employees or applicants due to their service as a juror in state or federal courts.

8.11.2. Bereavement Leave

Paid time off up to three eight-hour days (24 work hours) for employees working 40 hours per week, and prorated for employees working less than 40 hours per week, is available for Regular employees for a death in their immediate family. In this context, immediate family is defined as spouse, children, spouses of children, parents, brother, sister, father-in-law, mother-in-law, grandparents and grandchildren, step-children, step-parents, step-brother, step-sister, step-grandparents and step-grandchildren. Approval of the General Manager is required for time off for other relatives or associates. If approved, the employee may use any earned paid time off benefit.

9. PAY POLICY ADMINISTRATION

9.1. Pay Periods

Paydays will be every other Thursday, with time credited through the previous Sunday. If a payday falls on a holiday, employees will be paid on the last working day prior to the holiday. If an employee has questions or concerns about any payroll issue, this should be brought to the attention of the General Manager.

9.2. Definitions

“Regular Work Hours” are all hours actually worked for the District at a regular duty station during and at assigned venues other than the regular duty station whether or not such work is performed during the employee’s regularly scheduled work days.

“Telecommuting Hours” are all hours actually worked for the District at the employee’s home.

These terms are subject to the “Regular Work Hours” and “Telecommuting Hours” provisions of this manual.

9.3. Wages and Overtime

All employees are expected to work overtime from time to time when necessary. By law, the rate of compensation for overtime is dependent upon whether an employee’s position is exempt or nonexempt, as reflected in their personnel file. Overtime hours require prior approval from the Team Leader and General Manager.

For **nonexempt staff**, all Regular Work and Telecommuting Hours actually worked in excess of the standard 40 hours per work week will be considered overtime and will be eligible for earning comp time for such time, as described in the Earning Comp Time section below. Overtime work for nonexempt staff should be reserved for those times when a specific project, event, or responsibility demands it, and the excess time should be notated on timesheets (as articulated under Timesheet Notation in Timekeeping, Section 9.8 below). A nonexempt employee who works overtime without making the required explanatory notation on the timesheet, including documenting any approvals required by the circumstances will, by law, earn comp time but may be subject to disciplinary action for violation of this policy.

All **exempt staff** are designated as such in their personnel file if they conform to statutory guidelines and are exempt from the minimum wage and overtime provisions of the FSLA. Overtime work by exempt staff should be reserved for those times when a specific project, event, or responsibility demands it, and the excess time should be notated on timesheets (as articulated under Timesheet Notation in Timekeeping, Section 9.8 below). An exempt employee who works overtime without making the required explanatory notation on the timesheet, including documenting any approvals required by the circumstances, may be subject to disciplinary action for violation of this policy. Exempt staff members are compensated for overtime on an hour-for-hour basis as described in Section 9.4.

9.4. Compensatory Time

9.4.1. Earning Comp Time

As the name implies, comp time is used by the District to compensate, in a limited fashion, staff members for performing actual work that is over and above 40 hours in the work week but that may be required from time to time.

For Regular employees, all Regular Work Hours at any duty station, Telecommuting Hours, and Holiday hours, if applicable, that in aggregate are in excess of 40 hours in a work week are eligible for comp time. Vacation, sick leave, used comp time, personal days, or any other paid or unpaid time off is not included. Comp Time Used Hours are not counted in determining eligibility for additional comp time.

Regular nonexempt employees will earn comp time for the overtime in excess of 40 hours in a work week, and will be compensated with comp time at a rate of time-and-one-half for overtime hours.

Regular exempt employees will earn comp time for the overtime in excess of 40 hours in a work week, and will be compensated with comp time at a rate of one hour of comp time for each overtime hour.

9.4.2. Maximum Comp Time Accruals

The maximum accumulated comp time for any employee shall not exceed 80 hours for nonexempt employees and 240 hours for exempt employees.

9.4.3. Using Comp Time

Comp time is taken by an employee at the discretion of the employee's Team Leader. If an employee wants to use comp time, the employee must provide notice, including the dates and times to be taken off, to the employee's Team Leader as far in advance as possible. The Team Leader will evaluate the impact of the proposed time off on operations and advise the employee promptly of the Team Leader's approval or disapproval of the request. Failure of the Team Leader to act does not result in automatic approval of the request for time off. If the Team Leader is unavailable to act on the request, the employee may forward the request to the General Manager for action. The use of the comp time must not unduly disrupt the operations of the District. No more than 20 hours of comp time may be used in any 40-hour work period except during an approved Leave of Absence. The Team Leader or General Manager may, at his/her discretion, ask the employee to take available comp time off in times of light workload.

Comp time cannot be sold back to the District at any time while employed with the District. Upon separation from the District, nonexempt employees are entitled to compensation for any accumulated comp time; exempt employees are not entitled to such compensation. At the discretion of the General Manager, a nonexempt employee may be required to take unused comp time during the termination notice period. Exempt employees become ineligible for using comp time upon giving notice of resignation to the District.

Employees may only use previously earned and accrued comp time and may not carry a negative comp time balance.

9.5. Deductions

Certain deductions are made from employees' gross earnings. These deductions are of two types; those required by law and those authorized by the employee.

The law requires that regular amounts be deducted from an employee's pay and to be applied toward payment of the employee's federal income taxes, Social Security, and Medicare. In addition, the District, in accordance with federal and applicable local and state laws, pays to various government agencies the employer's contributions for Social Security, Medicare, and unemployment taxes, and contributes 7.5% to the Board-approved Employee Retirement Plan and Trust for qualified employees.

If an employee wishes, they may have additional deductions taken for the employee optional insurance programs and/or other miscellaneous deductions upon written request to the General Manager and Administration provided that the deductions are regularly scheduled.

Improper deductions from the pay of exempt employees is prohibited. If an exempt employee believes that an improper deduction from his/her salary has been made, a complaint should be made to the General Manager. The General Manager will investigate the complaint. Upon a finding by the General Manager that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction, and the District will make a good faith effort not to make future improper deductions.

9.6. Direct Deposit Option

The District offers the option of having paychecks directly deposited into an employee's credit union or bank account with employee authorization.

9.7. Compensation Policy

It is the District's policy to provide a compensation program of salaries and wages and a benefits package that rewards and retains competent employees and is competitive, equitable, and commensurate with industry standards and the market.

9.7.1. Promotions and Salary Adjustments

It is the District's policy to make every reasonable effort to promote from within and provide the appropriate salary adjustments and perquisites to retain competent employees and reward exemplary performance. Promotions and salary adjustments shall be awarded based on employee's contributions towards achieving the District's objectives, achievements of personal objectives established by the General Manager, career advancement, work performance, changes in responsibility, professional and educational achievements, market conditions, industry standards, and other pertinent factors as determined by the General Manager consistent with District policy. The budgeted amount for all salary adjustments and perquisites may be approved or amended at

the discretion of the Board. Salary adjustments may be given by the General Manager within the Board-approved budgeted amount at any time during the fiscal year. Salary adjustments are prospective in application only and become part of the regular pay for that employee.

9.7.2. Cost of Living Increases

Cost of living increases may be given based upon budgetary and other considerations. The budgeted amount for cost of living increases may be approved, at the discretion of the Board, during the budget cycle for the following fiscal year and will apply to all District full-time and part-time employees. Board approval of the budgeted amount shall serve as approval of the cost of living increases. Cost of living increases will be part of the regular pay in the future and will become effective on the first pay date after the start of each new fiscal year, even if part of the associated pay period is in the prior fiscal year. An employee is not eligible for a cost of living increase until after completion of one full year of employment with the District.

9.7.3. Merit-Based Increases

Merit-based increases may be given by the General Manager based upon budgetary and other considerations. Such increases will be awarded based upon staff performance, as determined by the General Manager, to recognize exemplary performance. The budgeted amount for a merit-based increase may be approved, at the discretion of the Board, during the budget cycle for the following fiscal year. A merit-based increase will become part of the employee's regular pay in the future and will become effective on the first pay date after the start of each new fiscal year even if part of the associated pay period is in the prior fiscal year.

9.7.4. Objectives-Based Incentive Compensation

The District sets individual performance objectives, representing special goals that are distinct from the normal work activities or that are priorities for individual employees, to help foster and align employee work performance with desired strategic and tactical objectives of the District. At its discretion, the Board may establish an incentive compensation pool during the approval of the budget for the following fiscal year. In compliance with the terms of the District's Employee Incentive Compensation Plan, achieving individual objectives in the fiscal year to which they apply earns that employee a pro-rata share of the potential incentive compensation pool as a one-time, non-recurring lump-sum annual payment; i.e., it is not added to the regular pay of the employee. (See Appendix E- Employee Incentive Compensation Plan.)

9.7.5. Sale of Accrued Benefits

Employees may sell any accrued vacation time back to the District each year during the first pay period in December only. Employees hired after April 25, 2019 will not be able to sell accrued vacation time.

Employees will be paid for all accrued vacation time upon separation from the District if proper notice is given; a minimum of two weeks. Nonexempt employees but not exempt employees will also be paid for all accrued comp time upon separation from the District. Employees cannot sell

sick time back to the District. Employees will not be paid for sick time upon separation from the District.

9.8. Timekeeping and Leave-Balances Administration

All employees must record all hours worked in 15-minute increments. Timesheets must account for and record the hours worked for each day of the expected work schedule, whether it is on a five-day, eight-hour work week, or a four-day, ten-hour work week, or on the previously agreed part-time schedule of work hours as well as any hours worked in excess of the scheduled time and all approved leave time. Hours worked in a given work week beyond those expected work hours may be eligible for comp time off, if certain other conditions are satisfied, as specified in the Comp Time section above. Comp time earned is credited at the end of each pay period and is not available for use until credited.

9.8.1. Daily Time Recording

Accurate time records are essential to ensure District compliance with Wage and Hour Regulations, correct allocation of labor effort among various direct and indirect accounts, and proper computation of overtime and comp time. Each employee will enter his or her time for each workday, distributed among appropriate accounts according to the benefit provided by that labor, as frequently as required to ensure accuracy of the timekeeping record and in no event later than the end of the timekeeping period, using his/her networked computer and the electronic timekeeping system ("Timesheet"). All hours worked must be reported including Regular Work Hours, Telecommuting Hours, and/or Time-Off Account hours, including comp time.

Each Team will have its own Regular Work Hours and Telecommuting Hours accounts.

Generally, on any given day, all full-time employees must record a minimum of either eight or ten hours depending on the approved flex-time option; comprising Regular Work Hours, Telecommuting Hours, and/or some Time-Off Account Hours. No partial days may be entered, except a nonexempt employee who has already worked an aggregate 40 hours for the work week and has not been authorized to work extra hours may enter a partial day for the balance of that week. If any employee does not beneficially work the applicable minimum number of hours in a work day week and does not utilize common paid time off accounts (e.g. vacation/holiday/sick leave), the employee must use previously earned comp time from the employee's existing comp time balance to make up for that day's shortfall by entering it in Timesheet for that day, even if the employee anticipates working excess hours later in the workweek and earning such comp time. Accounting staff will adjust paid time off accounts accordingly.

9.8.2. Timesheet Notation

Employees will be required to append a Timesheet Note in the electronic timekeeping system to the relevant time account(s) whenever:

- The total of Regular Work Hours and/or Telecommuting Hours worked and charged on a normal work day exceed the standard eight or ten hours,

- Telecommuting Hours are worked in the employee's regular work hours,
- Regular Work Hours and/or Telecommuting Hours are worked and charged on normal non-work days (weekends, one's usual weekday off), or
- Telecommuting Hours are worked and charged in excess of the weekly limit, which requires prior approval by the General Manager, as described above.

The note should explain concisely for that day and that time account both where the work was performed and what beneficial work was being accomplished by virtue of those hours and, as applicable, how and when the prior approvals were obtained.

Failure to append an adequate explanatory note to such accounts will result in forfeiture of those excess hours in determining comp time eligibility and the calculation of Comp Time Earned for exempt staff, and possible sanctions by the General Manager for nonexempt staff.

9.8.3. Approvals

The General Manager will electronically approve all time sheets by 8:30 a.m. Monday after each pay period, which initiates the payroll posting process. For employees taking off Mondays in the flex-time arrangement, those employees must have completed their time entry and "submit for approval" through the electronic timekeeping system on their last working day of the bi-weekly pay period (generally the close of business Friday). For employees taking off Fridays in flex-time and for employees working five-day weeks, those employees must have completed their time entry and "submit for approval" no later than 12:01 a.m. Monday following a bi-weekly pay period. If an exempt employee fails to submit his or her time sheet by the deadline listed above, the employee will be subject to discipline for violation of this policy.

For a nonexempt employee who has not timely submitted the time sheet, the employee will not receive a pay check for that pay period on that pay date. The employee must submit their time sheet for that time period for General Manager approval as soon as possible after the missed deadline but will not receive payment until the next regular pay date. If the missing time is not recorded in Timesheet and submitted for General Manager approval by the deadline for that next following timekeeping and pay period, then the nonexempt employee will be subject to management sanctions up to and including termination of employment.

Employees must apprise the General Manager or the Administrative Team Leader if there is an error in their timekeeping record that was already electronically authorized for approval; only the General Manager, Administrative Team Leader, or previously approved designee, may make changes to timekeeping records after they have been approved. Generally, such changes can only be made before payroll processing for that time period occurs.

9.8.4. Regular Work Hours

The District has established a labor account type called "Regular Work Hours," which comprises the time actually spent on work for the District at regular duty station(s). This work could be:

- the eight or ten hours on a normal work day,

- additional hours worked in the office on those days,
- hours worked at venues other than normal duty stations, or
- hours worked at such locations but not on a regular work day.

Regular Work Hours must be recorded as such regardless of where the work is conducted (in the District office, in the field, at conferences, in off-site meetings, etc.). The District expects an honest work day (depending on the agreed work schedule) of beneficial work from each employee on each regular work day, with any shortfall to be made up from some appropriate, available Time-off account, or, for nonexempt staff, by having recorded 40 hours of authorized work for the week.

9.8.5. Travel Work Hours

Exempt employees traveling on business may include travel time as Regular Work Hours but the inclusion of travel time generally may not exceed their normal eight- or ten- hour daily total, depending on the employee's flex-time work schedule. Any travel exceeding the number of hours in the exempt employee's normal work day is not chargeable time. Hours in normal commuting between the employee's residence and local duty station are not chargeable time under any circumstance.

Nonexempt employees are not allowed to travel such that recorded time would be in excess of their normal eight- or ten- hour work days without prior approval by the General Manager. For purposes of computing the total number of hours worked by nonexempt employees during a single work week:

- Time spent commuting to and from work are not "hours worked."
- Any time spent traveling on District business during an employee's normal work day is "hours worked."
- When a nonexempt employee is requested to travel from the normal workplace during a single business day, all of the time spent in travel and work on that day is counted as "hours worked" except for the lunch hour (unless work is actually performed at that time) and time spent in commuting to and from the normal workplace if the employee is required to begin and/or end the day trip at the normal workplace.
- When a nonexempt employee makes an overnight trip for the District, time spent traveling to and from the airport or other means of public transportation as well as time spent as a **passenger** in traveling on an airplane, train, boat, bus, or automobile will not count as "hours worked" unless the time spent is during the employee's normal work day.
- If an overnight trip requires a nonexempt employee to travel on a Saturday or Sunday, hours spent in travel during what would be the employee's normal working hours will be considered "hours worked."
- If a nonexempt employee requests to be able to drive a personal vehicle instead of taking public transportation when requested to travel away from home, the District will count as "hours

worked” the same amount of time that would have been counted as “hours worked” if the employee had taken the public transportation.

- If a nonexempt employee makes an overnight trip to a destination for which there is no public transportation available, time spent driving to and from the destination that is outside the employee’s normal work day will be counted as “hours worked.” Time spent traveling as a **passenger** in a personal automobile is not counted as “hours worked” unless the hours are within the normal work day.

9.8.6. Telecommuting

Telecommuting is defined as regularly working a full or partial workday from home or some other alternate work site.

The District will make telecommuting available to employees when it benefits organizational and departmental needs. This option may not be available in some job classifications due to business needs. Each Team Leader will determine, at his or her discretion, the positions within the department that may be suitable for telecommuting. An employee may be pre-approved to record Telecommuting hours at his/her discretion in amounts up to 15 hours per week for employees classified as Principal or Senior staff, and up to 10 hours per week for other staff.

If the employee meets eligibility requirements for telecommuting, the employee must submit a Telecommuting Agreement form to their Team Leader for approval. If the employee is granted a telecommuting arrangement, the employee will be subject to the same performance standards as prior to telecommuting.

Telecommuting work areas may be evaluated to ensure that appropriate safety standards are met. Telecommuting may be a reasonable accommodation. The employee shall consult the General Manager if they are requesting telecommuting as a reasonable accommodation. (See Appendix F-Telecommuting Policy and General Elements of Telecommuting Agreements.)

10. REIMBURSEMENT POLICIES

10.1. Professional Memberships, Certifications, and Education

10.1.1. Professional Registration Fees

Professional employees may be reimbursed for one professional registration/certification at District expense so long as such registration or certification is a qualification for the employee's job with the District or otherwise directly related to the services performed by the employee on behalf of the District. Professional registration/certification may be a condition for assuming greater responsibility. Reimbursement of expenses for registration and/or course materials will be considered for necessary preparatory study courses and professional examinations. To be eligible for reimbursement, the employee must have received approval in writing from the General Manager prior to seeking professional registration/certification. Additional registrations/certifications must be recommended by the General Manager, and approved by the Board for payment.

10.1.2. Professional Societies

For professional employees, the District will pay for membership fees and dues in professional societies in which the employee actively participates. Prior approval for payment of such fees or dues must be obtained from the General Manager. The Board will review from time to time to ascertain the number of professional organizations to which an employee belongs, and may set limits or reduce the number of organizations for which the District will pay fees or dues.

10.1.3. Continuing Education

The District encourages employees to pursue training and development courses which would be of direct benefit to both the District and the employee in terms of improved performance in the employee's present position or in preparation for future assignments. Request for reimbursement of educational expenses should be submitted in writing to the General Manager in advance of registration. The General Manager will determine which educational expenses will be reimbursed, and will provide written approval. The District will reimburse these expenses upon completion of the approved training or development course. This policy is not a college tuition reimbursement program. To be eligible for reimbursement, the following requirements must be met:

- The employee must be employed with the District for a minimum of one year to be eligible for Continuing Education expense reimbursement;
- Upon completion of the class, the employee must make at least a C or better;
- The employee must maintain full-time employment status with the District throughout the duration of the class; and
- The employee must submit proof of successful completion of the training or development course.

If the employee does not comply completely with the above-mentioned criteria, no expense reimbursement will be made.

An employee who has received a Continuing Education expense reimbursement must remain employed with the District for a minimum of one year after completion of the Continuing Education. A failure to do so will require the employee to repay the District for such expenses.

10.2. Meals

To clarify how the District will reimburse business meals paid by employees in the course of a work day, this policy pertains to expenses for meals that are not eligible for, or reimbursed by, an overnight Travel Expense Report.

The District will not reimburse meals for which only the employee or a group of employees-only is present, even if District business is discussed during the meal, unless on overnight travel status. Distance from the office or home during a day trip is not a criterion for reimbursement eligibility. A meal with either a District Board member or a relevant external party in attendance and in which District business is discussed is eligible for limited reimbursement of the employee's meal expenses. Actual costs of the employee's meal will be reimbursed up to the following daily limits: Breakfast - \$8.00, Lunch - \$12.00, and Dinner - \$25.00. Expense associated with any alcoholic beverage will not be reimbursed, even if the total bill is below these limits. Reimbursement requires submittal of a Team Leader- or General Manager-approved Employee Expense Reimbursement Form, with an attached receipt for the meal(s) being claimed unless the cost of a meal is less than \$10.00. Disbursements from petty cash for reimbursing meal expenses shall not be made.

It is policy of the District that employees will not entertain either themselves and/or external parties, and will purchase meals for such parties only from time to time and in the course of some District function or activity in which the external party is an integral, necessary participant. Reimbursement of business-related meals under these circumstances should conform to the daily per-person limits and procedure established above, and must be submitted by the Team Leader whose program area is receiving the benefit of the external party's participation.

10.3. Smartphone Use

Regular employees will receive a recurring quarterly salary supplement, which is intended to offset the cost of acquiring and keeping updated personal communication devices since those personal devices are beneficially used for business purposes. The acquisition and use of these devices are discretionary with the individual employee, but it is recognized that there are additional operating costs, especially data plans for bandwidth usage, that are incurred as part of the business use of some of these personal communication devices, and to the extent the employee uses more than an incidental amount of that capability for business purposes, that use should be reimbursable to the employee. However, currently there is no independently verifiable means to distinguish the proportion of data plans used for personal and for business purposes on an ongoing basis, since that cannot be determined from carrier documentation. Whether an employee chooses to utilize such devices and if so, which device is selected, are personal choices of the employee. The District

will not be responsible for reimbursing any costs associated with acquiring, maintaining, repairing, and replacing the smartphones.

- To be eligible for reimbursement of recurring expenses under this policy, the smartphone must be set up by the District's IT support staff to connect to the District's server to ensure that email, calendars, and contacts are shared in a secure environment. It is the employee's responsibility to maintain that condition.
- The supplement amount is \$150 quarterly for employees working 40 hours per week and prorated for employees working less than 40 hours per week. Eligibility begins on the day of employment and is reimbursed quarterly. A supplement for the first quarter of employment less than a full quarter, will be prorated. Regular eligible employees seeking to be reimbursed for the business use of their personal phone must file a District-provided Smartphone Business Use Reimbursement Form.
- Since the Discretionary funds for Senior/Principal staff are intended to benefit the District and not just individual employees, such discretionary funds are not able to be used to pay for the unreimbursed, non-business use part of, smartphones.

11. OTHER GENERAL POLICIES

11.1. Length of Service Awards

The District appreciates and recognizes the importance of employees' continued service with the District. Employees will be presented a service award commemorating continued service after the 5th, 10th, 15th, 20th, 25th and 30th years.

11.2. Personal Appearance

All employees are representatives of the District. Employees are expected to maintain a neat appearance and wear appropriate attire to create a business-like atmosphere and reflect a good image of the District and the employee.

11.3. Safety

The District makes every effort to keep the work area safe and free from hazard. The employee's Team Leader will assist with safety and health requirements. Employees are expected to observe all applicable safety requirements and report immediately any unsafe or hazardous condition to the Team Leader or the General Manager.

Upon leaving work, the employee shall lock all doors protecting valuable or sensitive material in their work area and report any lost or stolen keys, passes, or similar devices to their Team Leader immediately.

Refrain from discussing specifics regarding District security systems, alarms, passwords, etc. with those outside of the District.

An employee shall immediately advise a Team Leader of any known or potential security risks and/or suspicious conduct of employees, customers, or guests of the District. Safety and security is the responsibility of all employees and the Districts relies on its employees to help us keep the premises secure.

If an employee is injured on the job while working at the District, no matter how slightly, the employee shall report the incident immediately to their Team Leader.

If, in spite of precautions, an employee is injured on the job, the employee should immediately notify the Team Leader. The supervisor is responsible for notifying the District's insurance department. All on-the-job injuries, no matter how small, must be reported by the employee immediately to the supervisor. Job-related injuries may be covered by the District's workers compensation insurance carrier; refer to Section 5. If an employee is involved in a business-related automobile accident, the employee should notify the supervisor immediately.

11.4. Office Telephone Use

The District phones are principally for work-related communications. Unless there is an emergency, limit long distance telephone calls to business purposes only. Limit personal use of

District telephones to brief communications during rest periods where possible. Casual conversation with friends and relatives during working hours is strongly discouraged.

11.5. District Property and Equipment

The District attempts to provide employees with adequate tools, equipment, vehicles, and facilities to enable them to properly perform their duties. All employees are required to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment.

From time to time, the District may issue or authorize the use of various pieces of equipment or other property to employees, e.g., credit cards, keys, tools, written materials, computers, and computer-related equipment. Employees are responsible for items they are authorized to use or which are formally issued to them by the District, as well as for items otherwise in their possession or control or used by them in the performance of their duties. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment. Employees will be held financially responsible for any loss of or damage to District property resulting from an employee's negligence, lack of care in securing the property, or deliberate act of sabotage or destruction.

Employees must notify their supervisors immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is in need of maintenance or repair.

District property, materials, supplies, tools, equipment or vehicles may not be used for personal business.

All employees are solely responsible for their personal property at all times.

District vehicles are to be used for District business only. Unless the use of the vehicle has been approved for personal use, personal or outside business use is strictly prohibited.

The employee is responsible for all infractions or violations while driving a District vehicle. All restrictions, suspensions, or revocations against the employee's driver's license must be immediately reported by the employee to a Team Leader.

When a District vehicle cannot be operated, is unsafe for use, or has been damaged, the employee shall notify the Team Leader immediately.

As the driver of a District vehicle, the employee is responsible for the vehicle while in their charge, and must not permit unauthorized persons to drive it. The employee is also responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered.

The employee will not operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. The employee will not operate a motor vehicle while texting, emailing, or otherwise using a cell phone or other handheld device. A hands-free device, allowing for use without distraction from driving, is permitted.

Multiple driving moving violations that appear on the annual state department of motor vehicle check will result in suspension of rights to drive a District vehicle or drive a personal vehicle on

District business. Suspension of rights will continue until one year has passed with no infractions. If there are persistent and ongoing problems with driving infractions, and driving a vehicle is a part of successful execution of job responsibilities, the employee may be terminated.

11.6. Alcohol and Drug Use

The consumption of alcohol during regular work hours and the use or distribution of illegal drugs is prohibited. Please refer to and sign the Drug-Free Workplace Policy Employee Acknowledgement form found in Appendix B, the District's Policy for a Drug-Free Workplace.

11.7. Workplace Violence

The District strives to provide a safe and secure working environment for its employees. Violence of any type is absolutely prohibited and will not be tolerated by the District. All types of threatening behavior, threats or acts of violence, and physical intimidation are prohibited under this policy. All such conduct should be reported immediately to a Team Leader and to the General Manager. An immediate investigation will be conducted and appropriate action will be taken if there is a finding of violent conduct.

11.8. Weapons Control

No employee may carry or possess a firearm in a District facility or on District property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in District business. Employees licensed by the State of Texas to carry a weapon may have a permitted weapon only in the District's parking lot and only if the weapon is locked in the employee's vehicle.

11.9. Smoking

The District provides a smoke-free work environment. No smoking is permitted in the District buildings or vehicles. Smoking is only permitted in a designated area outside of the District office and vehicles.

11.10. Board and Staff Communication

The Board hires a General Manager to be the Chief Operating Officer of the District. The Board sets policy for the District, and the General Manager is charged with implementing such policy. Among other duties, the General Manager is responsible for the proper functioning of District operations on a day-to-day basis and for hiring, firing, and disciplining the District's employees. As the liaison between the staff and the Board, the General Manager is the proper person for all communications between individual employees and Board members. The General Manager is the proper person for employees to approach with concerns about their duties, recommendations for improvement of District operations, and needs for new equipment necessary to enhance operations.

Board members who desire or need staff to perform or modify significant work tasks should arrange for such work assignments through the General Manager rather than assign tasks directly to the employee.

11.11. Searches

All furniture, fixtures, equipment, lockers, and storage facilities of any type provided for employee use by the District are District property, and employees have no reasonable expectation of privacy connected to the use of District property. The District may conduct unannounced searches or inspections of the work site, including but not limited to District property used by employees such as lockers, file cabinets, desks and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee. The District may also conduct searches or inspections of the employee's personal property located on District premises, including vehicles parked on District parking lots if there is a reasonable basis to conclude that the search is necessary.

All searches must be authorized and conducted under the direction of the General Manager.

11.12. Professional Conduct

Employees and Board members are representatives of the District and are subject to public scrutiny at all times. Therefore, all employees and Directors are expected to conduct themselves in an exemplary and professional manner. The District expects courteous and respectful interpersonal communications at all times, both internally and with the public at large. This includes all interaction between individuals including, but not limited to verbal, written, email, and attitudinal. Professional disagreements and personality conflicts are expected to occur from time to time but should not escalate into unnecessary, antagonistic, aggressive, or argumentative behavior. The District views such actions as undesirable, counterproductive, and contrary to workplace harmony. Such situations are embarrassing, not only to the individuals involved but to the District as well, and should be avoided or addressed through the Formal Complaint Policy.

11.13. Felonies and Misdemeanors

Employees are required to immediately notify their Team Leaders or the General Manager if the employee is arrested, charged, indicted, or convicted of any felony or misdemeanor or receives deferred adjudication or pleads nolo contendere to any felony or misdemeanor. If an employee is imprisoned or otherwise unable to report for duty at the District as a result of a felony or misdemeanor arrest or charge, such absence will be an unexcused absence, and paid time off may not be used by the employee.

If an employee is arrested, charged, or indicted for a felony or misdemeanor involving a crime of moral turpitude or is accused by information of official misconduct or other serious criminal violation, the employee will be placed on administrative leave without pay until the matter is resolved. At the conclusion of the matter, the General Manager will decide whether the employee should be reinstated.

11.14. Outside Employment

Outside employment that creates a conflict of interest or that affects the quality or value of the employee's work performance or availability at the District is prohibited. The District recognizes that the employee may seek additional employment during off hours, but in all cases expects that any outside employment will not affect job performance, work hours, or scheduling, or otherwise

adversely affect the employee's ability to effectively perform their duties. Any conflicts should be reported to the Team Leader. Failure to adhere to this policy may result in discipline up to and including termination.

11.15. Authorization for Use of Personal Vehicle

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license, acceptable driving record, and appropriate insurance coverage. The District may run a motor vehicle department check to determine the employee's driving record. It is the employee's responsibility to provide a copy of their current driver's license and insurance coverage for their personnel file. Any changes in the employee's driving record, including, but not limited to, driving infractions or changes to their insurance policy, must be reported to the District.

If the employee uses their personal vehicle in the course and scope of employment, the employee shall not operate such vehicle while:

- Under the influence of drugs, alcohol, or any other substance that might impair judgment or ability to drive; or
- Texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

State law requires all motorists to carry auto liability insurance. It is against the law to drive without insurance. If the employee uses their own vehicle as a part of their employment duties, the employee must provide their Team Leader with a current proof of insurance statement or card. New proof of insurance is required every time the employee's policy expires and renews.

11.16. Bulletin Boards

The District maintains an official bulletin board located at the District office for providing employees with official District notices, including wage and hour laws, changes in policies, and other employment-related notices. At times the District may also post information of general interest to employees on the bulletin board. The employee is responsible for being informed about this material by periodically reviewing the bulletin board. Only authorized personnel may add and remove notices from the bulletin board.

11.17. Computer Security and Copying of Software

Software programs purchased and provided by the District are to be used only for creating, researching, and processing materials for District use. By using District hardware, software, and networking systems, the employee assumes personal responsibility for their use and agrees to comply with this policy and other applicable District policies, as well as city, state, and federal laws and regulations.

All software acquired for or on behalf of the District or developed by District employees or contract personnel on behalf of the District, is and will be deemed District property. It is the policy of the District to respect all computer software rights and to adhere to the terms of all software licenses to which the District is a party. The General Manager is responsible for enforcing these guidelines.

The employee shall not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject the employee and/or the District to both civil and criminal penalties under the United States Copyright Act.

The employee shall not duplicate, copy, or give software to any outsiders. The employee shall use software on local area networks or on multiple machines only in accordance with applicable license agreements entered into by the District.

11.18. Employer Sponsored Social Events

The District holds periodic social events. Be advised that an employee's attendance at these events is voluntary and does not constitute part of their work-related duties. Any exceptions to this policy must be in writing and signed by a Team Leader prior to the event.

11.19. Nonsolicitation/Nondistribution Policy

To avoid disruption of business operations or disturbance of employees, visitors, and others, the District has implemented a Nonsolicitation/Nondistribution Policy. For purposes of this policy, "solicitation" includes, but is not limited to, selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any organization. Solicitation performed through verbal, written, or electronic means is covered by the Nonsolicitation/Nondistribution Policy.

The employee is prohibited from soliciting other employees during assigned working time. For this purpose, working time means time during which either the employee engaging in solicitation or the employees who are the object of the solicitation are expected to be actively engaged with assigned work. An employee may conduct solicitations during their lunch period, coffee breaks, or other authorized nonworking time, so long as the employees does so when the other employees are also on nonworking time.

To avoid inappropriate litter, clutter, and safety risks, an employee may not distribute literature or other items that are not work-related in working areas at any time. Working areas do not include break/rest areas, lunch rooms, or parking lots. Electronic distribution of materials is prohibited during work time. Literature that violates the District's EEO and non-harassment policies (including threats of violence), or is knowingly and recklessly false, is never permitted. Non-employees are not permitted to distribute materials on District premises at any time.

This policy is not intended to restrict the statutory rights of employees, including the right to discuss terms and conditions of employment.

Violations of this policy should be reported to Team Leader.

11.20. Social Media Policy

At the District, we recognize the Internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social media. However, use of social media also presents certain risks and carries with it certain responsibilities. To minimize risks to the District, employees are expected to follow District guidelines for appropriate use of social media.

This policy applies to all employees who work for the District.

11.20.1. Guidelines

For purposes of this policy, **social media** includes all means of communicating or posting information or content of any sort on the Internet, including to the employee's own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether associated or affiliated with the District, as well as any other form of electronic communication.

District principles, guidelines, and policies apply to online activities just as they apply to other areas of work. Ultimately, the employee is solely responsible for what they communicate in social media. The employee is subject to discipline, up to and including termination of employment, for any violation of District policy resulting from the employee's use of social media.

11.20.2. Know and Follow the Rules

Ensure postings are consistent with these guidelines. Postings that include unlawful discriminatory remarks, harassment, and threats of violence or other unlawful conduct, will not be tolerated and may subject the employee to disciplinary action up to and including termination.

11.20.3. Be Respectful

The District cannot force or mandate respectful and courteous activity by employees on social media during nonworking time. If the employee decides to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful, slanderous, threatening, or that might constitute unlawful harassment. Examples of such conduct might include defamatory or slanderous posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, age, national origin, religion, veteran status, or any other status or class protected by law or District policy. An employee's personal posts and social media activity should not reflect upon or refer to the District.

11.20.4. Maintain Accuracy and Confidentiality

When posting information:

- Maintain the confidentiality of trade secrets, intellectual property, and confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or

business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the District.

- Do not create a link from your personal blog, website, or other social networking site to a District website that identifies you as speaking on behalf of the District.
- Never represent yourself as a spokesperson for the District. If the District is a subject of the content you are creating, do not represent yourself as speaking on behalf of the District. Make it clear in your social media activity that you are speaking on your own behalf.
- Respect copyright, trademark, third-party rights, and similar laws and use such protected information in compliance with applicable legal standards.

11.20.5. Using Social Media at Work

An employee will not use social media while on work time, unless it is work related as authorized by a Team Leader or consistent with policies that cover equipment owned by the District.

11.20.6. Media Contacts

Do not speak to the media on behalf of the District unless authorized to do so. Direct all media inquiries for official District responses to the General Manager.

11.20.7. Retaliation and Your Rights

Retaliation or any other negative action is prohibited against anyone who, based on a reasonable belief, reports a possible deviation from this policy or cooperates in an investigation. Those who retaliate against others for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employees from communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. All employees have the right to engage in or refrain from such activities.

11.21. Third Party Disclosures

From time to time, the District may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If such a contact is received, the employee should not speak on behalf of the District and should refer any call requesting the position of the District to the General Manager. If the employee has any questions about this policy or is not certain what to do when such a contact is made, contact the General Manager.

11.22. Use of Employer Credit Cards

All employees in possession of the credit card issued by the District will adhere to the strictest guidelines of responsibility for the protection and proper use of that card. Approved purchase orders must be turned into the Administrative Team for any credit card charge.

Submit all sales receipts generated by use of the District credit card to the Administrative Team. The District credit card may not be used for personal reasons. Use of the District credit card is restricted to approved business-related expenses.

Immediately report lost or stolen District cards to a Team Leader. Failure to follow this policy may result in disciplinary action up to and including discharge.

11.23. Payroll Advances and Loans

The District does not offer payroll advances or loans.

12. RESOLVING PROBLEMS / THE FORMAL COMPLAINT POLICY

The District values harmonious working relationships and fair terms and conditions of employment. All employees are encouraged to attempt to resolve any complaints or concerns regarding their terms and conditions of employment with their coworkers and/or immediate Team Leaders and General Manager. If complaints or concerns cannot be resolved informally in this manner, the employee has not only a right but an obligation to seek redress. Such redress may result in either the resolution of the problem or the transmittal of information to the employee as to why the conditions leading to a concern exist/persist and cannot be resolved to the satisfaction of the employee. This process begins with preparing a written complaint, providing as many specifics about the issue as possible, which is transmitted to the General Manager within a reasonable amount of time after the event, or an example of the event, giving rise to the complaint. The time limitation is not intended to be proscriptive, rather it is provided solely to foster accurate and verifiable information. The General Manager will consider the complaint, conduct an investigation if appropriate, and provide a written decision to the complainant within 30 days of receipt of the complaint. The General Manager's decision is final, except as provided in the paragraph below.

In the event the complaint is about or against the General Manager, including failure by the General Manager to address previous written complaints filed in accordance with this policy, the written complaint may be filed with the Board's Personnel Committee which will consider the complaint, conduct an investigation if appropriate, and as warranted make a recommendation to the full Board for resolution of the complaint within 30 days of receipt of the complaint. The Board will make a decision on the complaint at its first meeting following receipt of the Personnel Committee's recommendation or at a later meeting if necessary.

Before filing a written complaint under this policy, the employee should consider the following:

- Is this matter significant enough to take the time necessary for the General Manager or Board to go through the process of resolving it?
- Have I given my best efforts to working this problem out informally?
- After putting my complaint in writing, am I still convinced that it is important enough or is appropriate to file a complaint?
- Does my written complaint state my complaint concisely, does it cover the essential facts, and does it stick to the point?
- Have I prepared documentation to provide any necessary copies?
- Have I followed applicable procedures or protocol such as discussing the issues with the appropriate administrative employee in the District staff structure prior to filing a complaint, and am I still within the time constraints set out in this policy?

- Have I utilized a “cooling off” period? Am I filing a reasonable complaint that is based on fact and is not driven by emotion?

If the complainant can honestly answer “yes” to each of these questions, then it is the right of the employee to pursue the formal complaint process in an effort to seek resolution to the issue in question and provide for a more productive working environment fostered by mutual trust and respect.

Examples of work-related matters about which a District employee may submit a formal written complaint include, but are not limited to, the following:

- Written reprimand
- Probation
- Suspension with or without pay
- Demotion
- Violation of District policies
- Verbal, emotional, or physical abuse including, but not limited to, assault
- Conflicts of personality and unprofessional conduct detrimental to the District and its mission
- Violation of state or federal law
- Unlawful discrimination or harassment including sexual harassment.

Complaints regarding discrimination or harassment are governed by the District’s EEO Policy.

The District will keep all matters pertaining to formal complaints confidential to the extent possible without jeopardizing the effectiveness of any required investigation.

Retaliation is prohibited. No employee who has filed a formal complaint or who has cooperated in the investigation of a formal complaint may be retaliated against. All allegations of retaliation should be made in writing to the General Manager, or to the President of the Board if the allegation involves the actions of the General Manager.

13. TERMINATION

13.1. Resignation

Employees are requested to give at least two weeks notice in writing prior to voluntary termination. Two weeks notice is required for payment of accrued vacation time. At the option of the General Manager, the employee may be required to take unused vacation during the termination notice period. Vacation and sick time will continue to accrue during the two-week notification period.

All keys and District property must be returned before the last working day.

13.2. Disciplinary Action

The District, in its selection process, makes every effort to hire individuals who will be able to perform to District standards. There are times, however, when an employee does not conform to District standards and is subject to discipline. Violation of District policies may result in (but is not limited to) the following disciplinary action: oral reprimands, written reprimands, suspension with or without pay, probation, performance improvement plans, and/or employment termination. Generally, discussions with supervisors and attempts to remedy problems precede termination. However, immediate termination without prior discipline may result when the severity of the infraction or the best interest of the District requires such action.

13.3. Job Abandonment

If an employee fails to show up for work or call in with an acceptable reason for the absence for a period of three consecutive days, the employee will be considered to have abandoned their job and voluntarily resigned from the District.

Employees who do not return to work after approved leave will be considered to have abandoned the position, and their employment will be terminated immediately. An employee who fails to return to work after the expiration of approved leave will be required to reimburse the District of the District's portion of health premiums paid during the leave, unless the reason the employee fails to return is a serious health condition which prevents the employee from performing his or her job, or if the circumstances are beyond the employee's control.

13.4. Workforce Reductions (Layoffs)

If necessary, based upon unexpected budget restrictions, the District management may decide to implement a reduction in force (RIF). We acknowledge that RIFs can be a trying experience for all involved, and the District will make its best effort to make sound business decisions while acknowledging the needs of its workforce.

13.5. Criminal Activity/Arrests

Involvement in criminal activity during employment, whether on or off the District property, may result in disciplinary action including suspension or termination of employment. Disciplinary

action depends upon a review of all factors involved, including whether or not the action was work-related, the nature of the act, or circumstances that adversely affect attendance or performance. Any disciplinary action is not dependent upon the disposition of any case in court.

Employees are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action, up to and including termination of employment, for violation of an attendance policy or job abandonment.

Any disciplinary action taken will be based on information reasonably available. This information may come from witnesses, police, or any other source as long as management has reason to view the source as credible.

13.6. Exit Interview

An employee may be asked to participate in an exit interview when leaving the District. The purpose of the exit interview is to provide management with greater insight into the employee's decision to leave employment; identify any trends requiring attention or opportunities for improvement; and to assist the District in developing effective recruitment and retention strategies. An employee's cooperation in the exit interview process is appreciated.

13.7. Post-Employment Reference Policy

The District policy is to confirm dates of employment and job title only. With written authorization, the District will confirm compensation. Forward any requests for employment verification to the General Manager.

13.8. Severance Policy

A severance package is not legally required of employers. Severance packages are benefits, and with few exceptions, providing benefits is optional for employers in the United States. However, the District offers a severance package to full-time employees who have worked at the District for at least one full year and that are terminated without cause. Severance is equal to one week of salary for each full year that employee is employed full-time by the District, to be pro-rated for any time worked less than a full year, upon termination without cause. This amount will be payable to the terminated employee in one lump sum at the time the last paycheck is scheduled to be paid.

Additional matters which may result in disciplinary action and which may constitute "cause" for which a severance payment is denied include, but are not limited to, the following: unsatisfactory job performance, repeated tardiness or excessive absences, insubordination, illegal acts, dishonesty, falsification of District records, failing to follow health and safety rules, breaches of security, job abandonment, violation of District employment policies, conviction of a felony offense, conduct which brings discredit to the District or which constitutes a conflict of interest with the employee's duties to the District, violations of the District Code of Ethics, or destruction of District property.

APPENDIX A

1. Ethics Policy

1.1. General Statement of Policy

It is the policy of the District that the Board of Directors, employees, and agents conduct themselves in a manner consistent with sound business and ethical practices; that the public interest is paramount in all District actions; and that even the appearance of impropriety be avoided to ensure and maintain public confidence in the District. District Directors and employees are public servants subject to state ethics laws.

1.2. The Purpose of the Policy

- A. To encourage high ethical standards in official conduct,
- B. To establish guidelines for ethical standards of conduct for all District officials and employees as public servants,
- C. To increase public confidence that the resources of their government are not used for unwarranted direct or indirect enrichment of governmental decision-makers or their close advisers, and
- D. To eliminate or at least diminish any incentive for private interests to conduct private financial transactions with governmental decision-makers or their close advisers for the purpose of securing a special advantage in competition for governmental contracts for services and goods.

1.3. Standards of Conduct

- A. No District official, employee, or agent shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District.
- B. No District official, employee, or agent shall use his/her office or position or any confidential information received through his/her holding of a District position to transact any business in his/her official capacity with any person or entity in which he/she, or a member of his/her immediate family, has an interest except in accordance with procedures provided for in Section 6.
- C. No District official or employee may solicit, accept, or agree to accept an honorarium in consideration for services that he or she would not have been requested to provide but for his or her official position or duties with the District.
- D. A District official, employee, or agent who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the District may not solicit, accept, or agree to accept any benefit from a person known to be or likely to be interested in a transaction involving the official's, employee's, or agent's discretion.

E. No District official, employee, or agent may solicit, accept, or agree to accept any benefit from a person the individual knows to be subject to regulation, inspection, or investigation by the individual or by the District.

A “benefit” under paragraphs D and E above, does not include any of the following:

- A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.
- A political contribution.
- An item with a value of less than \$25.00 (excluding cash or a negotiable instrument).
- Transportation, lodging, and meals in connection with a conference or similar event in which the public servant renders services that are more than merely perfunctory such as addressing an audience or participating in a seminar.
- Food, lodging, transportation, or entertainment accepted as a guest if the employee or Board member is required by law to report those items and does so report.

A District employee may not provide to others gifts, entertainment, or services on behalf of the District that could not be accepted under this policy.

1.4. Communication of Ethics Policy

All Directors and employees shall be provided a copy of the District Ethics Policy. Employees shall sign a *Statement of Affirmation* upon employment,. A copy of the signed *Statement of Affirmation* will be retained in the employee's personnel file.

The Ethics Policy shall be made available to District vendors, contractors, financial institutions, and professional consultants upon engagement of services. The Policy shall also be made available to prospective vendors and contractors submitting bids for services.

1.5. Financial Reporting of Directors

Each District Director must comply with the financial reporting requirements of the Texas Election Code, Title 15, Chapter 254.

A Director who becomes a candidate is subject to the reporting requirements for candidates as set forth in §§ 254.061 - 254.088 of the Texas Election Code.

1.6. Conflict of Interest

A. Affidavit and Abstention from Voting [Local Government Code Section 171.004 (Vernon Supp. 1992)]

1. If a Director has a substantial interest in a business entity or in real property, the Director shall file, before a vote or a decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:
 - a. in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or,
 - b. in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
2. The affidavit must be filed with the General Manager of the District.
3. If a Director is required to file and does file an affidavit, the Director is not required to abstain from further participation in the matter requiring the affidavit if a majority of the Directors are likewise required to file and do file affidavits of similar interests on the same official action.

B. Voting on Budget [Local Government Code, Section 171.005 (Vernon Supp.1992)]

1. The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Director has a substantial interest.
2. Except as provided by this Section, the affected Director may not participate in that separate vote. The Director may vote on a final budget if: (a) the Director has complied with the provisions of this Section; and (b) the matter in which the Director is concerned has been resolved.

C. Definitions

1. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized by law. (Local Government Code, Section 171.001)
2. For purposes of this policy, a Director has a substantial interest in a business entity if:
 - a. The Director owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more, or \$15,000 or more, of the fair market value of the business entity; or
 - b. Funds received by the Director from the business entity exceed 10% of the Director's gross income for the previous year.
3. A Director has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

4. A Director is considered to have a substantial interest under this Section if a person related to the Director in the first degree by consanguinity or affinity has a substantial interest under this Section. (Local Government Code, Section 171.002)

E. Prohibited Acts/Penalties (Local Government Code, Section 171.003)

1. A Director commits an offense if the Director knowingly
 - a. violates any of the Sections above,
 - b. acts as a surety for a business entity that has work, business or a contract with the District, or
 - c. acts as a surety on any official bond required of a Director of the District.
2. An offense under this section is a Class A misdemeanor.

1.7. Revolving Door

No District Director or employee may represent an interest other than the District's in front of the Board of Directors for 90 days after termination of employment/term of office with the District.

1.8. Remedies

If it is determined that a violation of this Ethics Policy occurred by an employee, the General Manager shall proceed promptly to determine the appropriate penalty. Appropriate documentation of the violation, findings, and penalty will be maintained in accordance with the personnel policies of the District.

If it is determined that a violation of this Policy occurred by a District official, Director or agent, the Board shall proceed promptly to determine the appropriate action.

Criminal penalties apply for violations of State ethics laws.

Ethics Policy

Statement of Affirmation

I acknowledge that I have received a copy of the District Ethics Policy. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I agree to abide by them.

Signature of Employee

Date:

Print Name

Employee's Social Security #

APPENDIX B

1. Policy for a Drug-Free Workplace

1.1. Purpose

The objective of this policy is to develop a drug and alcohol-free workplace to help ensure a safe and productive workplace and to provide education and treatment to District employees. In order to further this objective, the following rules regarding alcohol and controlled substances in the workplace have been established.

- The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance on District property is prohibited.
- Being under the influence of alcohol or controlled substances on District property, while engaged in the business of the District, or while otherwise representing the District is prohibited. Possession and use of prescription drugs on District property is permitted only if the employee has a valid prescription from a doctor. Excessive, abusive, or hazardous use of either prescription or over-the-counter drugs on District property is prohibited.
- Employees who violate this policy are subject to appropriate disciplinary action including termination.
- The policy applies to all employees of the District regardless of rank or position, and includes full-time, temporary, part-time, and contract personnel.

1.2. Definitions

- **District Premises:** All District property including buildings, vehicles, lockers, and parking lots.
- **District Property:** All District-owned or leased property used by employees such as buildings, offices, vehicles, lockers, desks, closets, etc.
- **Controlled Substance:** Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S812), as amended. In general, it is any drug or derivative thereof, of which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, local law or regulation; any other drug including (but not limited to) a prescription drug, used for any other reason other than a legitimate medical reason; and inhalants used illegally.
- **Drug:** A drug is any chemical substance that produces physical, mental, emotional, or behavioral changes in the user.

- **Drug Paraphernalia:** Equipment, products, or materials that are used or intended for use in concealing an illegal drug, or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
- **Fitness for Duty:** The physical ability to work in a manner suitable for the job. To determine "fitness," a medical evaluation may include drug and/or alcohol testing.
- **Reasonable Cause:** Supported by evidence strong enough to establish that a policy violation has probably occurred.
- **Under the Influence:** A state of having a blood alcohol concentration of 0.08 or more, where "alcohol concentration" has the meaning assigned to it in Texas Penal Code section 49.01, or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

1.3. General Policy Provisions

Any of the following actions constitute a violation of this Policy and may subject an employee to disciplinary action including termination:

- Using, selling, purchasing, transferring, possessing, manufacturing, or storing a controlled substance or drug paraphernalia, or attempting or assisting another to do so while in the course of employment or engaged in a District sponsored activity, on District premises, in District owned, leased or rented vehicles, or on District business.
- Working or reporting to work, conducting District business, being on District premises or in a District owned, leased or rented vehicle while under the influence of a controlled substance or alcohol, or while in an impaired condition.

1.4. Preventive Acts

- Employees taking drugs prescribed by an attending physician must advise the General Manager in writing of any possible side effects such medication may have regarding their job performance and physical/mental capabilities. This written information must be kept confidential and communicated to the General Manager prior to the employee commencing work. All medical information will be kept confidential and the employer, without exception, will punish any breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original containers.
- Any employees involved in a work-related accident where alcohol or drugs are believed to be a contributing factor will be referred to the General Manager and District Board of Directors in addition to other accident investigation activities.

1.5. Drug Testing

Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or an accident involving injury to a third party or damage to District property or the property of

another if there is a reasonable suspicion of alcohol or drug use. Employees engaged in safety-sensitive job duties may be randomly tested for alcohol or drug use. Safety-sensitive duties are those which involve the safety of the employee or of third parties and include without limitation operation of any vehicle or equipment for which a commercial driver's license is required.

1.6. Mandatory Reporting of Convictions

Employees are required to provide written notice to the General Manager within five calendar days of a conviction or deferred adjudication for violation of any criminal drug law, driving while intoxicated, driving under the influence, or vehicle homicide (including a plea of nolo contendere).

1.7. Employee Assistance Program

The District will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from an Employee Assistance Program (EAP) referral will be the responsibility of the employee, but may be partially covered under the District's health insurance.

When suspected or documented job impairment due to alcohol or drug use has been observed and identified, a Team Leader will refer to the General Manager who may recommend participation in the EAP. Any action taken by the General Manager, however, will be based on job performance.

General Manager referrals to the EAP will include the employee's release of information consent forms to be returned to the General Manager by the EAP. Refusal to participate in or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time as determined by the drug counselor, the employee is subject to progressively corrective action, up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is dealt with and the higher the success rate. Self-referral will not be the basis for corrective actions but does not preclude the District's use of corrective actions based on job performance. The General Manager may allow time for completion of self-referral to an EAP-directed program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regard to use of sick leave or comp time. Sick leave may be taken as needed, while comp time must be pre-approved.

1.8. Coordination with Law Enforcement Agencies

The sale, use, purchase, transfer or possession of a controlled substance or drug paraphernalia is a violation of the law. The District will report information concerning sale, possession, purchase, transfer, or use of any controlled substances on District premises to law enforcement officials and

will turn over to the custody of the law enforcement officials any such substances found during a search of an individual or property. Searches of lockers, desks or closets will only be conducted when based on reasonable cause. The District will cooperate fully in the prosecution and/or conviction of any violation of the law.

1.9. Reservation of Rights

The District reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of the policy, procedures, or benefits herein.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason and the District retains the right to terminate any employment at any time.

1.10. Other Laws and Regulations

The provisions of this policy shall apply in addition to, and shall be subordinate to, any requirements imposed by applicable federal, state or local laws, regulations, or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.

Drug-Free Workplace Policy

Employee Acknowledgement

I acknowledge that I have received a copy of the Drug-Free Workplace Policy. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I agree to abide by them.

Signature of Employee

Date:

Print Name

Employee's Social Security #

APPENDIX C

1. Policy on Suspected Misconduct and Dishonesty (Fraud Policy)

1.1. Introduction

Like all organizations, the District is faced with risks from wrongdoing, misconduct, dishonesty and fraud. As with all business exposures, the District must be prepared to manage these risks and their potential impact in a professional manner.

The impact of misconduct and dishonesty may include:

- the actual financial loss incurred
- damage to the reputation of the organization and its employees
- negative publicity
- the cost of investigation
- loss of employees
- damaged relationships with permittees and constituents
- litigation
- damaged employee morale

The goal is to establish and maintain a business environment of fairness, ethics and honesty for employees, permittees and anyone else with whom the District has a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

The District is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

1.2. Purpose

The purpose of this document is to communicate the District's policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instruction regarding appropriate action in case of suspected violations.

1.3. Definition of Misconduct and Dishonesty

For purposes of this policy, misconduct and dishonesty include but are not limited to:

- acts which violate the District's Ethics Policy
- theft or other misappropriation of assets, including assets of the company, customers, suppliers or others with whom the District has a business relationship

- misstatements and other irregularities in company records, including the intentional misstatement of the results of operations
- wrongdoing
- forgery or other alteration of documents
- fraud and other unlawful acts
- any similar acts

The District specifically prohibits these and any other illegal activities in the actions of its employees, manager, and Board of Directors and others responsible for carrying out the District's activities.

1.4. Policy and Responsibilities

1.4.1. Reporting

It is the responsibility of every employee, manager and Board Director to immediately report suspected misconduct or dishonesty to the General Manager. The General Manager, when made aware of such potential acts, must immediately report such acts to the Board President and the District's legal representative. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden.

Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Managers, while appropriately concerned about "getting to the bottom" of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Concerned but uninformed managers represent one of the greatest threats to proper incident handling. All relevant matters, including suspected but unproved matters, should be referred immediately to those with follow-up responsibility.

1.4.2. Additional Responsibilities of Managers

All employees have a responsibility to report suspected violations. However, employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. Specifically, personnel with supervisory or review authority have three additional responsibilities.

- First, you must become aware of what can go wrong in your area of authority.
- Second, you must put into place and maintain effective monitoring, review and control procedures that will prevent acts of wrongdoing.
- Third, you must put into place and maintain effective monitoring, review and control procedures that will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these three additional responsibilities is often delegated to subordinates. However, accountability for their effectiveness cannot be delegated and will remain with the managers.

Assistance in effectively carrying out these responsibilities is available upon request through the General Manager.

1.4.3. Responsibility and Authority for Follow-Up and Investigation

The General Manager and the District's legal representative have the primary responsibility for all investigations involving the District.

Properly designated members of the investigative team will have:

- free and unrestricted access to all company records and premises,
- the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow-up procedures.

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws.

1.4.4. Reported Incident Follow-Up Procedure

Care must be taken in the follow-up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that a follow-up and investigation is underway, and to avoid making statements which could adversely affect the District, an employee, or other parties.

Accordingly, the general procedures for follow-up and investigation of reported incidents are as follows:

- Employees and others must immediately report all factual details as indicated above under this Policy.
- The General Manager has the responsibility for follow-up and, if appropriate, investigation of all reported incidents.
- All records related to the reported incident will be retained wherever they reside.
- Do not communicate with suspected individuals about the matter under investigation.
- The General Manager may also obtain the advice of the District's legal representative at any time throughout the course of an investigation, steps, proposed disciplinary action or any anticipated litigation.
- Neither the existence nor the results of investigations or other follow-up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.

- All inquiries from an attorney or any other contact from outside of the District, including those from law enforcement agencies or from the employee under investigation, should be referred to the District's legal representative.

Investigative or other follow-up activity will be carried out without regard to the suspected individual's position, level or relationship with the District.

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy and its related responsibilities should be addressed to the District's General Manager, who shall be responsible for the administration, revision, interpretation, and application of this policy.

Approval

General Manager

Date

Acknowledgment

My signature signifies that I have read this policy and that I understand my responsibilities related to the prevention, detection, and reporting of suspected misconduct and dishonesty.

I further acknowledge that I am not aware of any activity that would require disclosure under this or other existing company policy or procedure statements.

Signature: _____

Print Name: _____

Date Signed: _____

APPENDIX D

1. Travel Policy

1.1. Purpose

The District Travel Policy is designed to establish clear and uniform policies for official District travel costs reimbursement, clearly identify travel expenses eligible for reimbursement by the District, and to serve as a guide for the accounting and proper reporting of travel-related expenses.

Events which are considered District business include seminars, training, meetings, field trips, conferences, educational events, exhibitions, expositions, and any other related events pertaining to the Travel Criteria.

1.2. Travel Criteria

To make the trip applicable to the Travel Policy, the goal of the trip has to meet one or more of the following criteria:

- It deals specifically with subjects that would directly benefit the District or which are part of the District's activities,
- It has a direct bearing on the professional competence of District personnel or Board, or
- It involves matters of general interest to groundwater planning, management, protection, enhancement, conservation, and other subjects pertinent to the District's business and activities.

There are four types of travel locations:

- Local: within the District's jurisdiction and greater Austin area,
- Out-of-Town: beyond the local area above and within the borders of the State of Texas,
- Out-of-State: beyond the boundaries of the State of Texas, and
- International: beyond the boundaries of the United States of America.

1.3. Responsibilities

1.3.1. Employee

The employee is responsible for being conservative and prudent to maximize economy and efficiency when incurring expenses while traveling on District business. The employee is responsible for following the Travel Policy while involved in any event related to District travel and reimbursement, including booking and/or verification of reservations and other travel arrangements, keeping receipts, and applying for timely reimbursement.

1.3.2. General Manager

The General Manager is responsible for: 1) providing and periodically revising a written policy concerning the incurring and reimbursement of travel expenses on District business, 2) requesting

approval from the Board for all staff out-of-state travel, 3) informing the Board on all other approved travel, 4) approving travel expenditures submitted for reimbursement, and 5) authorizing payment of a per diem if appropriate.

The General Manager has the discretion to: 1) approve local and out-of-town travel within the state that has been previously approved in the operating budget; 2) purchase or authorize purchase of education, conservation, pollution and/or other related materials to be used by the District while attending meetings with state agencies, political subdivisions, conferences/seminars, or other similar events; 3) authorize travel cash advances; and 4) purchase or authorize the purchase of food and/or non-alcoholic beverages within budget constraints.

1.3.3. Board of Directors

The Board is responsible for approving the written policy concerning the incurring and reimbursement of travel expenses on District business which is provided and periodically revised by the General Manager; and for approving the General Manager's request for all staff and Board travel out-of-state.

The Board President will approve travel expenditures submitted for reimbursement in the absence of the General Manager. The Board Vice President will approve travel expenditures submitted for reimbursement in the absence of the Board President.

1.3.4. District

The District's General Manager and accounting staff are responsible for approval and payment of all actual and necessary expenses for employees who must be away from their regular assigned place of employment. Reimbursement will be based on a properly completed and approved expense reimbursement request or travel expense report (TER) form.

The District's General Manager and accounting staff will also implement and monitor the approved travel budget, and report all travel expenditures under proper accounting codes and according to approval procedure.

1.4. Liabilities

1.4.1. Employee and/or Director

The traveling employee and/or Director is responsible for their own safety and incidental personal belongings while traveling on District business; any fines and/or tickets resulting of their own doing or personal account; personal purchases; any loss of funds provided by the District for travel expenses; and for the expenses of their accompanying spouse, child, or any companion who is not employed by the District nor on the Board.

1.4.2. District

The District will not be responsible for an employee's incidental personal belongings while traveling on District business; any fines and/or tickets resulting of their own doing or personal account; personal purchases; any loss of funds provided by the District for travel expenses; and

for the expenses of their accompanying spouse, child, or any companion who is not employed by the District nor on the Board.

1.5. Forms

The two forms that may be used for travel expense reporting are the Request for Reimbursement of Employee/Director Expenses and the Travel Expense Report (TER).

1.5.1. Travel Expense Report

The TER Form is used to report expenses associated with overnight travel, and for reimbursing out-of-pocket, non-prepaid expenses that are incurred associated with overnight travel. The TER Form is used in two ways:

1.5.2. Request for Cash Advances or Per Diem

Any request for authorization for cash advances or per diem should be entered on the TER form and submitted for approval to the General Manager at least 15 days prior to travel date. Under normal circumstances, the District will issue a check for advances on the payday prior to the travel unless there are special circumstances. Cash advances are based on actual per diem rates or other known expenses. Travel advances will be provided at the discretion of the General Manager, depending on the type and purpose of the trip involved.

If the employee elects to be reimbursed for meals and incidental expenses on a per-diem basis rather than actual cost basis, the TER must be used as a per-diem authorization. Fill out the header information and the per-diem column only, including the total per-diem requested, and get it authorized by the appropriate signature authority before leaving on a trip. The employee must elect and be paid for per-diem before the trip is taken, with the per-diem paid by District check to the employee, so this form for your per-diem funds should be submitted several work days before the beginning of the trip. Keep a copy of this TER Form.

After the trip, receipts and documentation of expenses shall be submitted to accounting as proof of expenditure to be processed and filed with the request for reimbursement. Any cash not spent should be returned to accounting. In the event of cancellation, all cash advances shall be returned to the District.

1.5.3. Travel Expense Reporting

All eligible overnight travel expenses should be recorded on a TER form and submitted with supporting receipts to accounting as soon as possible after the trip is completed. Requests for expense reimbursement that are older than two months, absent extreme circumstances, will not be reimbursed.

After the employee returns from a trip, another TER is submitted with all approved additional expenses, to be approved by the appropriate signature authority. If the employee elected to use per-diem, include that cost (to the District) on the trip expense total, and also as a pre-paid expense item, attaching the copy of the approved TER that was used to receive the per-diem before the

trip, along with other trip receipts, as documentation. If an employee's personal vehicle is used either as the primary means of travel on the overnight trip or to go to and from the airport on a business trip, keep track of those miles and put the cost of those miles, at the prevailing IRS mileage rates, on the TER as "Local Mileage." The employee must also fill in the account(s) the travel expenses should be charged to at the bottom of the TER, which must add up to the total expense of the trip. The trip total should include all expenses and receipts and documentation related to the trip, including conference registration fees that were separately prepaid by the District.

According to federal regulations defining what is a deductible business expense, an employee may request and be paid only for $\frac{3}{4}$ of one day's per diem on each of the trip's travel days (i.e., outbound and inbound days), regardless of how and what time of day was spent traveling. Also, if the employee will incur a relatively large expense for business travel several months in advance on some personal account, then the employee has the option of using the District credit card rather than a personal credit card for such expenses; if this option is selected, then such District charge-card purchases must also be shown as a District Prepaid Expense on the TER that is submitted after the trip so that accounting can associate that with the trip. Business charges to personal credit cards are not eligible for the state sales tax exemption.

Regardless of when, what type, size, or purpose of business expense is incurred, if it is charged to the District credit card, it must be reported with receipts attached immediately upon the employee's next return to the office, even if that expense is for a trip that hasn't happened yet, or for a purchase that hasn't been received yet. If it is beyond the employee's signature authority, then a Purchase Order (P.O.) must be completed and appropriately authorized for that purchase, again ideally in advance of such purchase using the District credit but otherwise immediately thereafter.

1.6. Expenses Eligible for Reimbursement

All expenses must be itemized with a description of the expense to include the date the expense was incurred, the amount to be reimbursed, and applicable receipt/documentation to be attached to the appropriate form.

1. **Mileage:** Based on the current year's IRS Standard Mileage Reimbursement Rate. Whenever practical, an employee should make arrangements to use the District vehicles, especially for local and same-day travel.

All employees using their personal vehicles for District business must have a valid Texas driver's license and carry the minimum type and level of insurance required by state law. The District will reimburse employees using their personal vehicles for District business, as defined by this Travel Policy, for up to \$250.00 for the payment of personal insurance deductibles incurred as a result of loss or damage to an employee's personal vehicle, provided the employee must not be judged at fault in a police report concerning the incident.

- Employee's personal vehicle use on District-related matters at all times may be reimbursed.
 - Directors traveling on District business are entitled to receive mileage reimbursement.
2. **Transportation:** Actual expenses and approved documentation required for transportation expenses incurred in District related business (e.g., taxi, bus, air, car rental, gasoline, etc.).
 3. **Parking and Tolls:**
 - Parking meters (actual expenses, no documentation required).
 - Garages and lots where receipts are available (actual expenses, approved documentation required).
 4. **Meals and Gratuities:**
 - When receiving per diem, no documentation required. The General Manager may authorize a per diem while on District business or traveling based on IRS Federal Per Diem rates for the destination city, or the closest city to the travel destination.
 - When not receiving per diem, actual expenses for food and non-alcoholic beverages while traveling on District business; approved documentation required.
 5. **Lodging:** On out-of town trips and other District business (actual expenses, approved documentation required).
 6. **Training, seminars, conferences, conventions and similar events:** For registration, books and supplies (actual expenses, approved documentation required).
 7. **Purchasing education, conservation and related materials:** Purchases within the individual employee's purchasing authority (actual expenses, approved documentation required).

8. **Photocopies and/or other related services** for District business: (actual expenses, approved documentation required).

1.7. Expenses Not Eligible for Reimbursement

The District will not be responsible for certain expenses, including but not limited to the following:

1. Loss of personal funds or property, as defined by this Travel Policy, unless resulting from a District act;
2. Personal entertainment expenses including alcoholic beverages, movies, shows, videos, carnivals, places of attraction, and/or any costs not relevant to District business, unless part of a conference or related event;
3. Excess baggage charge for personal belongings;
4. Unauthorized expenses for car rental and registration fees;
5. Expenses of employee's or Director's accompanying spouse, child, or any companion who is not employed by the District or does not serve on the Board of Directors.

1.8. Tax Exemptions

Where possible, all eligible tax exemptions should be utilized. Employees and/or Directors are responsible for obtaining tax exemption certificates to be used during their travel. Tax exemption certificates are available from the District's accounting staff and should be carried when traveling.

1.9. Booking Policies

This section is for flights, lodging, or any other items requiring advance booking. All bookings should be made as early or as timely as possible and should involve the lowest or most reasonable prices on the market, taking into account the needs of the traveler and the purpose of the trip. Booking expenses should be refundable or exchangeable whenever practical. Bookings should consider savings offered by traveling off-peak hours, weekends, and special offers if available, and which save time or money for the District.

1.10. Expenses for District Business-Related Guests

Expenses for District guests are subject to approval by the General Manager with consideration of specific circumstances. The Travel Policy restrictions and benefits applied to District guests are the same as to District employees or Directors.

1.11. Reimbursement and Accounting for Travel Expenses

All original receipts as described in the section "Expenses Eligible for Reimbursement" and/or proper documentation for incurred travel expenses must be submitted within 60 days of travel to

Accounting staff. This will allow job-related charges to be billed to specific accounts within a reasonable period after the expenses were incurred.

If a receipt is lost, the employee or Director will be required to itemize the expense on their expense reimbursement request or TER form. The General Manager must approve this expenditure.

Accounting staff is responsible for ensuring that all entries of travel expenses for reimbursement are appropriate, complete and up-to-date; and for providing complete information on past travel expenses whenever necessary. All travel expenditures submitted for reimbursement must be approved by the General Manager.

1.12. Prohibitions

All restrictions and benefits outlined in the District Travel Policy apply to the Board and persons employed by the District and their guests. Anyone who files a false expense reimbursement request or TER form may be subject to disciplinary and/or legal action.

APPENDIX E

1. Employee Incentive Compensation Plan

In addition to cost-of-living and other approved salary increases that occur at the start of the fiscal year, the compensation of all eligible staff of the District will be augmented by a non-recurring incentive component, provided certain conditions are met during the course of the year. This incentive compensation component will be paid to those staff members who achieve or satisfy individual objectives that are established between the individual staff member and the General Manager at or near the start of each fiscal year. Changes in the objectives or deliverables for a previously authorized project under the Incentive Compensation Plan may be approved by the General Manager only if the employee demonstrates reasonable cause, including extenuating or unforeseeable circumstances, and is subject to Board concurrence. Changes in the compensation available to an employee under the Incentive Compensation Plan for a fiscal year may be made only before the start of the fiscal year; that is, it is not a discretionary program or expense.

1.1. Eligibility of Participants

All regular employees (i.e., not temporary employees) who are in good standing (i.e., not on probation) at the end of the fiscal year, and also who have been or will have been employees of the District for at least one year at the end of the fiscal year, are eligible for participation in the Incentive Compensation Program for that fiscal year. Both exempt and nonexempt employees are eligible to participate.

1.2. Incentive Amount

The incentive compensation pool will be established as part of the approved budget at the start of each fiscal year. Government labor laws require the District to specify in advance the amount of additional, incentive compensation that each staff member would be paid if he or she meets the prescribed conditions. The amount to be paid to an eligible employee from the approved pool will be indexed, first, to the percentage of that employee's actual salary budgeted in that fiscal year to the total salaries budgeted for all eligible employees, and then, further indexed to the percentage of the pre-defined individual objectives, by whole numbers, that the employee achieves. Accordingly, for any one individual employee, each goal will have an identical incentive compensation value.

1.3. Individual Employee Objectives

For each fiscal year, each employee will establish with the General Manager a set of designated individual objectives to be accomplished during the upcoming fiscal year, after the budget for that year has been approved. These statements will reflect accomplishment of programmatic goals that relate to important roles in the budgeted work of the teams that the employee substantively supports, personal and/or professional development goals, goals related to meeting specific staff guidelines or other organizational cultural needs, and other special projects or initiatives for the employee that are negotiated with the General Manager. Inputs from Team Leaders and colleagues

may be sought by the General Manager in assessing if a particular objective for an employee has been achieved, but the General Manager will make the final determination of how many individual objectives have been achieved for each individual.

The objectives will be achievable within the budgeted funds, and the General Manager will be a partner in helping the employee achieve those goals. Each of the objectives for any one employee will be valued the same, so each also will be established to be, to the extent practicable, similar in importance to the District.

The General Manager will also attempt to normalize the degree of difficulty in earning incentive compensation dollars proposed among the staff members. For example, the individual objectives for the more senior, higher-paid members of the staff will generally represent more “stretch goals” and/or ones that are of more strategic or tactical importance.

1.4. General Manager Participation

Provided the eligibility requirements above are met, the General Manager will participate in the Incentive Compensation Plan in a similar, but slightly different fashion. The General Manager’s individual objectives will be set by the Board near the start of each fiscal year, and may include or comprise the District goals also established by the Board. The potential incentive compensation amount will be the sum of 1) the amount defined in an identical fashion as to other employees, i.e., as a percentage of total eligible payroll that is applied to the budgeted pool, plus 2) an additional increment, if any, that the Board of Directors establishes at the start of the fiscal year. The proportion of the potential incentive compensation to be paid to the General Manager will be determined by the Board, after considering equally 1) what percentage of the potential incentive compensation is paid to other employees (reflecting how well the General Manager helped the rest of the staff achieve their objectives), and 2) what proportion of the agreed District and/or individual objectives the General Manager accomplished during the course of the year (reflecting how well the General Manager met the specific expectations of the Board).

APPENDIX F

1. Telecommuting Policy and General Elements of Telecommuting Agreements

1.1. Policy Statement

Upon written request to the General Manager, the District may approve telecommuting-based employment for certain eligible staff working in certain eligible jobs when it is in the District's best interest to do so. Approval of any request for a telecommuting arrangement is at the General Manager's sole discretion, based upon the needs of the District and any applicable legal considerations. Telecommuting will not be authorized unless and until the employee signs a special telecommuting agreement between the District and the employee that specifies the agreed terms and conditions under which the telecommuting is to be performed.

Both exempt and non-exempt staff may be eligible to enter a telecommuting arrangement, which may be either for a relatively short-term, temporary period or on an ongoing, regular basis. Further, the telecommuting may be for a defined, regular part of one or more work days per week or for one or more defined work days each week. While the District will take into consideration an employee's personal situation and non-business factors with respect to decisions about telecommuting, the decision-making is primarily based on overall needs of and benefits to the District. Regardless of employee eligibility, telecommuting is not an employee right.

1.2. Considerations for Eligibility

Eligibility requirements for a telecommuting employee include a) having been an employee of the District for at least 24 months; b) having achieved and maintained above average job performance in the judgment of the GM; and c) having a job for the District that has essential functions, as identified in the job description, that may be performed proficiently under a telecommuting arrangement. Jobs that require close supervision, timely use of District resources available only at the District's facilities, or timely interaction with staff, stakeholders, or the public will not be approved for telecommuting. Notwithstanding the considerations above, final determination of an employee's eligibility for telecommuting rests with the General Manager.

The following general characteristics are appropriate for telecommuting jobs or tasks: requires ability to work independently; requires concentration and diligence; requires little face-to-face interaction with other staff, stakeholders, or the public; *and* allows job performance to be monitored by output of a specific, measurable work product. Only to the extent that a particular job conforms to those characteristics will that part of a job be allowed to be worked under a telecommuting arrangement.

The following personal traits are desirable to be a successful telecommuter: able to work productively on their own, without regular direct supervision and with minimal distraction; highly

knowledgeable about the job requirements; self-motivated, well organized, and trustworthy in achieving deadlines; excellent written and verbal communication skills; *and* not in need of regular social interaction in the workplace.

1.3. Conditions for Telecommuting Arrangement

Telecommuting employees must agree and ensure: that the telecommuting work area conforms to applicable OSHA regulations (a copy of which will be provided by the District); that all time spent in telecommuting is accurately recorded and that any overtime hours are appropriately authorized; that confidential and privileged information is protected; and that all policies at the normal workplace also apply at the telecommuting work place.

1.4. Elements of Telecommuting Agreements

Telecommuting Agreements (T/A) are required for each and every telecommuting employee. The following elements will generally be a specified part of the T/A:

1. The FLSA status of the telecommuting employee (i.e., exempt or non-exempt), and the compensation for any approved, earned overtime.
2. The understanding that even on an approved telecommuting work day, if the employee is needed in the District's office or at another location on behalf of the District, the employee will be available on reasonable notice of not less than one hour to appear where needed.
3. The understanding that should a District holiday or inclement-weather day, or an employee-initiated paid time off day (sick day or vacation day) fall on the assigned telecommute day, no other day can be substituted as a telecommuting day.
4. The understanding that the employee must have an effective work space, including but not limited to a computer, phone and internet connection.
5. The equipment, services, and supplies to be furnished by the District and by the telecommuting employee, and the expressed understanding that any equipment, services, and supplies furnished by the District must be used solely for District business purposes.
6. The responsibility for equipment maintenance and repair, electronic security (e.g., anti-malware), and work space maintenance and operating costs.
7. The arrangements by which telephone calls, faxes, voicemails, and emails will be forwarded to the telecommuting employee.
8. The means by which telecommute time will be recorded and approved, and whether and by which any compensable overtime while telecommuting is to be authorized.
9. The provision of a safe and healthful telecommuting work space, including OSHA-acceptable ventilation, lighting, and noise levels, and a commitment to report any injury to the telecommuting employee suffered during the telecommute period to the District, and the

specification of the right of the District and/or OSHA to enter the workplace premises to ensure the work space is free of hazards that might cause injury and/or to investigate any such injury.

10. Consent by the employee to reasonable periodic inspections of the telecommuting premises by the District to ensure proper maintenance of District property and compliance with safety standards.
11. The applicability to the telecommuting employee of all District policies for its staff.
12. No reasonable expectation of privacy exists with respect to telephone and computer used in the telecommuting work-space location, and that they may be monitored for compliance with District policies, regardless of whether they are furnished by the District or the telecommuting employee.
13. The T/A can be discontinued at any time by the District with or without cause.
14. The T/A does not constitute a contract of employment, and that the telecommuting employee is still "employed at will" by the District.
15. The security protections to be afforded and the restrictions on the existence of and access to confidential and proprietary information in the telecommuting work space, and the recovery of such information upon termination of the telecommuting practice.
16. Assurance that the telecommuting work space is in compliance with local zoning ordinances.
17. Acknowledgment and acceptance of the effect, if any, of providing the telecommuting work space on the homeowners insurance of the telecommuting employee.

**A TELECOMMUTING AGREEMENT FORM NEEDS TO BE SIGNED BY BOTH
EMPLOYEE AND THE DISTRICT.**