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**FARMERS IRRIGATION DISTRICT**  
**PERSONNEL POLICIES AND PROCEDURES HANDBOOK**

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**FARMERS IRRIGATION DISTRICT**  
**PERSONNEL POLICIES AND PROCEDURES HANDBOOK**

1.0 OVERVIEW AND GENERAL POLICIES

1.1 PURPOSE OF PERSONNEL POLICIES

These policies provide rules and regulation for all employees of the Farmers Irrigation District (which is referred to as "the District" throughout these policies) relative to matters of personnel administration. These rules and regulations are intended to set a general framework for effective personnel administration.

**Note: These policies replace and supersede all pre-existing policies, procedures or orders relating to personnel matters of the District and its employees. District staff should ensure that existing department policies are consistent with this manual. Any oral or written representations which are inconsistent with or in addition to the policies in this handbook must be specifically set forth in a written agreement signed by the District Manager and the Chairperson of the District Board in order to be binding.**

1.2 INTRODUCTION

This manual contains statements of personnel policies and procedures. It is designed to inform everyone of the working guidelines for supervisory and staff personnel in the day-to-day administration of the District, to provide employees an understanding of what is generally expected of them, and to ensure consistent, fair and uniform treatment of District employees.

**THESE POLICIES ARE NOT TO BE CONSTRUED AS GUARANTEEING EMPLOYMENT TO ANY EMPLOYEE FOR ANY LENGTH OF TIME. EMPLOYMENT CAN BE TERMINATED AT THE DISCRETION OF THE EMPLOYER, OR AT THE OPTION OF THE EMPLOYEE, WITHOUT NOTICE, AT ANY TIME, EXCEPT AS SPECIFICALLY SET FORTH IN WRITING IN A CURRENT INDIVIDUAL EMPLOYMENT AGREEMENT APPROVED BY THE DISTRICT BOARD. NO EMPLOYEE OR REPRESENTATIVE OF THE DISTRICT HAS THE AUTHORITY TO MAKE ANY AGREEMENT WHICH IS CONTRARY TO BOARD APPROVED POLICIES. THESE POLICIES DO NOT CREATE A CONTRACT, EXPRESS OR IMPLIED, BUT ARE PROVIDED AS GUIDANCE.**

Each employee can assist in keeping the District personnel program up to date by notifying the District Manager whenever problems are encountered or improvements can be made. When the need for a new or revised policy presents itself, a recommendation should be submitted to the Office and Finance Administrator or District Manager for consideration.

To enable us to work effectively and efficiently, the District Manager may vary or modify any District personnel policy, on a case-by-case basis, if it is found that a strict application of the policy is impractical or if it would result in hardship. Exceptions granted in any instance must be in writing, signed by the District Manager and the employee. Unless the Board adopts the change, exceptions are limited to the one situation that is specifically approved.

### 1.3 PERSONNEL ADMINISTRATION GENERALLY

The Board of Directors and District Manager shall have authority over all matters of personnel administration through adoption and implementation of the District budget, pay plans, resolutions and policies adopting or amending the personnel rules and regulations.

The District Manager is charged with responsibility for the interpretation and application of the policies.

The District Manager may specifically delegate in writing the authority for the enforcement of rules and policies.

The District Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend, or otherwise modify administrative rules and regulations pursuant to Board policies and shall advise the Board of any changes concerning these rules and regulations. The Board delegates to the District Manager broad discretion in all aspects of personnel and labor relations, subject to the advice and concurrence of the Board.

## 2.0 HIRING AND EMPLOYMENT STATUS

### 2.1 HIRING PHILOSOPHY

The District is dedicated to providing equal employment opportunity for all qualified individuals without regard to race, religion, color, sex, national origin, ethnic background, disability, sexual orientation, bankruptcy status, veteran's status or other class protected under state, federal or local laws. When looking to hire an individual, the District considers all relevant factors including the applicant's experience, aptitude, potential and attitude. At times, a vacant position within the District may be posted as a job announcement; other times the District may directly hire an individual whose particular skills can benefit the District.

## 2.2 JOB ANNOUNCEMENT

At the District Manager's discretion, a job announcement may be made in an effort to fill a vacant position within the District. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications and appropriate newspapers or newsletters.

## 2.3 APPLICATIONS

Applicants for employment shall provide complete, accurate information requested as to education, special training, experience and skills, as well as a chronological presentation of previous employment, references, and other pertinent information as determined by the District Manager. If driving is part of the job, the job applicants' driving record may be checked as part of the application process, and the District Manager may require an applicant to give authorization for such review.

## 2.4 ELIGIBILITY

All applicants must be able to demonstrate with reasonable assurance the ability to meet the minimum qualifications for the position by the time of appointment including being able to perform all essential functions with or without reasonable accommodation.

## 2.5 SELECTION

Selection criteria and procedures will be based solely on job-related knowledge, skills, abilities, experience, education, training, aptitude, integrity, potential and, when appropriate, prior demonstrated performance. When a job announcement is used, the District Manager shall design selection criteria based on the classification specifications and job requirements. Based on the results of the selection process, applicants will be selected by the District Manager for an employment interview.

## 2.6 NEW EMPLOYEE ORIENTATION SESSIONS

The District Manager or his/her designee is responsible for orientation of new employees. Orientation includes, but is not limited to, learning the organization and services of the District, work rules, personnel policies and procedures, safety training, completion of payroll forms, and introduction to other District personnel.

## 2.7 EMPLOYEE STATUS

- 2.7.1 Full-time employees: An employee who regularly works a minimum of forty (40) hours a week on a continuing basis.
- 2.7.2 Part-time employees: An employee who regularly works less than forty (40) hours a week. For part-time employees, the District pays a proportionate share of certain benefits, including vacation benefits, based on the regular hours the employee is hired to work.
- 2.7.3 Temporary Employees: Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary employees are ineligible for employer benefits such as, for example, paid vacation or sick leave, paid time off, and insurance.
- 2.7.4 Duration of Employment: **All employees are employed at-will and hired for an unspecified duration.** The District does not guarantee employment for any specific length of time. Either the employee or the District may end the employment relationship at any time with or without notice.
- 2.7.5 Anniversary Dates: The anniversary date used to determine eligibility for benefits for an employee shall be the date of hire.
- 2.7.6 Volunteers: Volunteers are not employees of the District. Volunteers receive only those benefits expressly conferred in writing or by law. Workers' Compensation insurance will be provided to volunteers. The service of a volunteer may be discontinued at any time for any reason. Volunteers must abide by all applicable rules, policies and practices of the District, and are held to the same standard of performance as applies to employees.

## 2.8 PHYSICAL EXAMINATIONS

Employment may be contingent upon an applicant's successful completion of a medical examination, which may include a drug screen. The District may require an applicant to take a post-offer, but pre-employment, physical examination to determine if the person can perform the essential functions of the job. If required, the District at District expense will provide this examination.

In order to ensure continued ability to perform the essential functions of the job, the District periodically may request its employees to submit to a medical examination at the District's expense.

## 2.9 DRIVING RECORD

Employees who may be required to drive must possess a valid driver's license and must comply with any operator's license restrictions. All employees who may be required to drive on District business may have their driving record checked by the District at any time.

Employees who may be required to drive shall notify the District Manager of any change in license status and all traffic violations. The District monitors driving records as a component of risk management, in order to identify needs for driver improvement, and the District may, at District expense, require an employee to take a course in defensive driving.

## 2.10 LAYOFFS

Should a reduction in the District work force become necessary, layoffs may be implemented on a District-wide basis or in one or more departments, work groups, or job classifications depending on the needs of the District, in the sole discretion of the District Manager or Board. In lieu of layoff, the District may reduce the hours of work of District personnel.

## 2.11 VOLUNTARY RESIGNATIONS

While an employee may choose to voluntarily resign at any time, the District would appreciate at least ten working days' advance notice. An employee who voluntarily resigns is encouraged to participate in an exit interview as mentioned in Section 12.5.

## 2.12 PERSONNEL RECORD

2.12.1 Maintenance of File: The Office and Finance Administrator maintains official personnel records of employees. If there is a change of name, address, telephone number, marital status or dependents, the Office and Finance Administrator must be notified by the employee.

2.12.2 Removal: Documents will not be removed from a personnel file, except pursuant to a determination by the District Manager that a particular document is not accurate, or is no longer relevant or timely to any personnel or performance matter. Employees may petition for removal of discipline reports or negative personnel evaluations after the problem has been corrected and the employee has been discipline free and has not received negative personnel evaluations for a period of no less than 24 consecutive months. Any document that is removed shall be maintained in a separate file containing all such documents pursuant to timelines specified by state law.

### 2.12.3 Information in Personnel Files:

2.12.3.1 No material of a negative nature shall be placed in an employee's file unless the employee has had an opportunity to review the material, which shall be noted on the documents.

2.12.3.2 Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance in the judgment of the District Manager. This can include letters of recommendation, training certificates, or educational records.

2.12.3.3 Employees may protest, or comment upon, in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file if requested by the employee

### 2.12.4 Procedure for Access by Employee.

Employees may inspect and review their personnel files to the extent allowed by law in the presence of the District Manager or his/her designee.

2.12.4.1 Employees wishing to inspect/review their personnel file shall make an appointment in advance with the Office and Finance Administrator. At no time during the examination of the employee's file shall the file be out of the direct supervision of the District Manager or his/her designee.

2.12.4.2 An employee may receive a copy of such records and the District may charge the reasonable cost for making such copy.

### 2.12.5 Medical Information

Medical records shall not be retained in the official personnel file but instead in a locked confidential file physically separate from the official personnel files.

## 3.0 PAYROLL, SCHEDULING AND OVERTIME PRACTICES

### 3.1 WORK DAY, WORK WEEK AND WORKING HOURS

The normal work week consists of forty (40) hours. Employees are expected to accomplish work priorities in a timely fashion within the normal work week (i.e., 40 hours) to the greatest extent possible. The District Manager shall fix the hours of employment. Nothing in this handbook or in any job description documents is intended as a guarantee of hours worked per day or per week. For federal and state law purposes, the District work week is Sunday through Saturday.

## 3.2 WAGE COMPENSATION

3.2.1 Wage Policy: The District develops pay ranges with consideration to rates of pay for comparable work in other public employment groups, including consideration of conditions of work and basic pay, current costs of living, local economy, wage adjustments in the community, and the District's financial condition. The District pays employees' wages that the Board and District Manager believe to be fair and competitive for the work performed by the employees.

3.2.2 Overtime Pay: Overtime pay will be paid to any non-exempt employee who works more than forty hours in a work week. Overtime hours must be pre-authorized by the District Manager or his or her designee. No compensatory time will be granted in exchange for overtime pay. Overtime is paid at the rate of time and a half. Holiday, vacation, and sick pay do *not* count as hours worked for the purpose of computing overtime.

Salaried employees who are in an executive, administrative, supervisory or professional position are not paid overtime if they qualify as exempt under the Federal Labor Standards Act or Oregon State wage laws. These are referred to as salaried-exempt employees.

3.2.3 Call-out Pay: A call-out employee is an employee who is not on duty but is called-out to provide needed assistance. An employee who is called out and works less than four hours in the called-out status shall be credited with four hours compensable time. In the event that the called-out employee is required to work more than four hours, the employee shall be credited with compensable time consistent with the hours actually worked and will be entitled to rest periods and to a lunch period consistent with this policy.

3.2.4 On-Call Pay: An on-call employee is an employee who is assigned duty for District hours of operation outside regularly scheduled hours of work. An on-call employee is compensated at an hourly on-call rate determined by the District Manager. An employee who is on-call and must respond to an actual call for service and works less than four hours shall be credited with four hours compensable time. In the event that the on-call employee responding to a service requirement works more than four hours, the employee shall be credited with compensable time consistent with the hours actually worked and will be entitled to rest periods and to a lunch period consistent with this policy.

3.2.5 Wage Review:

3.2.5.1 The District Manager will periodically review compensation.

3.2.5.2 Generally an employee's wages will be reviewed after twelve months of continuous employment in the current classification. Wage increases are not automatic.

### 3.3 REST PERIODS

Consistent with wage and hour laws, employees are required to take a 15-minute rest period during each four hour period, scheduled at or as near as feasible to the middle of each half shift. Consistent with operating requirements, employees who, at the request of the District, work two or more hours beyond their regular quitting time shall receive a 15-minute rest period before starting on the next shift in addition to the regular rest periods occurring during the shift. Rest periods shall not exceed 15-minutes each. Rest periods shall not interfere with or be detrimental to public safety.

### 3.4 MEAL PERIODS

Each employee working more than four hours in a day is entitled to a meal period not to exceed one hour during each work shift. Consistent with operating requirements, meal periods shall be scheduled at or about the middle of the work shift.

### 3.5 PAYDAY

The District's paydays are every other Monday. In the event of emergency, employees may be permitted a draw, at the discretion of the Office and Finance Administrator or the District Manager.

### 3.6 PAYROLL DEDUCTIONS

3.6.1 Deductions Required for all Employees: Federal and state laws require the following deductions from every paycheck.

3.6.1.1 Federal Withholding Tax.

3.6.1.2 State Withholding Tax.

3.6.1.3 Social Security Taxes (FICA)

3.6.1.4 State Accident Insurance - (Worker's Compensation).

3.6.2 Additional Deductions which may be required by Court Order or Statute:

3.6.2.1 Court ordered child support payments or garnishments.

- 3.6.3 Optional Deductions: Other deductions may be made from the employees' paycheck with the employee's written request, including, but not limited to:
- 3.6.3.1 Charitable contributions.
  - 3.6.3.2 Insurance contributions.
  - 3.6.3.3 Retirement contributions.
  - 3.6.3.4 Any other deduction of general interest to District employees affecting five or more employees may be authorized by the employee in writing with approval of the District Manager.
  - 3.6.3.5 Monies due to the District, which the employee has consented in writing to have deducted from the employee's paycheck.
- 3.6.4 Complaints and Questions: If an employee has questions or concerns regarding his or her paycheck, the employee should promptly bring these concerns to the attention of the District Manager or his/her designee.

### 3.7 MEDICAL AND LIFE INSURANCE

The District provides group medical and life insurance for full-time and part-time employees, including family members for group medical insurance, commencing immediately following acceptance by the group insurance carrier, but no later than immediately following employment. A covered employee may, at the employee's expense, elect to carry health insurance other than the policy made available to the employee through the District, but such alternate insurance must provide benefits equal to or better than the District-sponsored policy. Information regarding specific benefits is available from the Office and Finance Administrator. At times the District may need to change insurance carriers.

Unless otherwise provided by law, the District will maintain an employee's insurance coverage as if the employee had been continuously employed up to a maximum of 12 weeks per calendar year when the employee is off of work on leave. The District may recover premiums paid for an employee's insurance if the employee fails to return after the period of leave unless the District Manager determines that circumstances dictate otherwise.

The District pays premiums for insurance for the employee only after the employee has completed and returned any necessary enrollment documents and after all other qualifications or requirements have been satisfied.

Upon termination of employment, an employee may continue coverage by self-payment as provided by state or federal law.

### 3.8 DISTRICT RESOURCES AND FACILITIES

District resources and facilities of every nature are to be used for District purposes and missions. No District resource or facility may be used for personal commercial purposes or personal financial or other gain. Incidental personal use for other purposes of District telephones, cellular phones, facsimile machines, copiers, pagers, and supplies is permitted when it does not unreasonably consume those resources, does not interfere with performance of the user's job or other District responsibilities, and does not consume an unreasonable amount of the user's time and is otherwise in compliance with this policy. A person who uses a District resource or facility for personal use shall reimburse the District for its cost and comply with other provisions for reimbursement as specified herein.

3.8.1 Cell Phones: Many District employees are required to use District cell phones to ensure reliable communication with District employees and customers. Cell phone use is also directed by the District's Safety Policy (see Section 6.1.7). The District purchases a cell phone plan that provides sufficient monthly minutes to address District demands for cellular communication. Furthermore, to facilitate safety and general well-being, brief calls to family are allowed during off-hours when an employee is required to work outside his or her regular shift. It is also understood that brief, incidental personal use of the cell phone may occur, and the charges for these personal calls shall be reimbursed to the District when personal calls induce an increase in the monthly cell phone costs to the District beyond the regular District rate. Personal cell phone use is expected to be consistent with this policy and the language included in Section 3.8.

### 3.9 TIME RECORDS

Time cards serve as a record of the time for which an employee is paid wages and overtime. Each employee is expected to accurately record the time spent working on District business. Personal time, which is non-work related but spent in District offices outside regular working hours, should not be recorded.

Completed time cards must be presented to the Office and Finance Administrator by 8:00 a.m. on the morning of the day for which payroll is scheduled to be processed. Employees who fail to submit timesheets as required will be paid at the next regularly scheduled payday.

Employees shall record all time worked for the District. An employee of the District may volunteer service to the District, and the time involved will not be recorded provided, and only if, the volunteer hours worked do not involve the same type of service that the person is employed to perform for the District. The District Manager, or his or her designee, must approve all volunteer activities by employees at least twenty-four (24) hours in advance, in writing.

### 3.10 SEVERANCE PAY

A regular employee terminating employment with the District will be paid on the date of separation any earned and unpaid wages then due plus any accumulated and unused vacation pay at the employee's hourly rate at the date of separation. Any regular employee discharged or terminated from employment may at management's discretion be entitled to receive two weeks severance pay, based upon payment of eighty (80) hours at the hourly rate earned by the employee at the time of termination. If the employee fails to give at least forty-eight (48) hours advanced notice prior to quitting District employment, severance pay shall be paid within five (5) days after the employee has terminated employment, excluding Saturday, Sunday, and holidays, or at the next regular scheduled payday, whichever occurs first, after the employee has terminated his or her employment.

### 3.11 FINAL PAY

An employee terminating employment with the District will be paid in accordance with state law any earned and unpaid wages then due plus any accumulated unused vacation pay. Work hours and earned vacation which the employer is eligible to take off will be paid at the employee's hourly rate calculated as of the date of separation.

## 4.0 EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT

### 4.1 GENERAL EXPECTATIONS

All employees of the District are expected to use good judgment regarding the expenditure of the funds for travel expenses and are expected to help keep travel expenses to a minimum. District employees who are traveling represent the District and are expected to act appropriately, including sensitivity to District expenses and the public image and perceptions the employee causes as a result of his or her behavior. The action of a District employee not only represents the employee but his or her colleagues, constituents, and board members as well.

### 4.2 DOCUMENTATION OBJECTIVES

The procedures for documenting the expenses involved with employee travel on District related business activities are designed to provide public accountability in two areas:

4.2.1 Pre-approval of all travel requests to ensure that the travel is appropriate to the needs of the District and that budgeted funds are available for specific travel requests.

4.2.2 Complete accounting of the actual expenses for the travel ensures that the expenses reported for reimbursement are appropriate and provide appropriate accounting documentation.

#### 4.3 APPROVAL

The District Manager must authorize registration, travel and attendance expenditures in advance within the budgeted amounts adopted by the District's budget.

#### 4.4 TRAVEL REQUEST

At least three business days prior to the anticipated travel, the employee should submit a completed Request for Expenses form to the District Manager or his or her designee. This will document advance approval of the requested travel and provide a basis for an advance of funds to the employee.

#### 4.5 TRAVEL SETTLEMENT

Within one week after the travel has been completed, the employee must turn in receipts for lodging and all other expenses to be paid on an actual basis. In the event that the funds advanced exceed the actual authorized travel expenses, the employee shall refund the balance to the District at the time that the employee turns in the receipts and expense verifications. No receipts are required for meals purchased with per diem (see Section 4.6.3 below).

#### 4.6 GUIDELINES

The following general guidelines apply to the reimbursement of employee travel expenses.

4.6.1 Transportation: The actual cost of transportation, taxi fares, telephone cost and similar items incidental and necessary to the performance of official business while in travel status will be paid. If the employee's personal vehicle is used, the District will reimburse the employee at the current IRS mileage rate for the actual mileage required for the trip. Parking and other related expenses must be documented by receipt.

4.6.2 Lodging: Hotel and motel accommodations should be appropriate to the purpose of the trip. Expenses for lodging must be supported by actual receipts. Reimbursement for lodging is generally limited to the expense of a single room, except where employees are sharing a room, and reimbursement shall not exceed the maximum allowed to the employee by the Internal Revenue Code and regulations as non-taxed lodging per diem without prior written approval by the District Manager. If an employee chooses to make other arrangements for lodging, a payment of \$25.00 per night may be allowed in lieu of paying the actual accommodation costs.

4.6.3 Meals: Employees will be allowed a per diem rate for meals in a sum which does not exceed the amount determined under the Internal Revenue Code and regulations to be nontaxable to the employee. If the sum is nontaxable to the employee under the Internal Revenue Code and regulations, the employee does not need to provide a receipt to the District; if it exceeds the non-taxable maximum, the employee must provide a receipt to the District. Per diem rates are updated from time to time by the District Manager and are available from the Office and Finance Administrator.

4.6.4 Communications Charges: Expenses for communications are reimbursable only if they are directly related to District business and are supported by actual receipts.

4.6.5 Registration and Tuition Fees: Expenses for registration and tuition fees for programs in furtherance of District business and education are allowable expenses if first approved by the District Manager. A copy of the registration must be attached to the Request for Expenses form.

4.6.6 Accompanied Travel: Any expenses for family members or non-employees who accompany the employee on a trip are not reimbursable.

4.6.7 Alcoholic Beverages: Any expenditures for alcoholic beverages or tobacco products are not allowed.

## 5.0 TIME OFF

### 5.1 VACATION AND PERSONAL HOLIDAY BENEFITS

Vacation benefits are intended to provide eligible employees with a period of paid rest and relaxation away from work. Accordingly, employees are encouraged to schedule vacations each year and to use all earned vacation benefits.

If a holiday falls during an employee's scheduled vacation, the employee will receive holiday pay for the day if eligible for such pay and will not be charged for vacation benefits for the day.

Accrued and unused vacation benefits will be paid upon termination of employment. Vacation credits do not accrue during any unpaid leave of absence.

The District provides vacation benefits only to its regular part-time and full-time employees, not temporary or on-call employees. The vacation benefits for part-time employees are based upon the percentage of a full 40 hour work week that the part-time employee has been hired to fill. For example, if a part-time employee has been hired to work 30 hours a week, that employee would be entitled to 75% of the vacation benefits to which a comparable regular full-time employee is entitled.

Vacation credits will be posted as follows for employees:

<u>Years of Continuous Service</u>	<u>Annual Accrual for a Employee</u>
0 through 0.5	0 hours
0.5 through 1	40 hours
2 through 5	80 hours
6	88 hours
7	96 hours
8	104 hours
9	112 hours
10	120 hours
11	128 hours
12	136 hours
13	144 hours
14	152 hours
15	160 hours

No more than 160 hours of annual vacation will accrue after 15 years of continuous full-time employment. Hourly non-exempt employees shall take their vacation in hourly increments. Salaried non-exempt employees shall take their vacation in whole day increments only.

After working 480 hours of continuous employment, employees are eligible for one personal holiday. Full-time employees accrue one personal holiday of eight hours per year which must be taken in the same year accrued or it is forfeited. The hours of personal holiday time accrued by a part-time employee in any year are based upon the percentage of a full 40 hour work week that the part-time employee has been hired to fill. For example, if a part-time employee has been hired to work 30 hours a week, that employee would be entitled to 75% of the personal holiday time to which a comparable regular full-time employee is entitled, or to six hours in that accrual year.

Any unused, accrued vacation and personal holiday time will be lost at the end of the year in which it accrued unless the District Manager provides authorization to carry over some or all of the unused, accrued vacation or personal holiday time to the next year. The District Manager has discretion to determine whether or not to permit an employee to carry over any unused, accrued vacation or personal holiday time; however, if the District Manager or his/her designee cancels or delays the employee's vacation time due to a work emergency, and the employee is unable to take the vacation during the year of accrual, the employee shall be permitted to make up the canceled vacation even if the make-up results in an accrual of the vacation time following the next employment anniversary. Carry-over vacation hours are strongly discouraged.

The annual cycle (year) for vacation and personal holiday accrual commences on the employee's employment anniversary date. If an employee terminates employment with the District and commences working for the District at a later date, the later date becomes the employment anniversary date.

Vacations and personal holidays must be scheduled and approved by the District Manager or his/her designee in advance. As a courtesy to fellow-employees, District employees are encouraged to avoid requesting and scheduling vacations during the irrigation season without prior consultation with fellow employees.

Vacations and personal holiday time for the year will be scheduled at least one month in advance, and the vacation dates shall be subject to the discretion of the District Manager. Vacations and personal holiday time will be approved on a case-by-case basis.

## 5.2 HOLIDAYS

Regular full-time employees will receive a day off with pay on each of the holidays recognized by the State of Oregon only if the employee is actively working for the District when the holiday arrives. Active employment is employment which is continuous and consistent with the employee's regular work week; it does not include periods of unpaid leave.

The currently recognized holidays are:

New Years Day  
Martin Luther King's Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Christmas Day

When a scheduled holiday falls on Sunday, it will be observed on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday. Employees must work their scheduled workdays before and after the holiday.

If an employee is asked by the District Manager to work on any holiday observed by the District, the employee shall be paid for all hours worked at the rate of double the regular rate of pay.

Employees who are off work on an unpaid leave of absence do not receive holiday pay. Employees who are off work due to sickness or vacation are paid for the holiday in lieu of using vacation or sick leave credits.

A holiday counts as 8 hours for full-time employees and is prorated for part-time employees. For example, if a part-time employee has been hired to work 30 hours a week, that employee would be entitled to 75% of the holiday time to which a comparable regular full-time employee is entitled, or to six hours of holiday time.

### 5.3 LEAVES OF ABSENCE

When employees are hired, it is expected that they will work as continuous employees as needed. On occasion, uncontrollable conditions may arise which require employees to take a temporary absence from employment.

**Leaves of absence must be requested by the employee in writing and approved by the District Manager.**

During the period of any leave of absence, no wages or benefits are accrued or paid, unless specifically stated in this Handbook or required by law.

#### 5.3.1 PERSONAL LEAVE

Employees who have been continuously employed with the District for at least one year and who have exhausted all sick and vacation time may be granted an unpaid personal leave of absence for up to sixty (60) days at the discretion of the District Manager. Requests for a personal leave of absence must be submitted to the District Manager in writing before the leave begins, and these requests must specify a starting and ending date as well as the reason for the requested leave. Requests for leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact of the leave on the District. There should be a compelling personal reason for the leave.

Requests for extensions of leaves must be submitted in writing and approved in writing by the District Manager before the extended period of a leave begins. It is the employee's responsibility to report to work at the end of the approved leave. If appropriate, an employee may be required to pass an exam indicating the employee is fit to return to work. An employee who fails to report to work on the day after the leave expires may be considered to have voluntarily resigned.

Unless required by law, employees returning from personal leaves of absence are not guaranteed re-employment.

Unless required by law or otherwise authorized, the District does not pay for group health or dental insurance premiums during any portion of an unpaid leave of absence. Accordingly, the premiums for such coverage are the complete responsibility of the employee. In order to keep the insurance in force, employees are encouraged to pay premiums for the entire period of the leave before the employee begins the leave. Vacation time and sick leave will not accrue during a personal leave of absence unless otherwise required by law.

### 5.3.2 JURY DUTY

Employees who are required to miss work because of jury duty should immediately advise the District Manager. These employees, upon proper verification, will be granted time off to serve jury duty. If an employee is excused from jury service during work hours at a time that reasonably permits the employee to report to work, the employee shall call in to see if the employee should report to work that day.

Full-time employees who are required to serve on jury duty will be paid their regular wages for the days, or hours, they miss regular work due to jury duty service. Part-time employees who are required to serve on jury duty will be paid their regular wages for the day, or hours, they miss regular work due to jury duty service, if the part-time employee's hours were scheduled in advance of the jury service, they fall at the same time as the jury service, and the employee cannot reasonably make up the missed hours during the week of jury service. Employees must submit verification of jury duty in order to be excused from regular duties as provided for herein. Temporary employees are not eligible to receive pay when serving on jury duty.

### 5.3.3 BEREAVEMENT LEAVE

If a death occurs in an employee's immediate family, the employee may be granted a paid leave of absence for up to (3) three working days. Additional time off and time off to mourn or to attend the funeral of persons who are not immediate family members may be granted at the discretion of the District Manager. Employees may use accrued vacation time for authorized bereavement leave which exceeds the limit.

"Immediate family" includes: spouse, children (including stepchildren), parents, sisters, brother, present mother and father-in-law, present sons-in-law and daughters-in-law, present sisters and brothers-in-law, grandparents, grandchildren and persons who are members of the employee's household.

### 5.3.4. MILITARY LEAVE

5.3.4.1 National Guard or Other Military Reservists. All employees of the District who are members of the Oregon National Guard or any reserve component or the armed forces of the United States are entitled to a paid leave of absence from duties for a period not exceeding 15 calendar days (11 work days)

in any federal fiscal year (October 1<sup>st</sup> through September 30<sup>th</sup>) for training, provided the employee is employed at least six months prior to the leave.

Employees on military leave may not be penalized in any way for their absence, including vacation accrual rates, incentives based on regular attendance or other benefits they may otherwise be entitled to receive, provided such employee shall have been in the employ of the District for a period of 6 months prior to leave. The provisions of this section shall not be applicable when the guard or a reserve unit is in the federal service or called to active duty on extended tour, nor shall this section be applicable for any duty in excess of 15 calendar days in any fiscal year.

Absences incurred for additional training and attendance at service schools may be charged to accrued paid time off such as vacation or compensatory time, or taken as unpaid leave.

5.3.4.2 Requesting Military Leave. Any employee called to active duty must notify his or her supervisor either orally or in writing of the need for military leave.

5.3.4.3 Extended Military Leave. An employee shall be entitled to military leave without pay for service with the U.S. Armed forces. Leave shall be approved to a maximum of five years unless extension is required in accordance with ORS 408.240 and Federal Law. Such employee shall provide verbal or written notice of military service.

5.3.4.4 Replacement Employees. The District may appoint another employee to replace any employee called to active duty. However, an employee returning from active duty must generally be returned to the same position as was held when the duty was commenced.

5.3.4.5 Reporting Back to Work After Extended Military Leave. After military training or service, the employee shall report back to work or submit a written request for reemployment depending on the duration of the training or service.

5.3.4.5.1 After periods of service of up to 30 consecutive days, the employee shall report to work no later than the first regularly scheduled workday following completion of service. The employee, however, shall also be allowed eight hours plus reasonable time for transportation from the place of service to the employee's residence.

5.3.4.5.2 After a period of service of 31-180 days, the employee shall submit a written request for reemployment with the appointing authority not later than 14 days after the completion of service.

5.3.4.5.3 After a period of service of 181 days or more, the employee shall submit a written request for reemployment not later than 90 days after completion of service.

Upon return to work or receipt of a written request for reemployment, the District shall return the employee to his or her former position if the period of service did not exceed 90 days. If the period of service was more than 90 days, the employee shall return to the position of employment in which the employee would have been employed but for military service or a position of like seniority, status and pay. If returned to the position held just prior to military service, pay shall be at the same step level held before military service but at the current salary.

If not qualified to perform the appropriate job due to military disability, or if the job no longer exists, the returning employee shall be entitled to the nearest comparable job he or she is qualified to perform with like seniority, status and pay or its closest approximation.

5.3.4.6 Leave While Still in Introductory Period. Any employee who has not completed his or her probationary period prior to the time the military leave commences shall, upon returning to such position, be required to serve the remainder of the introductory period.

5.3.4.7 Accrued Leave. Prior to beginning military leave, an employee may elect to be paid for accrued vacation leave and compensatory time. Accrued leave does not have to be exhausted before leave without pay is granted for military service.

Vacation and sick leave will not accrue during any period of unpaid status due to military leave. However, vacation, sick leave, and service credit shall be treated as though the employee had been continuously employed and any accrued time to the time military leave begins shall be preserved.

5.3.4.8 Healthcare Benefits.

The following information about benefits applies only to employees who are eligible for benefits at the time their active military duty begins.

Employees on military leave 31 days or more shall have the right but are not required to elect and purchase continuation of medical, dental and vision benefits for themselves under federal healthcare continuation (COBRA) for 18 months or the period of duty. COBRA coverage would be in addition to military coverage. Upon reemployment, the District will reinstate the employee's coverage without imposing any exclusion or waiting periods that would not have been imposed had the coverage not been terminated. The District will pay the cost of continuing to provide health insurance coverage under COBRA, and will waive the 2% administrative fee, for the dependents of District employees who are called to active duty for a minimum of 30 days (training periods do not qualify) at the same level and cost provided while the employee was at work. The dependents of

employees who have dual coverage through the District or a spouse/domestic partner's employer are not eligible for this benefit.

For employees on military leave less than 31 days, their District paid coverage will continue.

5.3.4.9 Life Insurance Benefit While on Military Leave. Employees on military leave may continue their life insurance for themselves and any dependents covered at the time their military leave starts, for a maximum of twelve (12) months. The employee is responsible for the premium. If the employee does not want to continue the coverage during his or her active military duty, the coverage will be automatically reinstated when the employee returns to work immediately following discharge\* from active duty.

\*Immediately following discharge means within the Reporting to Work specified in the Uniformed Services Employment and Reemployment Rights Act of 1994.

5.3.4.10 Temporary Employees. Generally, employees hired for a limited duration or into a temporary position do not have reemployment rights following the conclusion of a military leave of 30 days or more. This is, however, dependent on the length of the leave of absence and the nature of the particular position.

## 5.3.5 PARENTAL, PREGNANCY LEAVE AND FAMILY MEDICAL LEAVE

5.3.5.1 Applicable Laws. The District provides leave for family and medical reasons in conformance with the Federal Family Medical Leave Act (FMLA). In addition, pregnancy and parental leave are provided in conformance with Oregon law ORS 659.029, the Federal Pregnancy Discrimination Act (PDA) and Title VII of the Civil Rights Act of 1964. The purpose of these laws is to secure the right of employees to respond to their own health needs and those of their family members without being penalized for taking such leave. For detailed information on the eligibility and benefits of the FMLA see Exhibit A, WH Publication 1420.

The District will comply with the Federal Family Medical Leave Act and all other applicable laws (collectively referred to here as Family Medical Leave (FML) regarding time off for the birth or adoption of a child, the placement of a foster child, the care of an immediate family member with a serious health condition, or time off for the employee's own serious health condition that makes the employee unable to perform the employee's job. These laws vary depending upon the number of employees of the District and the employee's employment status. The District Manager will notify the employee of what leave, if any, the

employee is entitled to receive. A written summary of leave rights and benefits is also posted at the District office.

**5.3.5.2 Request Procedures.** The request for FML may be made by the employee or by the supervisor or a family member on behalf of the employee. When leave can be anticipated, the employee should submit a request for FML to the District Manager at least thirty (30) calendar days in advance of the leave. In situations where an emergency arises and the need for the leave is not anticipated, the employee must notify the District Manager as soon as practical. Since actual dates of leave often cannot be determined in advance, the employee should estimate the dates as closely as possible at the time of the request.

In instances where the leave is taken for the illness of the employee or family member, the request should be accompanied by a health care provider's certification documenting the need for the leave. If a medical certification is unavailable due to emergency or unanticipated leave, the employee must provide such certification within fifteen (15) calendar days after submitting the request. The District may extend this deadline to accommodate special circumstances when the employee has been unable to obtain the certification within fifteen (15) days.

In the event an employee fails to provide medical certification, the District will try to investigate and determine whether to count the leave toward FML and allow the use of paid leave time or to place the employee on unauthorized leave without pay.

**5.3.5.3 Reinstatement.** When an employee returns from an approved FML, he or she shall be restored to his or her former position or an equivalent position without loss of seniority or previously accrued benefits or rights possessed at the beginning of the leave, except for paid leave the employee used during the leave of absence. If an employee has been on leave due to his or her own serious health condition, the employee must provide his or her supervisor with a release to return to work form completed by his or her health care provider.

However, the District retains the right to deny restoration in the following situations: 1) the employee would have lost the job due to layoff if he/she had not been on leave; 2) the employee fraudulently obtains the leave; 3) the employee violates the District's policy governing outside employment during the leave; or 4) the employee fails to provide a release to return to work upon return.

An employee taking an approved FML may cancel the leave and notify the District of his or her request to return to work. The employee must request this exception in writing. In that case the employee will be reinstated within two working days. If there is less than a week of FML

remaining, the employee may be reinstated at the end of the leave as originally scheduled.

5.3.5.4 FMLA Leave Year Choice As explained in the FMLA Exhibit A, an eligible employee is entitled up to 12-weeks of FMLA leave in a year. The leave-year for purposes of FMLA begins on the first day of the leave.

### 5.3.6 OTHER ON OR OFF THE JOB MEDICAL LEAVE

Occasionally, employees need to be absent from work for extended periods of time due to serious on or off-the-job medical conditions. In such circumstances, employees should contact the District Manager regarding extended leave of absence. Employees who are absent from work due to work-related illnesses and injuries may be eligible to receive workers' compensation benefits. Employees who are absent from work due to non-work-related illnesses or injuries may use their accumulated sick or vacation leave and may be eligible for disability insurance payments under the health insurance plan.

Employees on medical leave of absence must keep the District Manager apprised of their anticipated date of return to work and of changes in their medical status. **All employees on a medical leave of absence for on or off-the-job injuries and illnesses are required to call the District Manager or the Office and Finance Administrator to report their medical status, progress and anticipated date of return to work at least once a week, unless the employee has received written approval to be absent until a specific date.** Reporting to a co-worker does not sufficiently comply with this reporting requirement.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work within seven (7) days after receipt of notice by certified mail from the District's workers' compensation insurer that the employee has been released to return to work by the employee's doctor. This applies to limited and full duty releases. All employees who are released to return to work from a medical leave for extended-off-the-job injuries or illnesses must, likewise, request return to work within seven (7) days after receipt of a full or light duty release from the employee's doctor.

5.3.7 OTHER LEAVES: At times an employee may be due leave for reason not listed in these policies. The District will comply with other applicable laws or policy regarding leaves of absence.

5.3.8 NOTIFICATION OF INABILITY TO WORK: Employees who are unable to report to work due to personal or dependent illness or injury or to any of the other leaves specified above must contact the District Manager or the Office and Finance Administrator before the scheduled starting time. If an employee becomes sick during the day, the District Manager or designee must be notified as soon as is reasonably possible.

5.3.9 ACCRUAL OF SICK LEAVE: In order to minimize the economic hardships that may result from an unexpected short-term personal or dependent

illness or injury, the District provides full-time employees with four (4) hours of accumulated sick leave per month and part-time employees with a proportionate number of hours of accumulated sick leave per month, calculated by dividing 172 hours each month into the number of hours actually worked in that month by the part-time employee, then multiplying the number four (4) by the percentage derived therefrom.

Unused sick leave benefits accumulate from year to year, up to a maximum of 240 hours. Employees are not paid for unused sick leave upon employment termination.

**5.3.10 Transfer of Vacation and Personal Leave:** Employees who have exhausted their vacation or sick leave benefits may receive a gift of vacation or sick leave from other District employees if an employee requires extended time off for illness or injury. In such event, the District's only involvement shall be to transfer an employee's sick leave or vacation credit in accordance with the employee's request to gift a specified amount of vacation or sick leave and add it to the vacation or sick leave balance of another employee. Employees with 80 hours of accumulated vacation and sick leave may donate up to 40 hours of their accrued balance. Donations are a free will act. No employee shall be required to donate any of his or her vacation or sick leave time to another employee.

**5.3.11 Time Off to Vote:** If an employee does not have sufficient time outside of working hours to vote at a statewide or local election, the employee may, without loss of pay, take off enough working time which, when added to the voting time available outside of working hours, will enable the voter to vote.

**5.3.12 Education Leave:** Pursuant to Resolution No. 07-01, the Farmers Irrigation District desires to provide incentives to employees to continue their employment with the District. Long term employment with the Farmers Irrigation District helps preserve and enhance District workforce skills and expertise and leads to long-term savings in recruitment, training and other personnel costs. The provision of leaves of absence and educational benefits may provide a significant benefit for Farmers Irrigation District, enabling employees to acquire specialized skills and expertise that otherwise would not be available to the District, or that otherwise would be available only at great expense.

5.3.12.1 The District Manager may approve an educational leave of absence for an employee provided:

- (i) The request is made to the District Manager in writing.
- (ii) The employee is a regular employee who has been continuously employed with the District for at least one (1) year.

- (iii) The request specifies an estimated starting and ending date for the leave, which appears to be realistic considering the space and nature of the planned course of study.
- (iv) The request identifies a specific program of study at an accredited college, university or trade school, including courses and minimum course load.
- (v) The program of study offers tangible benefits to the District.
- (vi) The employee expresses a sincere willingness to return to District employment for a time period at least equal to the period of the leave of absence itself (noting, however, that nothing herein shall change the District's policy of employment at will).

5.3.12.2 The District Manager will consider requests for educational leaves of absence (and requests for educational benefits provided during such leaves pursuant to Section 13 of this Handbook) on the basis of the technical merits of the proposed program of education, the anticipated benefits of the program to the District and the employee, the ability of the employee to complete the proposed program of education satisfactorily, the length of the proposed leave, the employee's length of service, the employee's dedication to the District, the employee's performance, relative efficiency, and responsibility level, and the overall expected impact of the leave on the District.

5.3.12.3 At the discretion of the District Manager, an employee may return to work temporarily during the educational leave provided that the return to work does not jeopardize the program of study for which the leave was granted.

5.3.12.4 Requests for modifications to or extensions of educational leaves must be submitted in writing and approved in writing by the District Manager prior to the proposed change. An employee who fails to report to work on the first work day after the leave is terminated or otherwise expires will be considered to have voluntarily resigned.

5.3.12.5 The District Manager's decisions whether to allow an educational leave, whether to extend an educational leave, and the conditions for the leave are binding.

5.3.12.6 An employee on educational leave shall enroll in the specific program of study approved by the District Manager and shall maintain the minimum grade point average (or other performance level standards) determined by the District Manager. Failure to meet these requirements may result in termination of the educational leave and loss of any benefits provided to the employee by the District.

5.3.12.7 At its discretion, the District may provide financial assistance, loans, continuation of health benefits, and other support to the employee during educational leave as set forth in Section 13 of this handbook.

## 6.0 SAFETY AND ACCIDENTS

### 6.1 SAFETY POLICY STATEMENT

Nothing is of greater concern to the District than the safety of its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the District safety and accident policy. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of the Safety Committee Chairperson, District Manager, or his/her designee. Cell phone usage is also dictated by this Safety Policy Statement.

For example, employees shall:

6.1.1 Use the safety equipment that has been provided.

6.1.2 Not operate equipment, without a doctor's written approval, while using prescribed medication that can cause drowsiness or impair judgment or the ability to operate such equipment.

6.1.3 Operate only the equipment on which proper training has been received.

6.1.4 Warn co-workers, the Safety Committee Chairperson, and the District Manager or his or her designee of unsafe conditions or practices. Accept with appreciation the warning of a co-worker or supervisors as an expression of concern for well being.

6.1.5 Report dangerous or unsafe conditions observed at work.

6.1.6 Refrain from horseplay.

6.1.7 Not use cell phones while driving. Safely pull off to the side of the road if you must make or return a call.

## 6.2 UNSAFE CONDITIONS

6.2.1 Employee Responsibility: Every employee is responsible for safety as a specific job assignment. To achieve the District goal of providing a safe work place, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous condition directly to the Safety Committee Chairperson, District Manager, or his/her designee if it cannot be corrected safely, independently, and immediately. Safety hazards corrected by the employee will be reported to the Safety Committee Chairperson, District Manager, or his/her designee as soon as possible. Every effort will be made to remedy safety problems as quickly as possible.

6.2.2 Management Responsibility: The Safety Committee Chairperson and the Safety Committee review the need for implementing safety practices, policies or procedures warranted by hazards. Each accident and "near miss" is cause for review. A copy of such policies shall be made available to all employees.

6.2.3 Managing Unsafe Conditions: It is every employee's responsibility to observe and identify conditions which could pose a hazard to employees or to the general public. After identifying the problem, employees at the scene are expected to:

6.2.3.1 Safely eliminate the hazard, and, if necessary, obtain assistance.

6.2.3.2 Safely control the hazard by enclosure or guard.

6.2.3.3 Implement avoidance procedures.

6.2.3.4 Use personal protective equipment as appropriate.

### 6.3 ACCIDENT REPORTING

Accidents involving the District must be reported to the Office and Finance Administrator in detail immediately after the occurrence. All accident reports should be submitted to the Office and Finance Administrator who will contact the District Manager and the Safety Committee Chairperson for proper follow up by the Safety Committee.

6.3.1 Vehicular Accidents: Accidents involving District-owned vehicles or personal vehicles being operated on District business must also be reported to a police agency for investigation. Any accident resulting in personal injuries or death must be reported immediately to the Office and Finance Administrator and the District Manager. The following steps must be taken:

- Contact the Office and Finance Administrator immediately.
- Employees are prohibited from self transporting following an accident or injury regardless of non-injury status.
- Someone other than the injured/vehicular party must determine the need for emergency services. Sometimes people are not immediately aware of their injuries and might refuse appropriate medical attention. The employee(s) must comply with determination.
- An “Exchange of Accident Information” packet is supplied in each vehicle and must be completed on-site.

6.3.2 Other Accidents: Accidents involving damage to equipment or property, or accidents involving personal injury, must also be reported to the District Manager. The Safety Committee Chairperson, the District Manager or his/her designee will ensure that appropriate follow-up investigation is completed.

### 6.4 EMPLOYEE INJURY REPORT

In case of an accident involving personal injury to an employee, regardless of how serious, the Safety Committee Chairperson, Office and Finance Administrator, and District Manager or his/her designee should be notified immediately, unless immediate notification is impossible, in which case notification shall occur as soon as possible. Failure to report accidents can result in a violation of conditions of insurance coverage and state laws, leading to difficulties in processing insurance and benefit claims. Injured workers must fill out a Worker's Compensation Report form and submit it within 24 hours to the Office and Finance Administrator. All injuries must be reported in a timely manner to avoid risk of claim denial. The Office and Finance Administrator will provide advice and assistance to any person filling out a Workers' Compensation Report.

If an injury results in the death of an employee, the District Manager or his/her designee shall immediately be notified and shall, in turn, immediately notify the State Workers' Compensation Department and the District's insurance carrier by phone. The Office and Finance Administrator will then proceed to process a claim report form.

The appropriate entries shall be made in the OSHA 200 report log.

#### 6.5 WORKERS' COMPENSATION INSURANCE

If an employee is injured on the job, in many cases the injured worker will be entitled to benefits under the state workers' compensation law. The District carries workers' compensation coverage and will assist employees in obtaining all benefits to which they are legally entitled.

#### 6.6 WORKERS' COMPENSATION PAYMENTS

There are special rules in processing an employee's benefit check if the employee has been injured on the job. The employee's time card should reflect actual time off. If an employee receives compensation from the District's carrier for an on-the-job injury, the employee must deliver the check to the Office and Finance Administrator, and the District pays the employee's wage gross less taxes for the length of time off.

#### 6.7 WORKPLACE VIOLENCE AND POSSESSION OF FIREARMS

The District recognizes the importance of a violence free work environment for all employees, agents, and the public. The District will not tolerate violent actions—physical, emotional, psychological, verbal, or otherwise—that threaten its employees, customers, Board members, or other District representatives, and includes abuse from and to anyone involved with the District. In other words, in the District setting, abuse is not tolerated. In short, mutual respect for the dignity of all human beings is required

Violence in the workplace includes, but is not limited to: striking, stabbing, shooting, or otherwise causing bodily harm; making oral or written threats to cause bodily or psychological harm; displaying weapons or devices, or accessories clearly associated with weapons or devices, in such a manner as to imply a direct threat to cause bodily harm; any other harassment or intimidation that implies the threat of or potential for bodily or mental harm to another's life, health, well-being, family or property. Demeaning behavior to or from staff, co-workers, or any other District representatives is not tolerated. Failure to comply with any aspect of this section may result in discipline, up to and including discharge.

## 6.8 EMERGENCY ACTION PLAN

Farmers Irrigation District is dedicated to the safety and health of its employees. If an unsafe condition is discovered, it is to be reported at once to the Safety Committee Chairperson and the District Manager or his/her designee if it cannot be corrected immediately. Potential accidents can be minimized with awareness in the workplace, taking note of hazards as well as steps to reduce or eliminate them. No employee should feel at risk doing his or her job.

In the event of an emergency, as in the case of a fire or release of a hazardous material, for example, all personnel will evacuate the scene and remain at a safe distance. Contact 9-1-1 immediately, alerting the local fire department. Staff will do a roll call to make sure that all coworkers are accounted for and a safe distance from the hazard. The employees will then contact the Safety Committee Chairperson, District Manager or his/her designee. If there are injured victims on the scene, first aid may be administered by coworkers until trained emergency response personnel arrive. Those employees not actively administering help will contact other coworkers in the field to make sure they are safe, aware of the threat, and located at a reasonable distance from the hazard. Personal contact information is available in the files in the front of the main office. If hazardous chemicals have been released, the Department of Environmental Quality must be contacted.

Smoke alarms are positioned in every building of the workplace, and are checked semi-annually. The telemetry system is also set up to alert the crew via pager of hazardous situations related to the water system and power plants. If the telemetry alarm is engaged, personnel must respond to the emergency **only if it is safe to do so**.

Fire extinguishers and first aid kits are stationed in each building and in all work trucks and construction equipment (backhoes, dump trucks, etc). The Safety Committee Chairperson is responsible for monthly visual inspection of extinguishers as well as keeping first aid kits up to date. Personal Protective Equipment specific to each task is made available and required. Drills reenacting emergency situations will be conducted quarterly.

At the time of hire, all new employees will receive a copy of this document and are required to participate in first aid and CPR classes, which are held on-site. They are also required to attend hazardous materials training.

### 6.8.1 EMERGENCY MEDICAL PLAN

If an employee sustains a serious injury at work, call 9-1-1. Immediately, or as soon as possible, the victim should also call the Safety Committee Chairperson and the District Manager or his/her designee. All crew members must have first aid and CPR training. Nearly all staff members at

Farmers Irrigation District are trained in First Aid and CPR. At least one coworker will go to meet the accident victim at the scene to provide aid and stabilization until the emergency medical team arrives, or, if immediate transportation is advisable, will take them to seek medical attention.

Personal information for each employee is available at the front office. This should be referenced for emergency contact information. The accident investigation should be initiated by the Safety Committee Chairperson and the Safety Committee as soon as possible.

## 6.9 HAZARD COMMUNICATION PLAN

Farmers Irrigation District is committed to preventing accidents and maintaining the safety of all employees. We strive to provide conditions that ensure the health of our staff by aggressively taking steps to eliminate risks. We will comply with all federal, state, and local regulations created to protect workers.

Unfortunately, this occupation sometimes requires the utilization of hazardous chemicals. Our commitment to the well being of our staff requires that all such chemicals have labels identifying the chemical and clearly marking it as hazardous material.

All Material Safety Data Sheets (MSDS) will be kept in the office in the bottom drawer against the easterly wall in the northeast corner of the office. If any MSDSs are noticed to be absent, immediately notify the Safety Committee Chairperson and Office and Finance Administrator to ensure that the MSDS is placed in the file folder.

### 6.9.1 TRAINING

Employees will be trained in proper use, precautions, and emergency procedures prior to handling any hazardous material. Employees will be directed to the location of the Material Safety Data Sheet file folder and shown how to read labels and consult MSDSs. The Material Safety Data Sheet file folder also contains a list that identifies all the known hazardous chemicals to which individuals might be exposed at Farmers Irrigation District. Detailed information about the chemical makeup, toxicity, physical and chemical characteristics, and hazard data are included in the MSDSs. New employees are required to attend a hazardous material training session.

Before employees perform non-routine tasks that might involve the use of hazardous chemicals, they are required to obtain and

thoroughly read the MSDS describing these hazards and chemical precautions. Employees are required to strictly adhere to all control measures and precautions listed in the MSDS. He/she must also review emergency procedures, should accidental overexposure occur. The MSDS should then be placed on file in the office.

Before working in areas where pipes insulated with asbestos containing material or pipes made of asbestos, the following steps must be taken:

- Locates must be conducted before digging, to prevent exposure to a hazardous material through compromised underground lines.
- Employees must attend a training that covers the following: health risks involved in the handling of asbestos, safe work practices required for minimal exposure to asbestos, and proper disposal protocol.

It is the responsibility of the Farmers Irrigation District contact person to provide contractors and their employees with the following information if they might be exposed to hazardous chemical in the workplace:

- The identity of the chemicals
- Location of Material Safety Data sheets
- Explanation of hazardous material labeling system
- Proper use and storage of chemicals

Contractors are responsible for obtaining a Material Safety Data Sheet for any hazardous chemical he/she brings into the workplace.

These guidelines are put in place out of concern for the health and safety of our employees and anyone else working with or for the District and must be followed closely. Together we can make our workplace a safe one.

## 7.0 WHAT THE DISTRICT EXPECTS FROM YOU

### 7.1 TEAMWORK AND EXCELLENCE

This section has been arranged to present a general overview of some of the District's expectations of its employees. Every employee should keep in mind that each one of us is a part of a team of public employees, and public satisfaction with the District depends upon good service. A weekly morning meeting, whenever practical, shall be facilitated by the District Manager in order to listen

to one another and hear our collective stories. Unless specifically excused by the District Manager, attendance is mandatory.

## 7.2 PERSONAL CONDUCT

Positive attitude, proper courtesy, and conduct on and off the job are important to the individual as well as to the District. Neatness of work performed is also important. All employees are engaged in public relations. Some deal directly with the public; others, while not in direct personal contact, do perform work under the public eye. Employees of the District, regardless of whether contacts are direct or indirect, are expected to be courteous, efficient, and helpful in all their work assignments. Favorable impressions created by the employees' public behavior help develop good will and support for District services.

7.3 USE OF TABACCO PRODUCTS IS PROHIBITED: No employee is permitted to smoke while on the job. This applies to District vehicles as well.

## 7.4 CODE OF ETHICS FOR DISTRICT EMPLOYEES

7.4.1 Personal Interests Avoided: District employees may not use District equipment or services for personal interest. When giving testimony unrelated to their assigned District responsibilities, District employees shall not use information or facts that have come to them by virtue of their employment for personal gain or benefit. In matters of personal interest, employees should conduct themselves so as not to impair their working relationship with other individuals.

7.4.2 Gifts and Gratuities: Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the District. In this regard, the appearance of impropriety can be as damaging as actual impropriety and shall be avoided.

7.4.3 Special Gifts: Where consistent with ORS ethics standards, employees may allow acceptance of non-monetary gifts of nominal value [e.g., under \$50] at holidays or special occasions which are available to be shared by all employees.

## 7.5 POLITICAL ACTIVITIES OF DISTRICT EMPLOYEES

7.5.1 Official Position - Campaigning: Employees may not use their official authority or position with the District to further the cause of any political party or candidate for nomination or election to any political office.

7.5.2 On-Duty Activity: Oregon law forbids any District employee, while on the job, from soliciting money, influence, service, or other articles of

value or otherwise aiding and/or promoting any political cause or the nomination or election of any person for public office.

**7.5.3 Off-Duty Activity:** During the term of their employment, a District employee may not hold any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office holder. An employee may obtain a prior written approval from the District Manager and the District Board of Directors before filing as a candidate for an elective office. Failure to obtain prior written approval may be deemed by the District to constitute a voluntary resignation if the employee is elected to that position and the District determines that the election to the position creates a conflict of interest with the employee's position with the District. Nothing in this rule is intended to restrict the political actions or activities of employees outside of their regular working hours.

## **7.6 COST CONSCIOUSNESS**

Every employee of the District is a taxpayer and citizen of the community and is expected to practice economy in all duties. Failure to do so is not in the best interests of the District.

## **7.7 ATTENDANCE AND PUNCTUALITY**

Each employee and the employee's performance on the job is important to the overall success of operations. Everyone is expected to keep regular attendance, be on time, and work as scheduled. As described in Section 7.1 (above), all employees are expected to attend the weekly morning meeting facilitated by the District Manager. Unless specifically excused by the District Manager, attendance at the weekly meeting is mandatory.

In accepting employment with the District, each employee is required to meet certain standards. Maintaining an acceptable level of job attendance is part of good work performance and is one of the standards by which an employee's overall contribution to the District may be measured. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled work day. Recurring and excessive absences and/or tardiness is disruptive to work schedules, costly to the District and its residents, and detrimental to the morale and efforts of employees who maintain a good work record. Failure to meet these requirements subjects an employee to disciplinary action, which may include termination. The ability to attend work regularly is an essential job function.

## 7.8 PERSONAL APPEARANCE

Each employee is responsible to dress appropriately for the job. Good judgment in personal attire is expected.

## 7.9 APPEARANCE OF WORK AREAS

The District's objective is to provide and maintain clean, safe and healthy work conditions. It is the responsibility of each employee to maintain a safe, neat work area and to ensure that all working documents, desks, cabinets and equipment are secure at the close of the shift.

## 7.10 PERSONAL TELEPHONE CALLS

District phones are to be used for District purposes. Telephone calls of a personal nature (incoming and outgoing) should be kept to a minimum and made during breaks or lunch periods whenever possible. Under no circumstances should an employee charge a long distance call to the District unless it is work-related. Friends and relatives should be discouraged from calling during working hours except when really necessary.

## 7.11 OUTSIDE EMPLOYMENT

7.11.1 District Comes First: When an individual accepts employment with the District, it is understood that the District has first call upon the services of its employees, regardless of any effect on secondary employment.

7.11.2 Incompatible Work: Employees shall not engage in outside employment that conflicts with District employment, detracts from the efficiency of work performance, or is in conflict with the interests of the District. The District expects employees to avoid outside employment which affects endurance, overall personal health, or effectiveness. The District will hold all employees to the same standards of performance and scheduling demands, including employees who hold outside jobs.

7.11.3 Notification and Conflict: Employees shall notify the District Manager in advance of all employment outside the scope of their employment with the District. It shall be up to the employee to choose which employment option is most desired in the event that the District Manager finds that outside employment is in conflict with or brings discredit upon District interests.

7.11.4 Volunteerism: As a service to community, District employees are encouraged to serve in volunteer roles and activities outside the District that are not in conflict with District interests. The District Manager should be notified of these outside volunteer contributions and will work with the

employee to reasonably accommodate such activities without detrimentally impacting District services.

## 8.0 DRUG AND ALCOHOL POLICY:

### 8.1 STATEMENT OF CONCERN

The District is committed to maintaining high standards of employee health, safety, productivity, reliability, and general well-being. The purpose of this drug and alcohol policy is to promote a safe and productive working environment and to prevent accidents, injuries and property damage which might result from drug and alcohol use or abuse. To satisfy these objectives, the District must require a work environment free from the effects of drugs, alcohol, or other performance-impairing substances.

The District has a responsibility pursuant to the Drug Free Work Place Act of 1988. Employees shall not report to work under the influence of intoxicating liquor or illegal drugs. All employees understand that the use, sale, possession, manufacture, distribution and/or dispensing by an employee of an intoxicating liquor, controlled, or illegal substance, or a drug not medically authorized, or any other substances which impair job performance or pose a hazard to the safety and welfare of the employee, other employees or the public, is strictly prohibited, except for alcohol or medically prescribed controlled substances off-duty or the consumption of medically prescribed controlled substances on-duty which are deemed by a physician to be safe to consume while on-duty. An employee is regulated by this policy while in "on-call" status and is considered on-duty. Conduct in violation of this policy may result in disciplinary action and/or criminal investigation, if appropriate. This policy will be enforced and administered in a manner which is consistent with the value statements set forth in this section, and with the advice and concurrence of the District's legal counsel and the Board of Directors.

### 8.2 PROHIBITED CONDUCT

The following conduct is strictly prohibited:

8.2.1 The buying, selling, transportation, possession, manufacture, use or consumption of alcoholic beverages or any controlled substances, as defined by law, including marijuana or "mood altering substances" (but excluding any substance lawfully prescribed for the employee's use, which is deemed by a physician to be safe to consume by an employee while the employee is "on duty") while on District property, while operating District equipment and vehicles or at any time during working hours, including rest and meal periods.

8.2.2 Reporting for work under the influence of alcoholic intoxicants: An employee is automatically considered to be "under the influence" of alcohol when the employee's blood alcohol content reaches or exceeds 0.08%.

8.2.3 Reporting for work with any controlled substance, including marijuana or "mood altering substance" (but excluding any substance lawfully prescribed for the employee's use and which is deemed by a physician to safe to consume while the employee is "on duty") "present in the body." An employee is considered to have a controlled or mood altering substance "present in the body" when the employee tests "positive" in any blood or urine test administered. An employee shall be deemed to test "positive" to cannabinoids (marijuana or hashish) if his/her urine test indicates 30 or more nanograms/ml or the blood/serum contains 20 or more nanograms THC metabolites/ml. In the event of a "positive" test, a second test shall be administered immediately to confirm the results of the first test.

8.2.4 Failing to promptly and fully disclose all felony convictions, plea bargains and parole/probation terms which involve buying, selling, transporting, manufacturing, cultivating, possessing or consuming any controlled substance, including alcohol. Disclosure must be made directly to the District Manager or his/her designee. This disclosure requirement will apply to all convictions and plea bargains that occur after the effective date of this policy and all parole/probationary terms which are finalized after the effective date of this policy, and the disclosure must occur within two (2) work days following the incident which requires disclosure.

8.2.5 Employees failing to fully cooperate with any aspect of the District's enforcement of this Drug and Alcohol Policy, including but not limited to refusing to submit to required testing, searches, professional evaluation for drug and alcohol dependency, or failing to comply with rehabilitation conditions imposed by the District or conditions imposed by rehabilitation counselors shall be subject to discipline, up to and including discharge.

### 8.3 MANDATORY TESTING

Mandatory testing will be required in the following circumstances:

8.3.1 Random Testing for Commercial Drivers as Required by Law: The District is part of a consortium to comply with federal requirements for random drug testing of commercial drivers.

8.3.2 Reasonable Cause Testing:

Where the District Manager or his/her designee has reasonable grounds to believe that an employee is under the influence of any alcoholic intoxicants or has a controlled substance present in his/her body, the District Manager or his/her designee may require that the employee immediately submit to a blood test, a urine test, and/or an intoxilyzer test. This testing, based upon reasonable suspicion, may be required at the sole discretion of the District Manager or his/her designee.

Employees who are required to submit to reasonable cause testing are prohibited from transporting themselves to the test collection site. A supervisor or management employee will provide transportation to and from the collection site designated by the District.

8.3.3 Testing Procedure: When the employee is notified that he or she is required to consent and submit to such tests, he or she may request the presence of a representative to witness the test. The test may not be delayed unreasonably in order to wait for a representative.

Before a supervisor, acting on behalf of the District under this policy, may require an employee to consent and submit to any test, the supervisor must first obtain concurrence from the District Manager or his/her designee that the information available to the District about the subject employee is sufficient to determine reasonable suspicion that prohibited conduct will be established as a result of the test.

The District Manager or his/her designee or the supervisor shall arrange transportation for the employee for testing, and the employee will be sent off duty following testing. The District Manager or his/her designee or the supervisor will also arrange transportation home for the employee following completion of the testing. The employee will not provide his or her own transportation. The employee will be compensated for the loss of any scheduled work time on the shift from which he/she was sent home at the rate of double-time and for the remainder of any other scheduled lost time at the rate of time and one-half if the test is negative.

The employee shall give consent to a blood, urine or intoxilyzer test, or any combination, upon request, by signing a consent form.

8.3.4 Consequence of a Positive Test: An employee who is found to be under the influence of or impaired by alcohol or illegal drugs as a result of a "positive" test requested by the District based upon reasonable suspicion will be subject to disciplinary action including suspension or termination. Unless otherwise required by law, sick leave benefits will not apply if the employee seeks drug treatment, even if treatment is imposed as a condition of return to work or continued employment.

8.3.5 Consequence of Refusal to Submit to Testing: An employee who refuses to submit to discovery testing for alcohol and drugs will be subject to suspension or discharge, or both.

#### 8.3.6 Post Accident Testing

All employees who are involved in reportable vehicle accidents will be required to immediately submit to urine testing for the detection of drugs, unless the District Manager concludes that the employee's action or inaction was clearly not a factor causing the accident. Likewise, whenever the District Manager believes that there is "reasonable cause" for believing that an employee involved in a reportable accident had alcohol in his/her system at the time of the accident, the employee will be required to immediately submit a blood sample for the detection of alcohol under the "reasonable cause" testing rule set forth below.

A "reportable accident" is one which results in a death or bodily injury requiring the injured person to receive immediate medical treatment away from the site of the accident or property damage which the District Manager believes is significant or is estimated to be significant.

In the event an employee is injured, the District's first concern will be to obtain medical treatment for the employee. Injured employees will, however, be required to release medical documents so that the District can determine whether he/she had any controlled substance, including alcohol, present in his/her body.

#### 8.3.7 Periodic Medical Examination Testing:

Drivers may be required to submit to drug testing in conjunction with their medical examinations.

Although the District Manager or his/her designee will be happy to answer questions regarding medical examination requirements, it is ultimately a driver's responsibility to comply with renewal deadlines. If you are a driver, make sure you schedule your medical examination and drug testing far enough in advance to allow for a return of testing results before your deadline.

### 8.4 SEARCHES

When the District Manager or a supervisor believes that there is reasonable suspicion that an employee is using controlled substances or alcohol before reporting to work or returning from breaks or is in possession of such controlled substance or alcohol on District premises, as described above, or during working hours, all personal items such as

packages, bags, lunch boxes, or other items being carried on or removed from District property may be subject to search. This right to search includes inspection of personal vehicles parked in District parking lots and adjacent areas. Likewise, all District property will remain the property of the District and will be subject to search whenever the District believes an employee may be in violation of this drug and alcohol policy.

Required searches will be conducted by supervisory or management employees and may be conducted in the presence of a law enforcement official.

Refusal to cooperate with investigations will, however, be considered evidence of a violation of this policy and will subject an employee to discipline, up to and including discharge.

All illegal drugs or drug paraphernalia found in or on District property will be released to a law enforcement agency. A refusal to submit to a District search may result in discipline, including termination of employment.

#### 8.5 PRESCRIBED MEDICATION

Employees utilizing any prescribed medication or controlled substance, or any other substances which the employee knows or should know can impair job performance, as part of a medical treatment program must immediately report this treatment to their supervisor or to the District Manager or his/her designee. Although the use of medications or controlled substances as part of a prescribed medical treatment program is not grounds for disciplinary action, failure to report the use of a prescribed medication, use which is inconsistent with a prescription, or failure to provide medical authorization that use on the job is safe will subject an employee to disciplinary action. It is the employees' responsibility to determine from the physician whether or not the prescribed drug would impair job performance.

#### 8.6 REHABILITATION ASSISTANCE

Employees who have alcohol and/or drug dependency problems or feel that they may have such problems are encouraged to contact the District Manager and/or to pursue voluntary rehabilitation. Although the District will support voluntary treatment efforts for employees with drug and alcohol dependency problems, it is an employee's responsibility to pursue treatment before dependency problems result in unsatisfactory performance, attendance, or safety records, and before the employee violates this drug and alcohol policy.

When an employee, for the first time, voluntarily reports that he/she has a drug or alcohol dependency problem and seeks assistance, that employee may be placed on a leave of absence or adjusted working hours to allow for in-patient or out-patient rehabilitation treatment. The employee will not be permitted to work until such time as a competent medical authority or a competent, licensed alcohol and drug dependency treatment provider approved by the District, has verified that the employee has controlled the dependency and is able to safely perform job assignments.

To protect his/her position with the District, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written Rehabilitation and Return to Work Agreement required by the District.

If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, accrued sick leave benefits may be used while attending rehabilitation. After such accommodation, the discontinuation of any involvement with alcohol or drugs may be an essential requisite for employment and is consistent with the District's policy of maintaining a drug free work place. The employee may be required to sign a performance contract which will be an agreement to conditions of continuing employment.

An employee may be required to authorize the District Manager or his/her designee to monitor treatment and satisfactory participation, and to submit to random blood and urine screening for alcohol and/or drugs for a specified period of time not to exceed 36 months in any situation when treatment is the result of District intervention. Medical confidentiality will be preserved, subject to rights granted by the employee to the District Manager or his/her designee to monitor treatment and program compliance through the treatment center or directly with a health care provider. A refusal to participate in this program may result in discipline, including termination of employment.

The employee will be permitted job protection and rehabilitation only one (1) time. Any further violation of the District's drug and alcohol policy or Rehabilitation and Return to Work Agreement will result in discharge.

The District's financial participation in rehabilitation will be limited to existing leave and medical benefits provided under the employment policies applicable to the employee at the time.

## 8.7 CONCLUSION

The District may revise this policy from time to time as it deems appropriate. In the event of such a change, the employees will be notified. The District's effort to maintain a drug and alcohol free workplace are not, however, intended to be limited exclusively to what is written in this policy. The District may take other steps that it considers to be necessary to detect and eliminate drug and alcohol abuse among its workforce.

## 9.0 NON-DISCRIMINATION AND HARASSMENT

### 9.1 EQUAL EMPLOYMENT OPPORTUNITY

The District is committed to provide equal employment opportunities to all qualified persons without regard to race, religion, color, sex, sexual orientation, national origin, ethnic background, mental or physical disability, bankruptcy status, veteran's status or other protected status in accordance with applicable law. The District strives to make employment decisions based upon its evaluation of an individual's qualifications, ability and potential to contribute to the success of the District. Equal employment opportunities will be provided in hiring, promotion, wages, benefits and all other aspects of employment.

The District Manager is the coordinator for the District's procedures for the implementation of this policy. However, all elected officials and all employees, particularly management and supervisory staff, shall work to ensure that the intent and stated requirements of this rule are implemented in all employee relations and personnel practices. It is the responsibility of every employee to ensure that the work environment is free of any practice of discrimination or harassment. It is the intent and desire of the District that equal employment opportunity will be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment.

The District has an internal complaint procedure designed to address and resolve complaints of discrimination including retaliation and harassment. See below.

### 9.2 HARASSMENT

9.2.1 Statement of Concern: It is the District's policy that all employees have the right to work in an environment where the dignity of each individual is respected. For that reason, the District expects all employees to accomplish their work in a business-like manner, with concern for the well-being of their co-workers. Any harassment or abuse of employees by supervisors, fellow employees, board members, customers, contractors, or vendors is not permitted. The District regards illegal harassment as a serious transgression.

9.2.2 Specifically forbidden is harassment of a sexual, racial, ethnic, religious or disability-related nature. Sexual harassment includes but is not limited to conditioning employment or making employment decisions based on an employee's submission or rejection of sexual conduct; unwelcome sexual advances; innuendoes; unwelcome touching; dirty jokes; sexually explicit posters; and other verbal, graphic or physical conduct of a sexual nature that has the purpose or effect of creating an offensive work environment. Harassment also includes verbal, graphic, physical or other conduct of a racial, religious or ethnic nature that creates an offensive work environment. Other forms of specifically prohibited harassment include racial slurs, derogatory comments about a person's ethnic background, sexual orientation, religion or disabilities, racial and ethnic jokes and other conduct of a racial, religious, ethnic or disability-related nature or any demeaning behavior or conduct that has the purpose or effect of creating an offensive working environment.

9.2.3 Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute prohibited sexual harassment when:

9.2.3.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

9.2.3.2 Submission to or rejection of such conduct by an individual influences employment decisions affecting the individual; or

9.2.3.3 The conduct has the purpose or effect of interfering with an individual's work performance or of creating an intimidating, offensive or hostile work environment.

### 9.3 REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION

9.3.1 If an employee feels that he/she or a co-worker is subjected to any type of illegal discrimination, retaliation or harassment, particularly of a sexual, racial, ethnic, religious or disability-related nature, by an employee or anyone the employee comes into contact with through his/her job, the employee should promptly contact his/her supervisor, or the District Manager or his/her designee, or any other manager or member of the Board with whom the employee feels comfortable. Employees who, for whatever reason, feel uncomfortable reporting to their supervisor or to any staff should promptly report the harassment directly to the Chairperson of the Board of Directors. The District encourages employees to report complaints and to work with the District to informally resolve problems involving harassment. The District's ability to resolve these kinds of

problems is dependent on the employee's cooperation in reporting incidents that create an offensive or hostile work environment for the employee. In the event a complaint is reported, an investigation will be undertaken immediately to ensure that the charge is appropriately resolved. Violators will be subject to appropriate disciplinary action. Retaliation for making such a complaint will not be tolerated.

### 9.3.2 Steps Employee Should Take in Support of Complaint:

9.3.2.1 The employee should tell the offending person to stop his or her behavior or let the District Manager, a manager, or the Board Chairperson know so he or she can tell the offending person to stop his or her behavior.

9.3.2.2 The employee should document in writing what has happened. List the names and job titles of the perpetrator(s) and witnesses as well as the date and locations of the comments or behavior. Be sure to include personal feelings and responses during and after the incident.

9.3.2.3 Report the incident to a supervisor, Board Chairperson, or the District Manager or his/her designee.

9.3.3 Response to Reports: Written reports concerning harassment, discrimination or retaliation will be forwarded to the District Manager unless there is an allegation against that person and, if so, then written reports will be forwarded to the Chairperson of the Board who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees. Whenever supervisory employees become aware of allegations, they will make a written record of the allegations and will forward the record to the District Manager or Chairperson of the Board in accordance with this policy.

9.3.4 Investigation: The District Manager or the District's legal counsel or other person designated by the Chairperson of the Board will begin an immediate investigation if the allegations warrant such investigation. The first pre-investigation step shall be to inquire of all persons reporting as to whether the record now includes all allegations. The investigation will be conducted promptly on a priority basis. If an employee wishes to have a representative present at any discussion between the employee and the District's investigator, the employee's request will be honored, and a representative will be given an opportunity to be present. All such

discussions shall be held in private, away from the employee's work area if necessary.

The perpetrator will be advised of the allegations and afforded an opportunity to reply orally or in writing. The perpetrator shall also be advised that any retaliatory conduct will be subject to disciplinary action, up to and including termination, regardless of allegations or outcome of any investigation.

The results of the investigation shall be reduced to writing. A finding shall be made that there is or is not reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the District to modify policies or practices to correct any appearance of illegal harassment, discrimination or retaliation regardless of whether or not there is any finding or reasonable cause for disciplinary action or the taking of any disciplinary action. The report will also include any recommendations to remedy any harm that was suffered if the evidence shows that the employee alleged to have been affected by illegal harassment, discrimination or retaliation was injured or harmed.

A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may have placed in the personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may present such a statement.

9.3.5 Confidentiality: Complaints and investigative information are considered District confidential information. Although the District will conduct investigations discreetly and will strive to protect the privacy of the individuals involved, the complaining employee should be aware that the District cannot promise complete confidentiality. At times, pursuing an investigation may require or lead to disclosure of the identity of those connected to the complaint or to disclosure of information that could lead to identification of persons connected to the complaint.

#### 9.4 ACCOMMODATION

The District recognizes that certain employees may need reasonable accommodation due to a disability or may need accommodation due to religious beliefs. Employees are encouraged to discuss their needs with the District Manager.

#### 9.5 IMMIGRATION AND NATIONALITY PROGRAM

9.5.1 Policy Statement: The District's policy is to provide equal opportunity to all persons, including lawfully authorized alien workers, in

matters affecting employment with the District while complying with the Immigration Reform and Control Act of 1986. Within the conditions of this Act, the District shall not discriminate against any individual based on national origin or citizen status.

9.5.2 Procedure: In order to assure compliance with the Immigration and Nationality Act, the District will:

9.5.2.1 Consider every job applicant on his or her merits;

9.5.2.2 Verify employability and identity in a lawful and consistent way; and

9.5.2.3 Maintain complete and accurate documentation of all decisions.

## 10.0 PERFORMANCE EVALUATION

### 10.1 EMPLOYEE PERFORMANCE REVIEWS

10.1.1 Purpose - Communication: Employee performance reviews are an essential communication process between the employee and the District Manager. Meaningful performance assessments require both the District Manager's and the employee's evaluations and such reviews provide information relating to the quality of an employee's job performance, identifying areas of training needs, targeting the strengths and weaknesses of the work performance, and measuring the relationship between goals and objectives and job performance. The purpose of evaluations is to let employees know how well they are performing their jobs and whether they have performance problems. Evaluations are also meant to provide an opportunity for employees to provide feedback to the District Manager regarding their job. Evaluations may also serve as a basis for personnel decisions—wages, promotions, and termination.

10.1.2 Goal - Form Desirable Behaviors: The goal of the employee performance review process is to establish a pattern of expected work performance and habits. The review process gives employees and supervisors an opportunity to measure, review and establish goals, to reward or acknowledge good performance, to create incentives, and to create methods of improving work performance.

10.1.3 Review Process: There is no set schedule for performance reviews. The District Manager and/or his/her designee may sit down with the employee at any time to discuss performance. In addition, the employee may ask to discuss his or her performance with the District Manager and/or his/her designee at anytime.

10.1.4 Employees Affected: All regular employees of the District may be evaluated under this policy.

## 11.0 PROBLEM SOLVING PROCESS

### 11.1 DISTRICT POLICY

The District strives for fair treatment of all employees. Misunderstandings and problems can occur in any organization. The District intends that such matters be resolved as early and as fairly as possible. Disagreements relating to work assignment, pay, promotion opportunity or any aspect of the work relationship should be openly discussed with the District Manager.

### 11.2 STEPS TO SOLUTION

If at any time an employee believes he/she is not being treated fairly, the employee should report the problem to the District Manager or to the District Manager's designee. The employee should report the problem within ten working days following the occurrence of the conduct or issues perceived by the employee to be a problem. Several steps are suggested to ensure that a prompt and fair resolution is achieved:

11.2.1 The employee should talk with the District Manager as soon as possible. If the employee is not comfortable talking with the District Manager, the employee may talk to the Office and Finance Administrator or to his/her immediate supervisor. That person will review the employee's problem and will keep the employee informed of the progress of the investigation.

11.2.2 If the employee believes the problem is not properly resolved, the employee may file a written statement concerning the problem with the Chairperson of the Board. A copy should be sent to the District Manager. The employee will be given a written reply by the Chairperson of the Board within ten (10) working days after the written statement is received, unless additional time is needed.

11.2.3 The Chairperson of the Board will review any decision by the District Manager or supervisor upon an employee's timely request, investigate further if appropriate, and issue a decision. The employee's request for consideration of the District Manager's or supervisor's decision must be made within ten (10) working days from the employee's receipt of the District Manager's or supervisor's decision, or within such time frame

as is consistent with the appeal procedures set forth under the discipline portion of this employee handbook. The employee may present further facts, documents or arguments prior to entry of the final decision of the Chairperson of the Board. In the event that the employee does not file a request for consideration of the District Manager's or supervisor's decision within ten (10) working days of the employee's receipt of the decision, the District Manager's or supervisor's decision is final and binding. If the employee does file a timely written request with the Chairperson of the Board, the Chairperson of the Board's decision is final and binding.

11.2.4 The District cannot guarantee that an employee's point of view will be accepted, but the District Manager or, as needed, the Chairperson of the Board will always listen and make every effort to ensure that problems are resolved fairly and in the public interest.

11.2.5 If the District Manager has suspended or terminated the employee, the procedures set forth in this Section 11 may not be utilized by the employee as a mechanism to overturn or postpone the decision to terminate or suspend the employee.

## 12.0 DISCIPLINE

### 12.1 DISCIPLINE GENERALLY

On-the-job conduct of District employees affects the ability of the District to serve its users and affects the user's impression of District government. Employee safety, productivity and morale are dependent upon employee conduct.

Occasionally it is necessary for the District Manager to resort to corrective action, up to and including termination of employment.

### 12.2 DISCIPLINE - GENERAL GUIDELINES

12.2.1 Discipline may be initiated for many reasons, including, but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.

12.2.2 Discipline includes:

12.2.2.1 Verbal Counseling

12.2.2.2 Written Counseling or Warning

12.2.2.3 Suspension

#### 12.2.2.4 Demotion

#### 12.2.2.5 Discharge

Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Exceptions or deviations from the normal procedure may occur whenever the District Manager deems it appropriate, case by case.

Each situation warranting discipline shall be evaluated on the basis of the facts and issues pertaining thereto. The District Manager shall determine the appropriate degree of discipline.

### 12.3 DISCHARGE, DEMOTION AND SUSPENSION PROCEDURE

12.3.1 Pre-Action Conference. If the District Manager determines that there is cause for the discharge, demotion or suspension without pay of an employee, the District Manager shall notify the employee of the specific allegation and the nature of the discipline being considered. The District Manager shall afford the regular employee a formal opportunity to refute the charges orally or in writing before the Board. If the District Manager deems it to be necessary, the regular employee may be suspended with pay prior to the formal opportunity to refute the charges. Once the employee has been afforded the opportunity to refute the charges and explain the circumstances, the employee may be discharged, suspended without pay or demoted. If a pre-action conference is to be held, it will be scheduled and held giving the employee adequate notice and time to develop a response and seek outside assistance as the employee feels necessary. Only regular employees, not temporary or seasonal employees are due pre-action conferences.

#### 12.3.2 Appeal of Disciplinary Action:

12.3.2.1 Right to Appeal From Discipline: Any regular employee who has been suspended, reduced in pay, or demoted, or who will be dismissed for disciplinary reasons, shall have the right of appeal to the Board of Directors ("Board"). Notice of the appeal must be filed with the District not later than ten days following the effective date of any action short of discharge, and not less than twenty (20) days prior to the effective date of discharge. Such notice must be in writing and must set forth the reasons why the disciplinary action is thought to be improper. The appeal shall be heard by the Board within twenty days after receipt of the request by the District. The Board shall furnish the District Manager with a copy of the notice of appeal in advance of the hearing.

12.3.2.2 Who May Appeal: Only regular employees have a right to appeal disciplinary actions. The Board, in any manner as it deems proper, may give consideration to all suggestions and complaints that concern proper administration of the personnel policies.

12.3.2.3 Investigations: In connection with an appeal, complaint, protest, or any other purpose authorized by the personnel policies, the Board may conduct such investigation as the Board deems necessary.

12.3.2.4 Hearings:

12.3.2.4.1 Procedure: The Board shall set a hearing upon timely written requests made under this policy. The employee and the District Manager shall be given written notification of the time and place of the hearing.

12.3.2.4.2 Conduct of Hearing: A hearing before the Board is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges brought to the Board .

12.3.2.4.3 Counsel or Representative: In appealing a disciplinary action to the Board, an employee may but is not required to have counsel or other representation. The employee or his/her spokesperson may examine and cross examine witnesses, make statements, summarize testimony, and otherwise provide evidence and argument at the hearing.

12.3.2.4.4 Board of Directors Findings: If, after receiving evidence presented in the hearing on disciplinary actions, the Board finds that the complained of action taken by the District Manager was consistent with policy, the Board may affirm the action. If the Board finds that the complained of action taken by the District Manager was not consistent with District policy, the employee shall be reinstated to the position and shall not suffer any loss in pay or status, and the personnel file shall be purged of such record. The Board, in lieu of affirming the disciplinary action, may modify the discipline as the circumstances may warrant. The decision of the Board shall include a finding of fact and shall be final and binding.

#### **12.4 AT WILL EMPLOYER**

**Notwithstanding the above statements regarding progressive discipline, and any other oral or written statements, an employee can be suspended with or without pay, with or without notice, and an employee can be discharged at any time and for any reason the District Manager or District Board considers sufficient, at the District's option or at the employee's option, subject to the rights to appeal set forth herein.**

#### **12.5 EXIT INTERVIEW**

At the end of the employment relationship the District Manager and the employee are encouraged to meet to discuss or listen to any concerns or comments the leaving employee may have. This exit interview is encouraged regardless of whether the employee or the District instigates the termination of the employment relationship.

### **13.0 EDUCATION AND TRAINING**

#### **13.1 GENERAL POLICY**

The District encourages continued education and training for employees to enhance job performance and to assist in potential career advancement within the District. The District shall provide such in-service training as it deems necessary and beneficial to the delivery of services and performance of duties.

Employees may request payment for outside educational opportunities including, but not limited to, college or university-level course work or degree-track programs, trade school, seminars, and conferences relevant to their current or future roles in the organization. Such requests must be made in writing to the District Manager for approval. As its discretion, the District may pay tuition expenses, and/or expenses for room, board, books, transportation, and supplies. The District may also loan money to the employee to pay for any or all of these expenses and require repayment at a reasonable rate of interest over a reasonable amount of time.

The District Manager will consider requests for reimbursement of expenses and for provision of educational benefits on the basis of the technical merits of the proposed program of education, the anticipated benefits to the District and the employee, the degree to which an educational leave of absence may be necessary or advised, the ability of the employee to complete the proposed program of education satisfactorily, the length of the proposed leave, the employee's length

of service, performance, relative efficiency, and responsibility level, and the overall expected impact of the leave on the District.

The District may grant an educational leave to pursue a prescribed course of study or technical training in accordance with Section 5.3 of this District Personnel Policies and Procedures Handbook. The District may forgive all or a portion of a loan made to an employee for education expenses if the employee, upon completion of the educational leave, continues work with the District as a regular employee for a period of time prescribed by the District.

At its discretion, the District may continue to provide certain employee benefits during the period of the educational leave, including payment of health and dental insurance benefits premiums. The employee may also be allowed to accrue seniority for purposed or future accumulation of District benefits that increase based on length of employment. However, the employee will accrue no paid time off itself during the time period of the leave of absence.

Benefits and loan arrangements of any kind shall be provided only upon the written consent of the District. No employee shall have any claim for any benefits, reimbursement of tuition or other expenses, loan, or compensation of any kind incurred for outside educational opportunities unless the employee has obtained the prior written permission of the District.

The District Manager shall be authorized to prepare and execute contracts, loan agreements, and other arrangements with employees to effectuate the policies set forth in this handbook regarding education and training.

Subject to applicable law, the Board of Directors of the Farmers Irrigation District reserves the right to eliminate, enhance, or otherwise modify this or any other employee benefit at any time for any reason without notice to Farmers Irrigation District employees.

**Nothing herein shall modify the District's policy of employment at will.**

Employees may request compensation for the costs of technical or other academic course work, seminars, and conferences relevant to their current or future roles in the organization. Such requests must be made in writing to the District Manager for approval prior to the employee's enrollment or participation. Reimbursement for course work will only be made if the employee receives a passing grade. All training activities involving a cost to the District must be approved in advance, in writing.

## 14.0 EMPLOYEE'S PENSION

### 14.1 ELIGIBILITY

Eligibility to participate in the District's pension plan is set forth in the Plan booklet and in such policies as may be established by the Board from time to time in the future.

### 14.2 PLAN BOOKLETS

Plan booklets may be obtained from the Office and Finance Administrator.

## Acknowledgement

I certify that I have received a copy of the Personnel Policies and Procedures Handbook ("Handbook") of the Farmers Irrigation District ("District"), revision date April, 2007.

I understand that the District reserves all rights necessary to the efficient and orderly management of its business. The Handbook is intended to be a guideline to the District's general practices, it is not a contract or a promise of certain action in certain situations. Employment with the District is at-will. It may become necessary for the District to change this Handbook and its policies from time to time as it deems necessary for the management of District business.

I have carefully read, and I understand the policies and rules outlined in this Handbook. I accept responsibility for understanding and complying with the District's policies. I recognize that my employment can be terminated at any time, with or without notice.

I also understand that no one other than the District Board has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits, or terms or conditions of employment, or to make any promises contrary or in addition to this Handbook. Any past promises contrary or in any way different from this Handbook are disclaimed. Any future promises contrary or in any way different from this Handbook must be in writing, signed and dated by the District Manager, the Chairperson of the Board and me in order to be valid.

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Employee's Name  
(Printed)

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Employee's Signature

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Date