

# DIABLO WATER DISTRICT

## REGULATION NO. 106

### PERSONNEL POLICY

#### Section I. Working Hours

- A. The working hours of District employees must be in accordance with a schedule established by the General Manager or their designee, which may be changed at any time. All items referenced in this regulation are based on a 40-hour work week. Alternative schedules must be followed pursuant to the agreed upon terms in said agreement.
- B. For non-exempt employees, any work performed in excess of eight hours on any workday is overtime work. All hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek, must be compensated at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits. All hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek, must be compensated at two times the employee's regular rate of pay, including qualifying fringe benefits. Part-time employees must receive overtime pay only after having worked eight hours in a day. *Overtime hours are not reportable to the California Public Employees' Retirement System (CalPERS).*

- C. Any non-exempt employee who is not scheduled or assigned to be on-call on a holiday as observed by the District, but is asked to work, must be compensated for eight hours of holiday pay at their regular rate of pay plus two-and-one-half times their regular rate of pay, including qualifying fringe benefits, for all hours worked, not less than two hours (*not reportable to CalPERS*).
- D. Any non-exempt employee who is not scheduled or assigned to be on-call and is asked to work on a District recognized holiday that falls on a Saturday or Sunday, must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all hours worked, not less than two hours (*not reportable to CalPERS*).
- E. A non-exempt employee will, at their specific request, receive compensatory time off in lieu of overtime pay, subject to the following conditions.
1. Requests for compensatory time off for overtime worked can be made at times and in a manner acceptable to the Department Manager. The specific dates of compensatory time off are subject to the approval of the Department Manager or their designee who will take into consideration the operational requirements of the District.
  2. Compensatory time off will be calculated at one and one-half times for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek. All hours worked in

excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek are ineligible as compensatory time.

3. No employee can earn more than 82.5 compensatory time off hours in any calendar year. At the final pay period each calendar year (earlier if requested by the employee), or upon separation of employment, each employee will be paid for any uncompensated overtime worked during the year at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits.

4. Overtime worked on District reimbursable projects will be ineligible for compensatory time off and must be paid out to the employee at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits.

F. Exempt employees, as defined by the Fair Labor Standards Act 541.100, are ineligible to earn overtime and therefore will receive a lump sum of 80 hours of administrative leave per calendar year (prorated during the calendar year of initial employment). Balance cannot be carried over from year to year and resets after the final pay period each year.

## **Section II. Holidays**

A. Thirteen holidays are observed by the District, namely: New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving, the

day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve.

1. Full-time employees must receive eight hours of their regular pay for each holiday observed by the District (*reportable to CalPERS*).
  2. Part-time employees must receive a percentage of eight hours of their regular pay equivalent to their average percentage of full-time hours worked (*reportable to CalPERS*).
- B. Full-time employees are provided 16 hours of floating holiday per calendar year.
1. The floating holidays cannot be carried over from year to year and balance resets after the final pay period of each year. The holidays must be exhausted in eight-hour increments (*reportable to CalPERS*).
  2. For employees hired in the first and second quarter of the calendar year, they will receive 16 hours of floating holidays for use. For those hired in the third quarter, they will receive eight hours of floating holiday. For those hired in the fourth quarter, they will not receive any hours for floating holidays.
  3. No payment will be made for unused floater holidays upon separation from the District, including but not limited to retirement, termination, or resignation.

### **Section III. Vacations**

- A. Vacation is earned and accrued starting from the first day of employment and on each anniversary date thereafter, with a maximum accrual balance based

on years of service with the District as shown in the table below:

<b>Years of Service</b>	<b>Annual Accrual Hours</b>	<b>Maximum Accrual Balance</b>	<b>Vacation Sell Back</b>
Initial Year of Employment <i>(Prorated to the nearest whole day for the period of employment)</i>	80	120	0
1-5	96	144	40
6-10	120	180	40
11-15	160	240	60
16-20	184	276	60
21+	200	300	80

1. The total years of service for employees returning to the District after prior employment will be calculated by combining their previous years of service (rounded up to the nearest full year if they were within six months of their prior anniversary date before separation) with their current years of service.
2. Part-time employees will receive a percentage of vacation accruals equivalent to their average percentage of full-time hours worked.
3. When an employee reaches the equivalent of one and one-half times the employee's annual vacation leave accrual rate, they will cease earning vacation leave until their leave balance falls below the equivalent of one and one-half times the employee's annual vacation leave accrual rate.

Exempt employees are eligible to sell back vacation hours that are in excess of 80 hours at the final pay period each calendar year in accordance with the above table (*not reportable to CalPERS*).

4. All vacation hours used are *reportable to CalPERS*.
- B. The specific dates on which an employee may be on vacation will be subject to the approval of the General Manager or their designee.
- C. Vacation entitlement that is unused at the final pay period each calendar year may be carried over to, and used during, the following year up to the employee's maximum annual accrual cap.
- D. Any vacation request beyond the employee's currently accrued amount is subject to approval by the General Manager.
- E. Upon termination of employment, unused vacation will be paid and calculated in accordance with the *District's Payroll Policy (not reportable to CalPERS)*.

**Section IV. On-Call Duty**

- A. The General Manager, or their designee, will assign supervisory and field employees to on-call duty for periods of one week, to ensure continuous availability to handle operations and emergencies within the District.
- B. During all times an employee is on-call, the employee will:
  1. Have in their possession a portable communications device furnished by the District, and
  2. Be within 40 miles of the District office, corporation yard, or the

worksite. Exceptions may be considered and approved by the General Manager or Human Resources on a case-by-case basis. Employees must respond to calls immediately upon receipt and will be deemed to have been called out if required by the call to leave the place where the call is received for any period of time.

- C. If an on-call employee receives a call-out outside of their regular working hours, the employee must be compensated at the overtime rates as defined in Section I.B for the duration of the call-out, but not less than two hours.
- D. An employee assigned to on-call duty on a holiday as observed by the District, must automatically be compensated for eight hours of holiday pay at their regular rate of pay (*reportable to CalPERS*) plus eight hours at one-and-one-half times their regular rate of pay, including qualifying fringe benefits (*not reportable to CalPERS*).
  - 1. If the employee receives a call-out on a holiday as observed by the District, the employee must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits, for the duration of the call-out, but not less than two hours (*not reportable to CalPERS*).
- E. If an employee receives a call-out on a District recognized holiday that falls on a Saturday or Sunday, they must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all

hours worked, not less than two hours (*not reportable to CalPERS*).

**Section V. Temporary Appointments (effective 1/1/2023)**

A. Premium Compensation – Temporary Upgrade Pay (TUP): When an employee is temporarily appointed to replace another employee in a higher classification and subsequently perform the full range of duties of that higher classification, the employee will receive TUP starting when the temporary appointment begins. This additional pay is only applicable to Analysts, Leadworkers, Specialists, Supervisors and Management.

1. If an employee is intermittently working in the higher classification as approved by the requested Department Manager, Human Resources and the General Manager (e.g., attending meetings, executing specific job duties for intervals of time, etc.), the employee will be paid in half-hour increments (with a minimum of one hour of payment per day) for work completed in the higher classification. The employee cannot perform their own job duties while receiving TUP, duties must solely be performed for the higher classification.
2. When an employee is working in a TUP appointment, the employee they are substituting for must refrain from completing work during the specified timeframe as indicated on the *Temporary Appointment Form* unless called upon for emergency purposes.
3. TUP is *reportable to CalPERS* for Classic employees ONLY. For PEPRA

employees, hours can only be reported at their regular rate of pay (e.g., if an employee has a regular rate of \$50 per hour and then is assigned to a temporary upgrade pay of \$55 per hour, only the employee's regular rate of \$50 per hour is *reportable to CalPERS*.)

B. Working Out-of-Classification Appointments (OOC):

1. When an employee is temporarily appointed to backfill a vacant position that is actively being recruited and subsequently performs the full range of duties of the higher classification, the employee will receive OOC Pay starting when the temporary appointment begins (*reportable to CalPERS*). All employees are eligible for OOC appointments. The employee cannot perform their own job duties while receiving OOC Pay, duties must solely be performed for the higher classification.

- (a) An employee will be paid at the lowest step of the higher classification or a calculated rate which renders 5% above the employee's regular rate of pay, whichever is the greater amount, for all hours worked for the higher classification.

**Section VI. Educational Compensation**

A. Education Incentive: Bilingual Pay (*effective 10/1/2024*):

1. Employees of the District communicate with the public at various levels. Given our community's strong Spanish-speaking population, all positions

are eligible to take the required Spanish certification test to receive Bilingual Pay. Employees that are Bilingual Certified, enhance their ability to provide an additional level of service to our customers. Upon passing certification test(s), Bilingual pay will take effect starting from the first day of the next pay period.

2. Employees will receive additional monthly compensation as follows:

(a) \$75.00 for written certification.

(b) \$150.00 for oral certification.

3. Bilingual pay is *reportable to CalPERS* and considered a fringe benefit included in an employee's overtime calculation.

**Section VII. Special Assignment: Shift Differential Pay (effective /2/27/2025)**

A. All employees scheduled to work a pre-planned, eight-hour night shift starting between 5:00 p.m. and 4:00 a.m. for five or more consecutive days may be eligible for Shift Differential Pay.

B. Shift differential hours must be less than 50% of the employee's total hours worked during the pay period, unless otherwise approved by the General Manager.

C. Shift Differential Pay should be applied only when necessary work cannot be completed during daytime hours and must be approved by the General Manager.

- D. Employees approved for Shift Differential Pay by the General Manager will receive an additional 10% of their base pay for each hour worked.
- E. Since Shift Differential Pay is completed on an as needed basis, the additional hourly amount compensated above an employees' base pay is *not reportable to CalPERS.*)
- F. Shift Differential Pay is considered a fringe benefit included in an employees' overtime calculation.
- G. In alignment with the District's *Fatigue Time Policy* and employee wellness, a minimum rest period of eight hours is required between shifts.

**Section VIII. Statutory Compensation: Uniform Allowance (effective 1/1/2000)**

- A. Employees regularly exposed to environmental factors, including but not limited to chemicals, dust, dirt, and normal wear and tear, will receive a maximum annual uniform allowance of \$1,200.00 each fiscal year. This allowance, approved by the Board during the budget process, can be used as needed for external items not provided by the District. Items include but are not limited to pants, boots, sunglasses, belts, and other exposed garments as approved, as well as laundry expenses, to maintain the required clean, neat, safe, and well-groomed standards as outlined in Section XVI and the District's *Logo Policy*. The amount of the purchased item(s) will be reflected on the employee's paystub for the next pay period once the receipt of purchase has been provided to the Finance Department. (*Reportable to*

*CalPERS for Classic employees ONLY; excluding items solely for safety that are not readily substitutable).*

**Section IX. Sick Leave**

- A. Sick Leave is a leave of absence without interruption of employment or deduction of compensation for any of the following reasons:
1. The employee is physically or mentally unable to perform their duties due to illness, injury or medical condition.
  2. The employee has an infectious disease that creates health hazards to other people.
  3. The absence is for the purpose of obtaining professional diagnoses or treatment for a medical, dental or visual condition of the employee, or for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.
  4. The absence is for the purpose of providing for the spouse, domestic partner, child, foster child (must provide the District proof of legal guardianship), parent, or grandparent of the employee, spouse or child, for any of the following: to attend to an illness at a residence or hospital, or to obtain professional diagnoses or treatment for a medical, dental or visual condition. If the need for additional sick leave is urgent, the General Manager may authorize said use until the next meeting of the Board.

- B. Each full-time employee will be entitled to 96 hours of sick leave with pay during each calendar year of employment. During the calendar year of initial employment, a full-time employee will be credited eight hours of sick leave for each remaining full month in the calendar year and in addition will be entitled to not less than 16 hours from the date of initial employment
1. Part-time employees will receive a percentage of sick leave accruals equivalent to the average percentage of full-time hours worked prorated during the calendar year of initial employment. All part-time employees will be entitled to not less than eight hours from the date of initial employment.
  2. All employees who work at least 30 days for the District within a year will receive a minimum of 40 hours of sick leave (prorated during the calendar year of initial employment).
  3. All sick hours used are *reportable to CalPERS*.
- C. The Board may at its discretion grant additional days of sick leave for a disabling illness of an employee. Accrued and unused sick leave may be carried over to and used during subsequent years. No payment will be made for unused sick leave upon separation from the District, including but not limited to termination or resignation. Any unused sick leave accumulated at the time of retirement will be converted to credited service time in accordance with the provisions of the District's retirement plan with

CalPERS.

- D. The District may require an employee upon returning from sick leave to furnish a statement from the employee's health care provider of the date the employee is able to resume performance of their job and of any limitations on such performance. If sick leave is taken to attend the illness of a spouse, domestic partner, child, foster child, parent, or grandparent of the employee, spouse or child, the District may require the employee to furnish a written statement of the illness from the person's health care provider.
- E. An employee on sick leave must, at the request of the District, provide a written statement of the employee's health care provider, or of a health care provider designated by the District, that the employee is unable to perform their job due to a disabling illness or infectious disease.

**Section X. Leave for Organ and Bone Marrow Donation**

- A. Employees must be employed 90 days preceding the requested leave period to be eligible.
- B. The District will provide up to 30 business days of paid Organ Donation leave at the employee's regular rate of pay in a one-year period calculated from the date the leave began (*reportable to CalPERS*).
  - 1. As required by law, employees who elect to donate organs must receive an additional 30 business days of unpaid leave in a one-year period, if needed. The District reserves the right to require an employee to utilize

two weeks of paid leave, or exhaust all paid leave, prior to utilizing unpaid leave.

C. Employees who elect to donate bone marrow are eligible for paid Bone Marrow leave at the employee's regular rate of pay up to five days in a one-year period calculated from the date the leave began (*reportable to CalPERS*).

1. The District reserves the right to require an employee utilize five days of paid leave or exhaust all paid leave, prior to the District compensating the additional paid leave remaining.

#### **Section XI. Bereavement Leave**

A. An employee absent from work by reason of the death of the spouse, domestic partner, child, parent, grandparent, grandchild, brother or sister of the employee or the employee's living spouse must be paid the employee's regular compensation for such period the General Manager approves, not in excess of 80 hours in any calendar year. Part-time employees are eligible for up to 50 hours in any calendar year. In the case of death of a relative as defined above, the General Manager may approve up to 80 additional hours of bereavement leave. Employees requiring additional leave must submit a formal request through Human Resources. Any requests for leave beyond 160 hours in a calendar year must be approved by the Board of Directors.

1. All bereavement leave hours used are *reportable to CalPERS*.

- B. All District employees must receive up to five days of unpaid leave per occurrence in a calendar year. It is not required that leave is utilized consecutively but must be completed within three months of the death, unless otherwise approved by Human Resources.
- C. All District employees must also receive up to five days of unpaid leave for a reproductive loss event. Reproductive loss events include the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Both the birth/adopted mother and birth/adopted father, or as otherwise defined in California government code regarding leave for reproductive loss, are eligible to utilize bereavement leave. An employee may utilize this form of bereavement leave for up to four occurrences in a 12-month period (20 days total).
- D. All District employees may utilize up to 16 hours of the allotted 80 hours of bereavement leave in observation of parties not identified above.
- E. The District reserves the right to require documentation (death certificate or published obituary) within 30 days of the death.

**Section XII. Leave for Jury Duty or Court Appearance**

- A. Upon receipt of a notice to appear for jury duty an employee must immediately notify their manager. Dependent upon the operational needs of the District, the General Manager may request that an employee delay jury

duty service.

- B. The District will provide up to 15 days in a calendar year of paid Jury Duty leave at the employee's regular rate of pay (*reportable to CalPERS*).
- C. As a public employee, a waiver must be signed to avoid payment from the court.
- D. An employee served with a subpoena which compels their appearance as a witness, other than as a litigant or expert, will be granted a leave of absence and will be paid their regular rate of pay not to exceed five days in a calendar year. As a public employee, a waiver must be signed to avoid payment from the court.
- E. Non-exempt employees – if reporting time combined with any hours worked is greater than their normal workday, they will need to balance their days to equal their normal weekly hours. If they are dismissed from jury duty, they must return to work to complete a full day's time or supplement with accrued leave balances.

### **Section XIII. Leave for Military Duty**

- A. Any employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia will be entitled to a military leave of absence and to restoration to their former position upon termination of such leave in accordance with the provisions of the California Military and Veterans Code.

**Section XIV. Time off to Vote**

- A. The District will pay employees up to two hours at their regular rate of pay (*reportable to CalPERS*), on election day, to vote in local and/or national elections.
1. At the manager's discretion, the time will be at the start/end of the workday or added on to lunch break.
  2. Proof of in-person voting must be provided upon the employee's return to work.

**Section XV. Leave Without Pay**

- A. Employees will be granted leaves of absence without pay, for such periods not exceeding 12 weeks in any one rolling year for a medical emergency of a designated person or a pregnancy-related condition, in accordance with the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") (as applicable if the District exceeds 50 employees) and the California Family Rights Act (CFRA) which are incorporated herein. The Board of Directors may approve other reasonable and necessary purposes for leave of absence without pay. The District will implement CFRA as outlined in the *District's CFRA Policy*.
- B. An employee may utilize leave without pay for up to 16 hours per year for reasons not outlined in the FMLA or CFRA. Additional leave hours must be approved by the General Manager.

- C. The period of absence on leave without pay will not be included in the computation of retirement benefits. While an employee is on leave without pay, the District will pay for the employee's medical or health insurance under the same conditions as if the employee was working. As part of these conditions, an hour of paid leave must be utilized (*reportable to CalPERS*) during any pay period in which the employee does not work to cover their portion of the benefit premium. If the reason for the leave is not included in FMLA or CFRA, no medical or health insurance will be provided by the District for the employee or their family, but the employee will have the right to obtain such insurance for such period by paying the premium therefor.
- D. Employees on such leave must report the status and expected date of termination of the leave to Human Resources not less frequently than once a month as required by law.
- E. Employees failing to return to work after the scheduled end of such leave may face disciplinary action up to termination of employment.

**Section XVI. Job Abandonment**

- A. If an employee fails to report to work for three consecutive workdays without notice or approval by their manager, the District will make every effort to contact them. If no contact is made within five days, the District may consider that they have abandoned their job, and their employment may be terminated.

**Section XVII. Dress Code of Diablo Water District**

- A. Diablo Water District is a governmental agency of the State of California. We carry the public trust for our community's water supply. Our credibility and professionalism are maintained, in part, by the image that employees present to customers and business visitors. We believe it is important that all District employees present to the public a clean, neat, safe, and well-groomed appearance. It is important that the public have confidence in our employees and that they feel comfortable while transacting business with the District.
- B. All employees will be provided with uniforms which include the District logo to distinguish them as District staff to the public. All District employees are required to wear District logo wear when working outside of the District offices (i.e., community events, outreach, etc.). All employees provided with District logo uniforms must wear them when customer-facing. All personnel representing the District in logo wear must maintain the professionalism and integrity of the District as outlined in the *District's Logo Policy*.
- C. Basic elements for appropriate and professional business attire include clothing that is in neat and clean condition, not torn, ripped or frayed.
- D. Although it is impossible and undesirable to establish an absolute dress and appearance code, the District will apply a reasonable and professional workplace standard. An employee unsure of what is appropriate should check with their manager or Human Resources before wearing the item.

E. An employee who is inappropriately groomed or attired may be asked to leave by their manager or Human Resources and advised to return to work after correcting the problem. Any employee asked to leave because of inappropriate dress or appearance will not be compensated for any time expended in correcting dress or appearance.

**Section XVIII. Dual Employment**

An employee must not perform any after-working hours activity that may conflict with the employee's responsibilities to the District or may be subject to the control, inspection or contractual direction or regulation of the District. Prohibited after-working hours activities include but are not limited to installation, inspection or repair of meters, backflow prevention devices, water mains, valves, inspection or repair of any equipment, material or facilities owned, or to be owned, by the District or operated and maintained by the District under contract with third parties. The purpose of this section of the regulation is to prevent District liability arising from any activity by an employee beyond the employee's work for the District.