PALMDALE WATER DISTRICT

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October 10, 2013

Agenda for a Meeting
of the Personnel Committee of the Palmdale Water District
Committee Members: Kathy Mac Laren-Chair, Gloria Dizmang
to be held at the District's office at 2029 East Avenue Q, Palmdale

Wednesday, October 16, 2013

6:30 p.m.

NOTE: To comply with the Americans with Disabilities Act, to participate in any Board meeting please contact Dawn Deans at 661-947-4111 x1003 at least 48 hours prior to a Board meeting to inform us of your needs and to determine if accommodation is feasible.

Agenda item materials, as well as materials related to agenda items submitted after distribution of the agenda packets, are available for public review at the District's office located at 2029 East Avenue Q, Palmdale. Please call Dawn Deans at 661-947-4111 x1003 for public review of materials.

PUBLIC COMMENT GUIDELINES: The prescribed time limit per speaker is three-minutes. Please refrain from public displays or outbursts such as unsolicited applause, comments, or cheering. Any disruptive activities that substantially interfere with the ability of the District to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.

Each item on the agenda shall be deemed to include any appropriate motion, resolution, or ordinance to take action on any item.

1) Roll call.

2) Adoption of agenda.

3) Public comments.

4) Action Items: (The public shall have an opportunity to comment on any action item as each item is considered by the Committee prior to action being taken.)

4.1) Consideration and possible action on approval of minutes of meeting held September 16, 2013.

4.2) Consideration and possible action on removing freeze on merit and bonus incentives. ($103,000 – Budgeted but Frozen – General Manager LaMoreaux)

4.3) Consideration and possible action on 1% employee contribution toward CalPERS retirement effective January 1, 2014. ($61,000 Savings – General Manager LaMoreaux)

4.4) Discussion and possible action on proposed Safety Footwear Policy. (Facilities Manager Moore)

4.5) Discussion and possible action on development of an intern program including funding. (Committee Member Dizmang)

4.6) Review of PWD Employee Handbook's Alcohol-Drug Free Workplace section. (Chair Mac Laren)

5) Project Updates:

5.1) Status on Organizational Assessment. (General Manager LaMoreaux)

6) Information items.

6.1) NeoGov Customer Partnership Award. (General Manager LaMoreaux)

7) Board members' requests for future agenda items.

8) Adjournment.

DENNIS D. LaMOREAUX,
General Manager

DDL/dd

P A L M D A L E W A T E R D I S T R I C T

B O A R D M E M O R A N D U M

DATE: October 10, 2013 **October 16, 2013**

TO: PERSONNEL COMMITTEE **Personnel Committee Meeting**

FROM: Mr. Tim M. Moore, Facilities Manager

VIA: Mr. Dennis D. LaMoreaux, General Manager

RE: ***AGENDA ITEM NO. 4.4 – DISCUSSION AND POSSIBLE ACTION ON PROPOSED SAFETY FOOTWEAR POLICY***

Recommendation:

Staff recommends the Personnel Committee approve a Safety Footwear Policy.

Alternative Options:

The alternative option is to not have a Safety Footwear Policy.

Impact of Taking No Action:

The risk of foot injuries increases with lack of enforcement for the use of proper protective equipment where foot hazards exist.

Background:

At this time, the District has no Safety Footwear Policy; however, California Code of Regulations and OSHA regulations exist requiring the use of the proper footwear protective equipment. Because of these regulations, the District has required employees in certain positions to wear protective footwear to protect against hazards in the workplace and to ensure a safe work environment.

A number of questions and issues develop regarding protective footwear requirements, enforcing these requirements, and each employee's responsibility to protect themselves from injuries.

Past practices have been for employees to purchase the proper footwear protection at their own cost, and in 2012, the District provided a boot truck that came to the District and employees selected the proper footwear protection from the boot selection on the truck at the District's expense of $125.00 per employee. There were a number of complaints regarding the boot truck, and staff developed the Safety Footwear Policy to not only address these issues, but to provide a tool for the enforcement of the need to wear the proper footwear protection.

The proposed Safety Footwear Policy identifies those positions required to wear the proper footwear protection, outlines the specifics for proper footwear protection, details the reimbursement procedure of $125.00 per employee for proper footwear protection purchases, and outlines enforcement of the Policy through daily inspections.

Strategic Plan Element:

This work is part of Strategic Element 4.0 – Personnel Management.

Budget:

This is a non-budgeted item. At a cost of $125.00 or less per employee, the anticipated annual not-to-exceed expense would be approximately $6,000.00.

Supporting Documents:

- Draft Safety Footwear Policy
- California Code of Regulations, Title 8, Section 3385. Foot Protection
- OSHA 1910.136 (a) Personal Protection Equipment. Foot Protection

SAFETY FOOTWEAR POLICY

I. POLICY STATEMENT

It is the policy of the Palmdale Water District to require the use of safety shoes where foot hazards exist as a significant part of the job. Employees shall not be permitted to work in areas where foot or slip/fall hazards exist unless properly protected.

II. DEFINITIONS

A. Risk Level 1 - Job duties that involve a high degree of potential foot hazards. Working on uneven and slippery surfaces, handling heavy objects, equipment, or tools potentially causing injuries from crushing or penetrating actions. A steel toe safety shoe is required. Positions requiring Risk Level 1 safety footwear are as follows: Senior Field Service Tech., Field Service Tech. II, Field Service Tech. I, Treatment Supervisor, Plant Operator I/II, Senior Maint. Worker, Maintenance Worker, Systems Supervisor, Pump Technician I/II, Electrician I/II, Electronic Technician I/II, Construction Inspector I/II, Equip. Mech. Supervisor, Equip. Mechanic, Warehouse Technician, Senior Service Worker, Service Worker I/II.

B. Risk Level 2 - Job duties that involve a lesser degree of foot hazard risk potential. Working on uneven surfaces, handling light objects, equipment, or tools with no exposure to crushing or penetrating actions. An appropriate work shoe or boot is required. Positions requiring Risk Level 2 safety footwear are as follows: General Manager, Assistant General Manager, Executive Assistant, Administrative Assistant, Human Resources Manager, Community & Govern. Affairs Coord., Water Conservation Supervisor, Water Conservation Aide, Water & Energy Resources Manager, Information Technology Manager, Information Technology Technician I/II, Finance Manager, Customer Service Supervisor, Assist. Cust. Service Super., Cust. Service Rep. II, Cust. Service Rep. I, Senior Accountant, Accounting Technician, Accounting Assistant I/II, Operations Manager, Water Quality Supervisor, Lab Analyst I/II, Administrative Tech., Engineering Manager, Project Manager, Cross Connection Tech., Engineering Tech. I/II, Facilities Manager.

C. Fair wear and tear - A determination that shoe wear has deteriorated to the point that replacement is necessary.

Note: An evaluation is also made if shoes have been used properly.

Note: Non-skid protection applies in Level 1 and Level 2 categories for exposure to slippery work surface conditions.

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SAFETY FOOTWEAR POLICY

III. GENERAL INFORMATION

A. The Palmdale Water District will provide one new pair of safety shoes to an employee based upon "fair wear and tear" of existing shoes to a maximum cost of $125.00 for each employee determined to be exposed to Risk Level 1 foot hazards. Except in unusual circumstances, safety shoes will not be purchased for an employee more frequently than once a year.

1. The cost of the Risk Level 1 safety shoe purchased in excess of the maximum of $125.00 will be the responsibility of the employee.

2. All Risk Level 1 safety shoes must meet I/75, C/75, or EH ratings and bear the official stamp of approval from the American Society for Testing and Materials (ASTM). I/75 rated footwear will protect the toes from an impact of up to 75 pounds. C/75 rated footwear will protect the toes from compressive loads up to 2,500 pounds. EH (Electrical Hazard) footwear is designed for employees who work around heavy-duty electrical equipment, live wires and circuits, and energized conductors and include soles and heels that dispel electricity in case of electrical shortage or shock.

3. No tennis shoes, cowboy boots, slip-on boot or other shoe styles will be allowed.

4. A 6" minimum high top shoe, for jobs involving uneven ground assignments, and a low quarter shoe, for jobs involving more even ground assignments will be the standard.

5. Level requirement determinations and fair wear and tear evaluations will be made by the Department Manager, Supervisor, or Senior Service Worker.

B. Employees determined to be exposed to Risk Level 2 foot hazards will provide their own suitable work shoes.

IV. PROCEDURE

A. Each Department Manager will establish a list of employees needing Risk Level 1 safety shoes, in compliance with the above policy statement, General Information, and Definitions.

B. In accordance with Section II. A, Risk Level 1 safety shoes will be provided. If shoes have worn, each Department Manager or Supervisor will evaluate new safety shoe requests determining if resoling and/or re-heeling is appropriate. If so, the employee will be directed to have the shoes repaired and return the repair receipt for reimbursement up to a maximum dollar amount of $40.00.

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C. When new safety shoes are purchased, the authorized supervisor of the requesting employee will verify by his/her signature on the Safety Footwear Policy Reimbursement Form the following points:

1. The employee is eligible to receive shoes.

2. The safety shoe style is appropriate for the work performed.

3. The safety shoe meets I/75, C/75, or EH ratings and bears the official stamp of approval from the American Society for Testing and Materials (ASTM).

D. The employee is responsible for selecting the correct shoe in compliance with this policy and will pay for any incurred costs/subsequent shoe purchases over the maximum allowance at the time of the transaction with the vendor.

E. After the employee obtains the correct shoe, the Department Manager, Supervisor, or Senior Service Worker will verify that the shoe is in compliance.

F. After verification of compliance, the employee will turn in the original receipt to the Department Manager, Supervisor, or Senior Service Worker for attachment to the Safety Footwear Policy Reimbursement Form.

G. The Department Manager or Supervisor will forward the Safety Footwear Policy Reimbursement Form and original receipt from the employee to the accounting department for reimbursement to the employee on a non-tax basis up to the maximum amount of $125.00.

V. ENFORCEMENT

A. The Department Manager, Supervisor, or Senior Service Worker, will enforce employee compliance with the program through a daily inspection as employees will not be allowed to work without wearing the appropriate shoe. Employees not complying with this Policy may be subject to being sent home to dress according to Policy.

B. All safety shoes/boots will be purchased by employees during their own time. No employee shall be allowed to purchase safety shoes while on duty.

C. All safety shoes/boots purchased under this Policy are to be used during work hours only and stored in District-provided lockers.

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SAFETY FOOTWEAR POLICY

VI. EMPLOYEE RESPONSIBILITY FOR MAINTENANCE AND REPLACEMENT INTERVALS FOR SAFETY FOOTWEAR

Replacement of lost or damaged shoes will not be reimbursed unless the employee can show reasonable cause for loss or damage. Employees are responsible for maintaining and safekeeping their safety footwear in such a manner that it is usable for at least one (1) year. Alternative rubber work boots must be worn when deemed appropriate. All premature, unusual wear, or damage must be reported to the Supervisor or Senior Service Worker. If extreme conditions exist for premature wearing of shoes, the employee must notify the Supervisor or Senior Service Worker immediately. The Supervisor, up to the Department Manager, will investigate the situation and determine correction for the problem.

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SAFETY FOOTWEAR POLICY REIMBURSEMENT FORM

Date:_____

Employee Name:_____

Title:_____

DEPARTMENT MANAGER, SUPERVISOR, SENIOR SERVICE WORKER VERIFICATION

	YES	NO
• The employee is eligible to receive shoes.	☐	☐
• The safety shoe style is appropriate for the work performed.	☐	☐
• The safety shoe meets I/75, C/75, or EH ratings and bears the official stamp of approval from the American Society for Testing and Materials (ASTM).	☐	☐
• Original receipt attached.	☐	☐

APPROVED FOR REIMBURSEMENT: Date:_____

Signature:_____

Name printed:_____

Title:_____

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Subchapter 7. General Industry Safety Orders
Group 2. Safe Practices and Personal Protection
Article 10. Personal Safety Devices and Safeguards

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New query

§3385. Foot Protection.

(a) Appropriate foot protection shall be required for employees who are exposed to foot injuries from electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions, which may cause injuries or who are required to work in abnormally wet locations.

(b) Footwear which is defective or inappropriate to the extent that its ordinary use creates the possibility of foot injuries shall not be worn.

(c)(1) Protective footwear for employees purchased after January 26, 2007 shall meet the requirements and specifications in American Society for Testing and Materials (ASTM) F 2412-05, Standard Test Methods for Foot Protection and ASTM F 2413-05, Standard Specification for Performance Requirements for Foot Protection which are hereby incorporated by reference.

(2) Protective footwear purchased on or before January 26, 2007 shall meet the requirements of either the American National Standard for Personal Protection -Protective Footwear, American National Standards Institute (ANSI) Z41-1999, or the American Society for Testing and Materials (ASTM) F2412-05, Standard Test Methods for Foot Protection and ASTM F 2413-05, Standard Specification for Performance Requirements for Foot Protection which are hereby incorporated by reference.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

HISTORY

1. Repealer and new section filed 7-11-74; effective thirtieth day thereafter (Register 74, No. 28).

2. Amendment of newly designated subsection (c)(1), new subsection (c)(2) and new Note filed 12-13 -94; operative 1-12-95 (Register 94, No. 50).

3. Amendment of subsection (a) filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

4. Amendment of subsections (c)(1)-(2) filed 12-27-2006; operative 1-26-2007 (Register 2006, No. 52). For prior history, see Register 96, No. 40.

5. Amendment of subsection (c)(2) filed 8-31-2009; operative 9-30-2009 (Register 2009, No. 36).

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Regulations (Standards - 29 CFR) - Table of Contents

- **Part Number:** 1910
- **Part Title:** Occupational Safety and Health Standards
- **Subpart:** I
- **Subpart Title:** Personal Protective Equipment
- **Standard Number:** 1910.136
- **Title:** Foot protection.

1910.136(a)

General requirements. The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

1910.136(b)

Criteria for protective footwear.

1910.136(b)(1)

Protective footwear must comply with any of the following consensus standards:

1910.136(b)(1)(i)

ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," which are incorporated by reference in § 1910.6;

1910.136(b)(1)(ii)

ANSI Z41-1999, "American National Standard for Personal Protection -- Protective Footwear," which is incorporated by reference in § 1910.6; or

1910.136(b)(1)(iii)

ANSI Z41-1991, "American National Standard for Personal Protection -- Protective Footwear," which is incorporated by reference in § 1910.6.

1910.136(b)(2)

Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

[59 FR 16360, April 6, 1994; 59 FR 33910, July 1, 1994; 61 FR 9227, March 7, 1996; 61 FR 19547, May 2, 1996; 61 FR 21228, May 9, 1996; 74 FR 46356, Sept. 9, 2009]

Next Standard (1910.137)

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employee. The decision rendered by the Human Resources Manager and General Manager shall be considered final.

Nothing in this Section D shall in any way abrogate or alter a District employee's status as an "at will" employee of the District, who is subject to dismissal from employment at any time for any reason, or for no reason.

F. Alcohol-Drug Free Workplace

Substance Abuse Policy.

1) General Policy; Purpose. It is the policy of the District to create a drug free work place in keeping with the spirit and intent of the Drug Free Work Place Act of 1988. The use of alcohol and/or controlled substances in the work place is inconsistent with the behavior expected of District employees and subjects all employees, residents and visitors to unacceptable safety risks, undermining the District's ability to operate effectively and efficiently. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale or use of prohibited substances, as defined in subdivision 3, below, in the workplace or while engaged in the District's business away from the District's premises is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that, in the District's opinion, it impairs an employee's ability to perform his or her on-the-job duties or threatens the District's reputation or integrity.

   The District has established this Substance Abuse Policy to provide the greatest degree of protection possible to the public and to District employees. The purpose of this policy is to ensure worker fitness for duty and protect our employees and the public from risks posed by the use of alcohol and controlled substances, to ensure the safe and efficient performance of employee duties, to reduce absenteeism and tardiness, to promote productivity, and to cooperate with the rehabilitation of those employees who seek such help. The District recognizes that drug, alcohol and other controlled substance abuse of employees in the work place is a serious and growing problem of nation-wide proportions. The District is taking this opportunity to reaffirm its commitment to a drug and alcohol free work place. Employees convicted of controlled substance-related violations in the workplace, including pleas of nolo contendere (i.e., no contest) must inform the District within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including dismissal. At its discretion, the District may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

2) Applicability. As a condition of employment, all employees are required to comply with all applicable personnel policies and rules.

a. This substance abuse policy applies to all District employees.

b. This policy applies at all times while District employees: (i) are on Palmdale Water District premises, (ii) are off-District premises but engaged in an activity that is related to or may affect the District's business, reputation or public relations, including, but not limited to, activities during work hours, including lunch and other breaks, and attendance at seminars as a participant or speaker; and (iii) are traveling on behalf of the District.

c. This policy applies to District employees while off-duty and off-premises, to the extent that such employees engage in conduct prohibited by this policy and such conduct tends to create a risk to persons or property, or to District efficiency upon the employee's return to work.

3) Prohibited Substances. As used in this policy, "prohibited substances" include, but are not limited to, the following:

a. Drugs: marijuana, amphetamines, cocaine, opiates, and phencyclidine.

b. Alcohol. The use of beverages or substances, including any medication, containing alcohol, such that it is present in the body at a level in excess of that stated below while actually performing, ready to perform, or immediately available to perform any District business, is prohibited. "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

4) Prohibited Conduct.

a. Possession, Use, Manufacture and Trafficking. No employee shall engage in the unlawful manufacture, distribution, dispensing, possession, receipt, sale, purchase or use of a prohibited substance or alcohol on District premises, in District vehicles, or while conducting District business off the premises.

b. Drug Paraphernalia. No employee shall engage in the possession, distribution, sale, manufacture or use of paraphernalia normally used for consumption or use of prohibited substances on District premises, in District vehicles, or while conducting District business off the premises.

c. Impairment. All employees are prohibited from being under the influence of alcohol or other prohibited substances during working hours. The use of prescription drugs is prohibited in the work place by any person other than the person for whom they are prescribed. Such drugs will be used only in the manner, combination and

quantity prescribed, and the employee shall advise their supervisor prior to operating machinery, vehicles or equipment that they are taking such medication. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or otherwise not fit for duty due to substance abuse shall be removed from their duties and be subject to a reasonable suspicion prohibited substance or alcohol test, as hereinafter provided. If such a test is positive, the employee will be subject to discipline in accordance with this policy and the other provisions of this Article V.

d. Alcohol. No employee may report for duty or remain on duty when his or her ability to perform assigned function is adversely affected by alcohol or when his or her breath alcohol concentration is 0.04% or greater. No employee shall use alcohol while on duty or while performing safety sensitive functions. As used herein, the term "safety sensitive functions" shall mean all time from the time any driver on District business begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(i) All time at a District facility waiting to be dispatched, unless the driver has been relieved from duty by the District;

(ii) All time inspecting equipment as required by applicable federal regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(iii) All time spent at the driving controls of a commercial motor vehicle in operation;

(iv) All time, other than driving time, in or upon any commercial motor vehicle;

(v) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments of material or supplies being loaded or unloaded; and

(vi) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

No employee performing safety sensitive functions shall use alcohol within four hours of reporting for duty nor during hours that he or she is on-call. Violation of this provision is prohibited and will subject the employee to removal from his or her duties and referral to a Substance Abuse Professional ("SAP"), as set forth below.

5) Testing Procedures. Analytical urine controlled substance testing and breath testing for alcohol will be conducted based on reasonable suspicion, as hereinafter described, and all employees will also be tested prior to returning to duty after failing a prohibited substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests as determined by a SAP.

Testing shall be conducted in the manner designed to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which meet all applicable standards. All testing will be conducted consistent with established procedures, including those in the Department of Transportation ("DOT") guidelines.

The prohibited substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial prohibited substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory gas chromatography/mass spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02% or greater, a confirmation test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of 0.02%, but less than 0.04%, will be removed from his or her position for at least twenty-four hours unless a re-test results in an alcohol concentration of 0.02% or less. However, unless the alcohol concentration is 0.04% or greater, the fact that an employee was removed from duty in the interests of safety shall not form the basis for any discipline. An alcohol concentration of 0.04% or greater will be considered a positive alcohol test and in violation of this policy.

6) Testing for Prohibited Substances.

a. Post Offer Testing. Any employee who has a confirmed positive prohibited substance or alcohol test will be removed from his or her position, informed of education and rehabilitation programs available, and evaluated by a SAP pursuant to subdivision F, below. The District will make every effort to, and affirms the need to, provide individual employees with dignity, privacy, and confidentiality throughout the testing process.

b. Reasonable Suspicion Testing. All employees shall be subject to urine and/or breath testing when there is a reason to believe that prohibited substances or alcohol use is adversely affecting job performance. Reasonable suspicion testing will be based on written documentation of specific observations concerning the

appearance, behavior, speech or body odor of the employee. Referral for testing of the employee will be made on the basis of such documented observations.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and abuse and who reasonably concludes that an employee may be adversely affected or impaired in his or her work performance due to prohibited substance abuse or misuse.

c. Return-to-Duty Testing. All employees who previously tested positive on a prohibited substance or alcohol test must test negative (for alcohol, the blood alcohol concentration must be less than 0.02) and be evaluated and released for duty by the SAP before being allowed to return to their jobs. Employees will be required to undergo unannounced follow-up prohibited substance and/or alcohol breath testing following return to duty, as determined by the SAP. The duration of the period during which the employee is subject to such testing, and the frequency of such testing, will be as determined by the SAP. However, it shall not be less than six tests during the first 12 months following return to duty, nor longer than 60 months total, following return to duty.

d. Employee Requested Testing. Any employee who questions the result of a prohibited substance abuse test may request that an additional test be conducted. The additional test may be conducted at the same laboratory or at a different certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee, unless the second test invalidates the original test, in which event, the cost of testing will be paid by the District. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT Regulations found at 49 CFR, Part 40. The employee's request for a re-test must be made to the doctor responsible for analyzing the original laboratory results within 72 hours of receiving notice of the initial test result. Requests after 72 hours will be accommodated only where the employee can establish that the delay was due to circumstances beyond the control of the employee.

7) Compliance with Testing Requirements. All employees are subject to prohibited substance testing and breath alcohol testing in accordance with this policy. Any employee who refuses to comply with a request for testing, who provides false information in connection with the test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include inability to provide a urine specimen or breath sample without a valid, medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Failure to comply with testing requirements or failure to comply with a referral to a SAP will result in immediate termination.

8) Notifying the District of Criminal Conviction. Any employee convicted of a crime involving the manufacture, distribution, possession or use of a prohibited substance, or convicted of driving under the influence of alcohol or drugs, shall notify the District of such conviction not later than five (5) days after such conviction. A plea of no contest shall constitute a conviction for purposes of this rule, and for purposes of imposing discipline under District rules and regulations governing employee conduct. Upon conviction of a crime involving alcohol or drugs as specified above, the employee shall be referred to a SAP for rehabilitation assessment. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

   If an employee is returned to duty following rehabilitation, he or she must agree and sign a Return-To-Duty Agreement, pass a return-to-duty prohibited substance and/or alcohol test, and be subject to unannounced follow-up tests as determined by the SAP. The cost of any rehabilitation and subsequent prohibited substance and/or alcohol testing is to be paid by the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed rehabilitation program.

G. Outside Relations/Media Contact

As an employee, you are not permitted to give or report any information about the members of the District, another employee, outside vendor, client or consultant to anyone outside of the District. You should forward any such request, whether verbal or written, to the General Manager for handling.

H. Prohibition of Discrimination

The District is committed to providing a work environment that is free of unlawful discrimination. In keeping with the commitment, the District strictly prohibits unlawful harassment on the basis of an employee's race, sex, religious creed, color, national origin, ancestry, age (over 40), marital status,