

**Title 3**

**PERSONNEL**

**Chapters:**

- 3.04            General Manager—Staff**
- 3.05            Consulting Services Contracts with Former District Directors or Employees**
- 3.08            Conflict of Interest Code**
- 3.12            Personnel Plans**
- 3.16            Employer-Employee Relations**
- 3.20            Business Expenses**
- 3.24            Medical Benefits for Retirees**
- 3.28            Conditions of Employment**
- 3.32            Payment of Reimbursable Expenses**
- 1.36            Code of Ethics**

## Chapter 3.04

### GENERAL MANAGER--STAFF

**Sections:**

<b>3.04.010</b>	<b>Purpose.</b>
<b>3.04.020</b>	<b>Responsibilities.</b>
<b>3.04.030</b>	<b>General Manager.</b>

**3.04.010 Purpose.**

The regulation codified in this chapter identifies the responsibilities of the General Manager and staff. The citations in parenthesis are to sections of the County Water District Law (Division 12 of the Water Code). (Reg. 151 § 1)

**3.04.020 Responsibilities.**

The General Manager and employees of the District are responsible to operate the District by executing and administering the ordinances, regulations, resolutions and motions of the Board, and by performing such duties as may be lawfully imposed upon them by the Board of Directors. (Reg. 151 § 2)

**3.04.030 General Manager.**

In addition to such other duties as may be imposed by the Board, the General Manager shall be responsible for administration of District activities and shall:

A. Have full charge and control of the maintenance, operation and construction of waterworks systems of the District (§ 30580 (a)).

B. Employ, prescribe the duties of and discharge all employees in the manner provided by law (§ 30580 (b) and (c)).

C. Fix the compensation of employees in the manner provided by law subject to approval of the Board (§ 30580 (d)).

D. Make reports to the Board on the activities and concerns of the District (§ 30581 (b)). (Reg. 151 § 3)

## Chapter 3.05

### CONSULTING SERVICES CONTRACTS WITH FORMER DISTRICT DIRECTORS OR EMPLOYEES

**Sections:**

<b>3.05.010</b>	<b>Scope--Purpose.</b>
<b>3.05.020</b>	<b>Criteria for Use.</b>
<b>3.05.030</b>	<b>Scope of Work.</b>
<b>3.05.040</b>	<b>Time Limit.</b>

**3.05.010      Scope--Purpose.**

The resolution codified in this chapter establishes specific criteria which shall be considered with respect to use of a former member of the District's Board of Directors or a former District employee as a consultant by the District. It is anticipated that the use of former directors and employees as consultants for the District will generally be for special circumstances and a non-routine practice. (Res. 93-53 Exh. A (part))

**3.05.020      Criteria for Use.**

A. Former directors and employees shall only be utilized as consultants by the District if they have unique experience or background, or if they are a highly recognized authority in a field or specialty required by the District, or if they have other similar special qualifications. Contracts for consulting services for any dollar amount shall be awarded by the Board of Directors, and only if the Board first finds and determines that retention of a former director or employee to provide such services would be in the best interest of the District.

B. Prior to recommending to the Board that a former director or employee be employed as a consultant, the General Manager shall investigate the circumstances, and shall determine if the staff has the necessary expertise to perform the work in question. If the General Manager determines that the staff does have the necessary expertise, the General Manager shall then determine whether the work can be performed by staff in light of current and projected workload, priorities, schedule and budget. In recommending the hiring of former District directors or employees as consultants, the General Manager shall specifically make a finding of the expertise required and discuss how the recommended consultant provides this expertise. (Res. 93-53 Exh. A (part))

**3.05.030      Scope of Work.**

A detailed scope of work identifying the individual components of the work to be performed shall be prepared and presented to the Board of Directors with any recommendation to employ a former director or employee to provide consulting services. (Res. 93-53 Exh. A (part))

**3.05.040      Time Limit.**

No contract for consulting services by a former director or employee shall exceed twelve months in duration. As a general rule, such contracts will be awarded on a fiscal year basis (Res. 93-53 Exh. A (part))

**Chapter 3.08**

**CONFLICT OF INTEREST CODE\***

**Sections:**

- 3.08.010 Adoption of Standard Code.**
- 3.08.020 Government Code Section 87200 Filers.**
- 3.08.030 Disclosure Categories and Designated Positions.**
- 3.08.040 Additions to Standard Code.**

\*Prior Resolution History: Res 09-19 Exh. A: Res 94-108 Exh. A and Reg. 152 Appendix.

**3.08.010 Adoption of Standard Code.**

A. The Political Reform Act (California Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730), that contains the terms of a standard conflict of interest Code, that can be incorporated by reference in an agency's code. After public notice and hearing, the regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Sec. 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Contra Costa Water District (District).

B. Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the District.

**3.08.020 Government Code Section 87200 Filers.**

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

- Members of the Board of Directors
- General Manager
- Assistant General Manager - Administration
- Director of Finance
- Director of Finance & Human Resources
- Accounting Manager

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices

Commission makes the final determination whether a position is covered by Government Code Section 87200.

**3.08.030 Disclosure Categories and Designated Positions**

A. Designated Positions and Assigned Disclosure Category

Designated Position	Assigned Disclosure Category
Assistant General Manager-Engineering	1
Special Assistant to the General Manager	1
Executive Assistant to the General Manager	1
Director of Operations and Maintenance	1
Watershed and Lands Manager	1
Director of Planning	1
Director of Engineering	1
Director of Construction	1
Water Resources Manager	1
Real Property Agent	1
Construction Manager	2
Engineering Manager	2
Health and Safety Manager	2
Human Resources Manager	2
Human Resources and Risk Manager	2
Director of Public Affairs	2
Maintenance Manager (Distribution)	2
Maintenance Manager (Storage and Conveyance)	2
Planning Manager	2
Internal Auditor	2
Water Operations Manager	2
Risk Management Officer	2
Purchasing Officer	2
Principal Engineer	2
Principal Planner	2
Principal Water Resources Specialist	2
Senior Engineer	2
Special Projects Manager	2
Project Controls Manager	2
Information Systems Manager	2
Environmental Compliance Officer	2
Watershed and Environmental Planning Manager	2
Consultants*	

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the Code; subject to the following limitations: The General Manager may determine, in writing, that a particular consultant, (other than the General Counsel, who must disclose pursuant to the broadest category in the conflict-of interest code), although a "designated position" has been hired to perform a range of duties that is limited in scope and thus, is not required to fully comply with the disclosure requirements of the Code. Such written determination shall include a description of the consultant's duties, and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## B. Disclosure Categories

Category I: Persons occupying positions in category I shall disclose all investments, interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the District, sources of income, including gifts, loans, and travel payments, and business positions held in business entities located in or doing business within the jurisdiction of the District.

Category II: Persons occupying positions in Category II shall disclose any investments in, sources of income, including gifts, loans, and travel payments, from, and business positions held, in any business providing services, supplies, materials, or equipment of the type utilized by the District, and located in or doing business within the District, including, but not limited to, office equipment, financial and insurance institutions, public utilities, and engineering services.

- Consulting services: legal, energy and power, engineering, soils testing, water treatment, data processing, computers, financial, labor relations, employee training, advertising, communications, design, art work, audiovisual, movie production, planning, water pricing and demand, economists, auditing, desalination, architecture environmental, appraisal.
- Information technology

### 3.08.040 Additions to Standard Code.

- A. The following is a list of types of disclosable interests. Please note that this list is not all-inclusive.
- Sources that have filed claims with the District or have a claim pending within the previous two years
  - Construction and building materials;
  - Office equipment and supplies;
  - Banks and savings and loan institutions;
  - Public utilities;
  - Financial audit services;
  - Insurance services;
  - Printing, reproduction, or photographic equipment, supplies and services;
  - Chemical supplies and equipment;
  - Motor vehicles and specialty vehicles, parties and supplies;
  - Petroleum products;
  - Measuring and calculating equipment;
  - Safety equipment and supplies;
  - Telephone and communications services and equipment;
  - Pipes, valves, fittings, pumps, tanks and similar materials;
  - Water quality testing equipment and services;
  - Cathodic protection equipment, services and supplies;
  - Engineering services;
  - Employment and temporary help agencies;
  - General and specialty equipment rental;
  - Demolition, construction and maintenance services;
  - Real estate sales or investment firms;

## Chapter 3.12

### PERSONNEL PLANS

#### Sections:

- 3.12.010 Affirmative Action Plan.**
- 3.12.020 Deferred Compensation Plan.**
- 3.12.030 Retirement Plan Trust Agreement.**

#### **3.12.010 Affirmative Action Plan.**

The District's affirmative action plan is fully set forth in a document entitled, "Contra Costa Water District Affirmative Action Plan," amended November 1993. (Res. 93-62 Exh. A; Reg. 153(a))

#### **3.12.020 Deferred Compensation Plan.**

The District's "Deferred Compensation Plan" is set forth in a document with the same title. (Reg. 153(b))

#### **3.12.030 Retirement Plan Trust Agreement.**

The District's retirement plan trust agreement is fully set forth in a document entitled, "Trust Agreement Establishing the Retirement Plan of Contra Costa Water District." (Reg. 153(c))

## Chapter 3.16

### EMPLOYER-EMPLOYEE RELATIONS

#### Sections:

<b>3.16.010</b>	<b>Authority.</b>
<b>3.16.020</b>	<b>Definitions.</b>
<b>3.16.030</b>	<b>Purposes.</b>
<b>3.16.040</b>	<b>Employee Rights.</b>
<b>3.16.050</b>	<b>Certified Employee Organization Rights.</b>
<b>3.16.060</b>	<b>District Rights.</b>
<b>3.16.070</b>	<b>Regulations Pertaining to Employees—Advance Notice.</b>
<b>3.16.080</b>	<b>Petition for Recognition.</b>
<b>3.16.090</b>	<b>Classifications.</b>
<b>3.16.100</b>	<b>Procedure for Certification-- Election.</b>
<b>3.16.110</b>	<b>Decertification.</b>
<b>3.16.120</b>	<b>Meet and Confer Process.</b>
<b>3.16.130</b>	<b>Employees Relations Officer— Designation.</b>
<b>3.16.140</b>	<b>Chapter Construction.</b>
<b>3.16.150</b>	<b>Concerted Action.</b>
<b>3.16.160</b>	<b>Separability.</b>
<b>3.16.170</b>	<b>Unfair Employee Relations Practices.</b>
<b>3.16.180</b>	<b>Deficiencies of Regulations and Amendments of Law.</b>
<b>3.16.190</b>	<b>Employees Meeting on District Time.</b>
<b>3.16.200</b>	<b>Use of District Facilities.</b>
<b>3.16.210</b>	<b>Complaint Procedure.</b>

#### **3.16.010 Authority.**

The regulation codified in this chapter is adopted pursuant to the Meyers-Milias-Brown Act (Sections 3500 to 3510 of the Government Code of the State of California). (Reg. 154 § 1)

#### **3.16.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

"Board" means the Board of Directors of the District.

"Confidential employee" means any employee who, in the regular course of his/her employment, has access to or is privy to decisions of District management affecting employee relations.

"District" means Contra Costa Water District, and where appropriate, refers to the Board or to a management representative as herein defined.

"District employee relations officer" and/or "management representative" means the District's principal representative in all matters of employee relations or his/her duly authorized representative. If no other person is designated by the Board, the General Manager shall be deemed to be the District's employee relations officer.

"Emergency" means only those situations in which action is needed to avert an immediate and direct threat to District water supply operations.

"Employee" means any person employed by the District, excluding the directors of the District.

"Employee organization" means any organization which has as one of its primary purposes the representation of employees in their employment relations with the District. A certified employee organization is one certified in accordance with Section 3.16.100.

"Employee relations" means the relationship between the District and its employees and any certified employee organization or, when used in a general sense, the relationship between the District and its employees and employee organizations.

"General Manager" means the General Manager of the District.

"Managerial employee" means any employee having or exercising significant responsibilities for formulating or administering District policies and programs, including, but not limited to, the General Manager, department heads, and any supervisory employee authorized to exercise independent judgment to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, direct or adjust the grievances of, other employees or effectively to recommend any of the aforementioned actions.

"Meet and confer in good faith" or "negotiate" means the performance by duly authorized District representatives, excluding directors, and by duly authorized representatives of a certified employee organization, of their mutual obligation personally to meet at reasonable times and to confer in good faith regarding matters of wages, hours and other terms and conditions of employment in an effort to reach agreement on such matters and to reduce to writing such agreement for presentation to the Board for its decision. Nothing herein shall be deemed to require the District or an employee organization to agree to a proposal or make any concession. (Reg. 154 § 2)

#### **3.16.030 Purposes.**

The purposes of this chapter are:

A. To promote harmonious employer/employee relations within the District;

B. To provide the means and methods for employees to form, join and participate in the activities of employee organizations of their own choosing;

C. To provide the means and methods for employees to refrain from forming, joining and participating in the activities of employee organizations;

D. To guarantee employees' rights to represent themselves individually in their employment relations with the District;

E. To provide a reasonable method for employee organizations to establish recognition and certification from the District as the exclusive representative of

employees in appropriate bargaining units within the District;

F. To establish appropriate employee bargaining units that shall not unduly proliferate or fragment employees of the District;

G. To provide a reasonable method for resolving disputes regarding wages, hours and conditions of employment between the District and employee organizations; and

H. To protect the District, employees and employee organizations from unfair practices. (Reg. 154 § 3)

### **3.16.040 Employee Rights.**

A. Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations and shall also have the right to refuse to join or to participate in the activities of any employee organization and shall have the right to represent themselves individually in their employment relations with the District.

B. Each new employee within the bargaining unit defined in Section 3.16.090 shall be given, in writing, the name of the certified employee organization for that unit together with the name and address of the representative of such organization. The District shall give to such employee organization in writing the name, job classification and department of each new employee in the unit represented by the employee organization. (Reg. 154 § 4)

### **3.16.050 Certified Employee Organization Rights.**

A certified employee organization shall have the exclusive right to represent employees of an appropriate employee unit with respect to wages, hours and conditions of employment with the District, subject to the right of an employee to represent himself/herself. (Reg. 154 § 5)

### **3.16.060 District Rights.**

A. The rights of the District include, but are not limited to, the exclusive right to do each and all of the following: determine the mission of its departments; set standards of service; determine the procedures and standards of selection for employment and promotion; manage its employees and its operations; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of District operations; determine the numbers, locations, and nature of its facilities; determine the methods, means, and personnel by which District operations are to be conducted; determine and re-determine the content of job classifications; take any and all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work. Nothing in this section shall be construed to limit, amend, decrease, revoke, or

otherwise modify the rights vested in the District by the County Water District Law, from time to time in effect, or other laws regulating, authorizing, or empowering the District to act or refrain from acting.

B. The District shall not be required to meet or confer on any subject mandated or prohibited by federal or state law or regulation affecting the District. (Reg. 154 § 6)

### **3.16.070 Regulations Pertaining to Employees-- Advance Notice.**

Not less than thirty days' written notice shall be given to any certified employee organization of any rule, resolution or regulation relating to employee relations, including amendments to these regulations, proposed for adoption by the Board. Notwithstanding the foregoing, in cases of emergency when the District determines that a rule, resolution or regulation must be adopted immediately without meeting and conferring with any certified employee organizations, the District shall give such notice and an opportunity to meet and confer in good faith at the earliest practicable time. (Reg. 154 § 7)

### **3.16.080 Petition for Recognition.**

A. An employee organization that seeks recognition by the District as the exclusive representative of employees in an appropriate unit shall file a petition with the General Manager of the District containing the following information and documentation:

1. Name and address of the employee organization;
2. Names and titles of its officers and authorized representatives;
3. A statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the District;
4. Information as to whether the employee organization is a local or chapter of any international, national, state or regional organization and, if so, the names and addresses of same;
5. A copy of the employee organization's constitution and bylaws and those of any organization with which it is affiliated;
6. A statement that the employee organization has in its possession written proof dated within one hundred eighty days of the date upon which the petition is filed to establish that not less than forty percent of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in employer/employee relations with the District. Such written proof shall be submitted to the California State Conciliation Service or a neutral third party for the purpose of checking the validity of such signatures and for fulfilling the condition precedent to obtaining an election under this chapter;
7. A statement that the employee organization wishes to be certified as the exclusive representative of the

employees in the unit claimed to be appropriate with designation of the job classifications or titles in the unit;

8. A designation of those persons, not exceeding two in number, and their addresses to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose;

9. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, age, handicap or national origin; and

10. A declaration by the representative of the organization filing the petition that all matters set forth in subdivisions 1 through 9 of this subsection are true and correct to the best of their knowledge. The falsification of information required by this section shall constitute grounds for withholding or withdrawing certification.

B. The General Manager or his authorized representative shall review all petitions filed by an employee organization to determine if the requisites have apparently been met. If not, he shall within ten days notify the petitioning organization by certified letter of any deficiency. The petitioning organization shall have ten days to correct the deficiency. If the General Manager or his authorized representative determines that all of the requisites of the petition have been met, he shall within fifteen days after receipt of the petition by certified mail so notify the petitioning organization and, if applicable, the representative of any other affected employee organization that a secret ballot election covering employees in the appropriate unit will be held. Such election shall not be held sooner than twenty days nor later than sixty days, after receipt of petition except by express written agreement to extend the time by the District and the petitioning organization. The California State Conciliation Service or a neutral third party shall be in complete charge of said election.

C. Notwithstanding the provisions described in Sections 3.16.080 B and 3.16.100, when an employee organization submits a petition for an appropriate unit which qualifies under the provisions described in Section 3.16.080 A, and said petition includes the signatures of at least seventy-five percent of the employees in authorized positions in classifications determined appropriate for the representation unit, the Board of Directors shall recognize such employee organization as the exclusive representative of the representation unit for which said petition was filed. (Reg. 154 § 8)

### **3.16.090 Classifications.**

Exhibit A, attached to the regulation codified in this chapter, contains classifications and/or positions within classifications assigned to representation units. The units are considered appropriate for purposes of certification and representation, and to determine sufficiency of interest. Classifications assigned to representation units shall be current as set forth in the District's administrative procedures. In the event there is a dispute as to the

appropriateness of a unit, either the District or the petitioning organization may call upon the California State Conciliation Service as provided in Government Code Section 3507.1 to resolve the matter. (Reg. 154 § 9)

### **3.16.100 Procedure for Certification—Election.**

A. The California State Conciliation Service or a neutral third party shall provide notices to be posted in conspicuous locations on District property of the time, date and location of the election, agreed upon by the District and each affected employee organization.

B. Employees will be permitted to solicit authorization cards and to campaign on behalf of or against an employee organization, provided there shall be no solicitation during working time or in working areas, nor distribution of literature during working time or in working areas.

C. All employees in the unit who were employed during the payroll period immediately preceding the notice of election, except employees who resigned, retired or whose employment was terminated for any other reason prior to the opening of the voting polls, shall be eligible to vote.

D. The California State Conciliation Service or a neutral third party shall conduct the election by secret ballot. A pre-election conference shall be held three days before the election to go over the list of eligible voters and the location of voting facilities. The General Manager or his authorized representative or the representative of an employee organization may challenge eligibility to vote. If such challenge is sufficient to affect the outcome of the election, the District and representatives of employee organizations will meet with the California State Conciliation Service representative or a neutral third party within ten working days to state their respective positions. The California State Conciliation Service Representative or the neutral third party at the conclusion of the meeting shall decide if the contested ballots should be counted. The determination shall be binding on the involved parties.

E. Ballots shall be provided by the California State Conciliation Service or a neutral third party. A box shall be provided on all ballots for employees to vote not to be represented by any employee organization.

F. If an employee organization receives a majority of the valid votes cast, it shall be certified by the California State Conciliation Service or a neutral third party as the sole and exclusive representative of employees in the unit, subject to the rights of any employee to represent himself/herself. In the event that none of the choices on the ballot receives a majority of the valid votes cast, the election will be rerun between the two choices that received the highest number of votes. (Amended during 12-93 supplement; Reg. 154 § 10)

### **3.16.110 Decertification.**

If employees in a unit represented by an employee organization no longer wish to be represented by that

employee organization, they may cause the employee organization to be decertified by the following procedure:

A. At least forty percent of all employees in the unit must sign a petition stating they do not wish to be represented by the employee organization. This petition shall be submitted to the California State Conciliation Service or a neutral third party to check the authenticity of the signatures. Such a petition shall be filed with the District only at the following times:

1. If no agreement between a certified employee organization and the District is in effect, at any time after twelve months from the date the employee organization was certified;

2. If an agreement between the employee organization and the District is in effect, the period from one hundred twenty to ninety days before the end of the stated term of the agreement, provided that the maximum contract bar period will be three years; and

3. At any time after the end of the stated term of the agreement between the employee organization and the District, provided a new agreement has not yet been signed by the employee organization and the District and provided further that a certification election has not been held within the previous twelve months.

B. An election will be held in the unit in accordance with the provisions in Section 3.16.100. If the majority of employees voting vote against representation by the employee organization, the California State Conciliation Service or a neutral third party shall issue an instrument of decertification. (Reg. 154 § 11)

### **3.16.120 Meet and Confer Process.**

A. The District and the certified employee organization shall each appoint a negotiating committee of not more than five representatives. The two committees shall meet and confer on wages, hours and conditions of employment, but not on any subject stated in Section 3.16.060.

B. The negotiating committees shall, upon written request of either committee, meet and confer in good faith regarding wages, hours and conditions of employment at reasonable times and reasonable places, and each committee shall consider presentations made by the other committee with an open and flexible mind. However, to meet and confer in good faith does not obligate either committee to agree to a proposal or require the making of a concession.

C. If agreement is reached by the negotiating committees, they shall jointly prepare a written memorandum thereof, which shall not be binding on the District or the employee organization, and it shall be presented to the Board for approval, modification or rejection. "Meet and confer" does not require the Board to agree to any proposal submitted in the written memorandum nor does it protect represented employees from any disadvantages that may result from any

agreement between the District and the employee organization. (Reg. 154 § 12)

### **3.16.130 Employees Relations Officer-- Designation.**

The District's Employee Relations Officer, under the direction of the General Manager, shall be the District's principal representative in all matters. (Reg. 154 § 13)

### **3.16.140 Chapter Construction.**

A. The rights, powers and authority of the Board in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.

B. The provisions of this chapter are intended to comply and not conflict with the provisions of the Meyers-Milias-Brown Act, from time to time in effect. (Reg. 154 § 14)

### **3.16.150 Concerted Action.**

Nothing in this chapter shall be construed to give employees the right to strike, and any employee who encourages, causes or participates in any strike, walkout, stoppage, slowdown, impeding of work or any other concerted interference with the conduct of the District's operations, shall be subject to immediate discharge or other discipline at the sole discretion of the District. The provisions of this section shall not be deemed to preclude or to be a condition precedent to the obtaining of any and all forms of equitable and legal relief by the District in the event of such concerted action. (Reg 154 § 15)

### **3.16.160 Separability.**

If any provisions of the regulation codified in this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. (Reg. 154 § 16)

### **3.16.170 Unfair Employee Relations Practices.**

A. It shall be an unfair employee relations practice for the District to:

1. Interfere with, restrain or coerce employees because of their exercise of their rights under this chapter and under California law except it shall not be an unfair practice for the District to express or disseminate its views, arguments or opinions, whether in written, printed, graphic or visual form, or to continue to discuss and to resolve problems of employees, provided such expressions or discussions contain no threat of reprisal or force;

2. Discriminate or discharge an employee because of his/her interest or support of an employee organization except those employees who violate this chapter. The employee alleging discriminatory treatment has the burden of proving it;

3. Refuse to meet and confer in good faith with a certified employee organization on matters of wages, hours and conditions of employment.

B. It shall be an unfair employee relations practice for a certified employee organization, its agents and members to:

1. Interfere with, restrain or coerce employees because they wish to refrain from supporting or belonging to an employee organization;

2. Discriminate against any employee because he/she refrains from supporting or belonging to an employee organization;

3. Refuse to meet and confer in good faith with the District on matters of wages, hours, and conditions of employment; and

4. Participate in any concerted action described in Section 3.16.150.

C. This District, any District employee, and any certified employee organization may file a complaint alleging an unfair employee relations practice as defined in this section. Allegations of an unfair employee relations practice, if not resolved in discussions between the parties, may be submitted to final and binding arbitration. If the allegations of an unfair employee relations practice are submitted to final and binding arbitration, the California State Conciliation Service or a mutually agreed upon impartial third party shall be used to hear and decide the matter. (Res. 93-48 Exh. A; Reg. 154 § 17)

### **3.16.180 Deficiencies of Regulations and Amendments of Law.**

Any deficiencies of this chapter as to established or appropriate standards to the rights, duties and obligations of the District, District employees and employee organizations shall be supplied or supplemented by the appropriate provisions of the Meyers-Milias-Brown Act, as it may have been most recently amended or interpreted by courts of law. (Reg. 154 § 18)

### **3.16.190 Employees Meeting on District Time.**

Employees shall be allowed to attend meetings or hearings held by an employee organization during their normal working hours provided their attendance is required at a specific meeting or hearing, the meeting or hearing is for the settlement of a complaint or grievance, or to participate in consultation or meet and confer activities pursuant to this chapter and that the employee is specifically released from duty by the General Manager or his designated representative. (Reg. 154 § 19)

### **3.16.200 Use of District Facilities.**

A. A certified employee organization shall be allowed the use of specific meeting areas at District facilities for executive Board or business meetings during non-working hours provided that there is no additional cost to the District, that does not interfere with District

operations, and that employees in attendance are not on duty or scheduled for work.

B. Employees may use designated bulletin boards provided each posting is first approved and initiated by the General Manager or his designated representative. Employee organizations may use designated bulletin boards for official business of the employee organization provided each posting is first initialed by the General Manager or his designated representative. Representatives of a certified employee organization shall be allowed access to District work areas provided that advance arrangements are made with the General Manager or his designated representative, that the purpose of the visit is disclosed, and that the purpose is within the scope of employee representation.

C. Solicitation and distribution of organizational literature shall be governed by District policy as administered by the General Manager or his designated representative. (Reg. 154 § 20)

### **3.16.210 Complaint Procedure.**

A. Any employee not represented by a certified employee organization may process a complaint or grievance to a decision by the Board as follows:

1. The complaint or grievance shall be reviewed with the employee's immediate staff supervisor;

2. If not resolved in seven working days, the complaint or grievance shall be reduced to writing and submitted to the General Manager or his designated representative, who shall cause the complaint or grievance to be investigated and reported upon within seven days. Thereafter, if the General Manager's decision is not accepted by the employee, the complaint shall be resubmitted in writing within seven days to the General Manager;

3. The General Manager or his designee shall meet with the complaining employee for discussion and every reasonable effort shall be made to resolve the matter; and

4. If still unresolved, the complaining employee may take the written complaint or grievance and the latest District response to the Board for consideration and resolution.

B. Any employee represented by a certified employee organization may process any complaint or grievance in accordance with terms of any agreement then in effect between the District and the certified employee organization. (Reg. 154 § 21)

## Chapter 3.20

### BUSINESS EXPENSES

#### Sections:

<b>3.20.010</b>	<b>Definition.</b>
<b>3.20.020</b>	<b>Purpose.</b>
<b>3.20.030</b>	<b>Policy.</b>
<b>3.20.040</b>	<b>Authorization and Approval.</b>
<b>3.20.050</b>	<b>Allowable Business Expenses.</b>
<b>3.20.060</b>	<b>Non-allowable Expenses.</b>
<b>3.20.070</b>	<b>Other Expenses.</b>

#### **3.20.010 Definition.**

For the purpose of this chapter, business expenses shall mean transportation, lodging, subsistence and other related expenses incurred by members of the Board of Directors and employees of the District while conducting District business. (Res. 91-53 Exh. A (part): Reg. 155(a))

#### **3.20.020 Purpose.**

The purpose of the regulations codified in this chapter is to establish guidelines for use of members of the Board of Directors and employees of the District for allowable expenses incurred while conducting District business. (Res. 91-53 Exh. A (part): Reg. 155(b))

#### **3.20.030 Policy.**

It is the policy of the Contra Costa Water District to pay for actual expenses incurred by members of the Board of Directors and by employees of the District conducting District business in accordance with applicable District procedures. All business expenses are restricted to those which are economical to the District in accordance with the following provisions. (Res. 91-53 Exh. A (part): Reg. 155(c))

#### **3.20.040 Authorization and Approval.**

Travel must be authorized in advance by the President of the Board of Directors in the case of the General Manager and by the General Manager in the case of the Assistant General Managers. For all other employees, travel will be authorized in advance by the employee's department head (and the Assistant General Manager if travel costs are expected to exceed three hundred dollars).

Within ten working days after return from travel, or within ten working days of the end of the month in which non-travel business expenses are incurred, all expenses must be approved by the employee's supervisor (President of the Board of Directors in the case of the General Manager) and submitted to the Finance department along with any unexpended travel expenses.

If a Board member expects to spend over three hundred dollars in travel expenses on District business, it must be approved by the Board of Directors in advance. All business expenses incurred by Board members during each month will be reviewed by the Board of Directors at

the time their monthly compensation is approved. (Res. 91-53 Exh. A (part))

#### **3.20.050 Allowable Business Expenses.**

A. Transportation. The means of transportation shall be determined by time and distance factors. Coach airfare and airport transportation service will normally be considered adequate. Taxicabs and rental automobiles will be approved if the circumstances justify their use. If rental automobiles become necessary for ground transportation, midsize cars, when available and suitable, should be used. Use of long-term airport parking facilities is encouraged.

B. Mileage Reimbursement. Travel by private automobile will be reimbursed at the rate provided by IRS regulations, but not more than the most economical commercial airfare.

C. Lodging. Medium priced single rooms will generally be the maximum allowance for reimbursement at District expense. Government, corporate or special lodging rates should be utilized to reduce lodging expenses whenever possible. When attending a conference or training session out of town, employees and Board members may stay at the hotel where the event is being held even if the cost exceeds the medium-priced guideline.

D. Meals. Expenses shall be limited to menu items in the mid-price range in accordance with the guidelines listed in Administrative Procedure No. I-9. Working breakfasts, lunches or dinners will not be paid for unless proper documentation is submitted.

E. Miscellaneous.

1. Tips for taxis, meals, baggage handling, etc. shall be limited to the amount customary in general public travel.

2. Telephone costs for official business shall be reimbursed only if properly documented. Reimbursement for personal calls will be limited to ten dollars per day.

3. Expenses due to travel necessary in advance of and/or after official business meetings shall be reimbursable for one day before and/or one day after the meeting depending on actual circumstances, but such travel does not necessarily have to occur contiguous to the meeting date(s). Interim expenses incurred, however, will not be reimbursed unless it is more economical to the District to extend the period of travel. (Res. 96-24 Exh. A; Res. 91-53 Exh. A (part): Reg. 155(d))

#### **3.20.060 Non-allowable Expenses.**

Non-business related expenses will not be paid for with District funds. These include, but are not limited to: laundry; dry cleaning or pressing of personal items; entertainment; magazines; newspapers; alcoholic beverages. Employee luncheons or other meals for non-business purposes and birthday, anniversary, get-well or other recognition type expenses will be paid for by the District only if approved by the Board of Directors. (Res. 91-53 Exh. A (part))

**3.20.070 Other Expenses.**

Any business related cost not covered in this chapter must be approved and receipted for in accordance with Section 3.20.040. (Res. 91-53 Exh. A (part))

## Chapter 3.24

### MEDICAL BENEFITS FOR RETIREES

#### Sections:

- 3.24.010** Coverage by District.
- 3.24.020** Retirees—Application for Medicare.
- 3.24.030** Ineligible Retirees.
- 3.24.040** Service Vesting Requirement.

#### **3.24.010 Coverage by District.**

The District shall pay the full cost of continuing the existing medical plan for all eligible retirees equal to that of the District medical benefits in place at the time of the employees' retirement. Eligible retirees are all employees of the District who retire under the provisions of Article V of the District's retirement plan, who have successfully completed probation, if applicable, or completed at least six months of continuous District service, and who enter directly into retirement status from their active District employment. Employees who retired prior to March 22, 1980 are eligible only if they have maintained their coverage in the District's medical plan continuously since their retirement, and reside within Kaiser's Northern California service area. The coverage paid for by the District shall include the retiree's spouse and eligible dependents and shall continue as long as the retiree lives. (Res. 16-06; Res. 01-30; Res. 00-26; Reg. 156 (a))

Surviving Spouse/State of California Registered Domestic Partner (RDP) benefit

Local 39 and Local 21: For Local 39 and Local 21 employees, retiree surviving spouses/RDPs will continue to receive fully paid District-sponsored health care for his/her lifetime provided a Joint and Survivor retirement annuity selection was made by the retiree at the time of retirement, naming the surviving spouse/RDP as the beneficiary.

Unrepresented and Confidential Employees Groups: For Unrepresented and Confidential employees, retiree surviving spouses/RDPs will continue to receive fully-paid District-sponsored health care until the surviving spouse/RDP reaches age 65, provided a Joint and Survivor retirement annuity selection was made by the retiree at the time of retirement, naming the surviving spouse/RDP as the beneficiary. (Res. 16-06; Res. 11-37)

#### **3.24.020 Retirees—Application for Medicare.**

When the retiree and his/her spouse reaches age sixty-five, each shall promptly apply for Medicare, shall notify the medical insurer of his/her eligibility for Medicare, and shall do whatever is necessary to integrate the medical insurance with Medicare. (Reg. 156(b))

#### **3.24.030 Ineligible Retirees.**

In the case of each employee who retired prior to March 22, 1980, and who is not eligible for continued medical plan coverage solely because of failure to maintain coverage after retirement, the District shall, as long as the retiree lives, reimburse him/her for medical expenses incurred by the retiree or his/her spouse and eligible dependents after March 22, 1980 provided that the amount reimbursed shall not exceed the current cost of continuing the retiree's medical plan coverage that the District would have incurred had the retiree been eligible therefore. (Reg. 156(c))

#### **3.24.040 Service Vesting Requirement.**

Employees hired on or after September 1, 2011 through December 31, 2015, shall be subject to a five (5) year District-service vesting period to be eligible for retirement medical upon direct retirement from the District. Reciprocal agency service does not count toward the 5-year vesting for retirement medical. Employees hired prior to September 1, 2011 are not subject to the 5-year District service eligibility requirement, and would be eligible for retirement medical benefits upon meeting retirement eligibility and retiring directly from District employment.

Employees hired on or after January 1, 2016, shall be subject to a ten (10) year District-service vesting period to be eligible for retirement medical upon direct retirement from the District. Reciprocal agency services does not count toward the 10-year vesting requirement for retirement medical. (Res. 11-31)

**Chapter 3.28****CONDITIONS OF EMPLOYMENT****Sections:****3.28.010 Memoranda of Understanding.****3.28.010 Memoranda of Understanding.**

Terms and conditions of employment are established by the employee's job classification and representation unit (Chapter 3.16). The terms and conditions of employment include wages, hours, group insurance retirement and other matters as set forth in the memoranda of understanding. (Reg. 157(a))

**Chapter 3.32****PAYMENT OF REIMBURSABLE EXPENSES****Sections:**

- 3.32.010**      **District Credit Cards—Issuance.**  
**3.32.020**      **Payment.**

**3.32.010**      **District Credit Cards—Issuance.**

The General Manager shall be issued a District credit card for payment of business expenses reimbursable by the District. (Res. 91-53 Exh. A (part); Res. 90-35 (part); Reg. 158 (A))

**3.32.020**      **Payment.**

Any business expense incurred by the General Manager that is properly reimbursable by the District shall be charged to a District credit card. (Res. 91-53 Exh. A (part); Res. 90-35 (part); Reg 158 (B))

## Chapter 3.36

### CODE OF ETHICS

#### Sections:

<b>3.36.010</b>	<b>Preface.</b>
<b>3.36.020</b>	<b>General Intent and Interpretation.</b>
<b>3.36.030</b>	<b>Purpose.</b>
<b>3.36.040</b>	<b>Statement of Ethical Principles.</b>
<b>3.36.050</b>	<b>Application.</b>

#### **3.36.010 Preface.**

The mission of the Contra Costa Water District (CCWD) is to strategically develop, maintain and enhance water resources at the lowest possible cost. In order to accomplish the mission, it is necessary to satisfy several objectives, including interagency cooperation, securing the highest quality water possible, providing the best possible service to the public served, obtaining input from customers, and ensuring that employees have an opportunity to grow and develop in their employment. To further these objectives, certain ethical principles shall govern the conduct of directors, officers, employees, and other persons acting on behalf of CCWD, as set forth in this Code of Ethics. (Res. 92-18 (part))

#### **3.36.020 General Intent and Interpretation.**

A. The Code of Ethics is intended to establish ethical principles to guide the decisions and actions of directors, officers, employees, and other persons in the performance of their official duties and functions on behalf of the CCWD.

B. The principles established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of affected persons. Rather, the principles seek to recognize the expectations inherent in public service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of a special district. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide CCWD actions, nor does it displace professional knowledge, skill or judgment. No set of rules or standards can do so, and every person in public service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These principles, therefore, should be interpreted with reference to the purpose of public service and the unique stature of public professionalism. (Res. 92-18 (part))

#### **3.36.030 Purpose.**

A. The Code of Ethics is intended to establish ethical principles which are to be followed by those persons who act for or on behalf of the CCWD in the performance of their duties and responsibilities. Public service employment is a public trust and those who serve the public

must perform and discharge their duties consistent with the highest ethical principles, serving always the best interests of the public and those customers to whom services are provided.

B. It is, therefore, the purpose of this Code of Ethics to ensure that those affected:

1. Maintain high ethical values that are beyond reproach;
2. Increase public confidence in the integrity of the officials and employees of the CCWD;
3. Avoid the appearance of impropriety in the performance of duties and responsibilities on behalf of CCWD;
4. Establish a positive, effective, and comprehensive statement concerning ethical principles. (Res. 92-18 (part))

#### **3.36.040 Statement of Ethical Principles.**

The primary purpose of the statement of ethical principles is to establish a theoretical and moral foundation for this Code of Ethics. These principles also establish criteria for interpretation and enforcement of the principles themselves.

A. Principles of Good Faith. Each provision of this Code shall be consistent and implemented with sincerity, integrity and a good-faith commitment rather than evade the purpose and spirit of the provision.

B. Principles of Public Trust.

1. Ensuring Respect, Trust and Support. Persons affected by this Code shall act so as to ensure the reality and perception that the activities of CCWD are conducted in accordance to the ethical principles described herein and are worthy of public respect, trust and support.

2. Avoiding the Appearance of Impropriety. Persons affected by this Code shall not engage in any conduct which they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception of that they have used their public position improperly or otherwise have not conducted themselves in accord with the ethical principles of this Code.

C. Principles of Public Interest.

1. General Rule. Persons affected by this section shall treat their positions as a public trust, using the powers and resources of public office only to advance the interests of the public served, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

2. Pursuing Broad Public Good. In pursuing the public interest, persons affected by this section should:

a. Put loyalty to their conscientious convictions about the overall public good above loyalty to a narrow constituency or individual interests which are inconsistent with the general public interest;

b. Allocate public funds and formulate general public policies only after evaluating information objectively and deciding what is best for the public as a

whole, not just a narrow constituency or individual interests;

c. Take whatever steps are necessary to safeguard and protect the reputation of the CCWD and the integrity and efficiency of their positions, subordinating the interests of superiors, colleagues and friends to the interests of CCWD.

D. Principle of Accountability. Persons affected by this Code shall assure that the business of the CCWD is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold CCWD officials accountable.

E. Principle of Respectability. Persons affected by this Code shall safeguard public confidence in the integrity of public service by engaging in no conduct which demonstrates they are not fit to fulfill their duties and responsibilities or which unreasonably casts discredit on the CCWD.

F. Principle of Independent Judgment. Persons affected by this Code shall employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

G. Principle of Honesty. Persons affected by this Code should be scrupulously and consistently honest by:

1. Being truthful, sincere, forthright and, unless professional duties require confidentiality or special discretion, candid, straightforward and frank;

2. Not cheating, stealing, lying, deceiving, acting deviously, nor intentionally misleading another by omission, half-truth or other means.

H. Principle of Integrity. Persons affected by this Code should demonstrate integrity in the exercise of their duties and responsibilities by:

1. Acting in ways that are consistent with core ethical beliefs and assuring that practices are congruent with principles;

2. Honoring and adhering to the principles of public service ethics, the mission and values of their organizations, and their own moral beliefs with courage and character regardless of personal, political, social and economic pressures;

3. Expressing and fighting for their concept of what is right and upholding their convictions to the best of their ability.

I. Principle of Promise-Keeping. Persons affected by this Code should demonstrate trustworthiness by:

1. Keeping promises, fulfilling commitments and abiding by the letter and spirit of agreements which bind them;

2. Interpreting contracts and other commitments in a fair and reasonable manner and not so as to rationalize non-compliance or create justifications for escaping a commitment;

3. Exercising prudence and caution in making commitments, considering unknown or future factors

which could make fulfillment of them impossible, difficult or undesirable;

4. Seeking to assure that when commitments are made, the nature and scope of the obligations undertaken are clear to all parties.

J. Principle of Loyalty. Person affected by this Code should demonstrate loyalty by:

1. Advancing and protecting the interests of those with legitimate moral claims from personal and institutional relationships;

2. Safeguarding confidential and proprietary information;

3. Refusing to subordinate other ethical obligations such as honesty, integrity, fairness and the obligation to make decisions only on the merits, without favoritism, in the name of loyalty.

K. Principles of Fairness. Persons affected by this Code should demonstrate fairness by:

1. Making decisions with impartiality and objectivity, based on consistent and appropriate standards;

2. Demonstrating a commitment to justice, the equitable treatment of individuals, and appreciation for diversity in all actions;

3. Exercising authority with open mindedness and a willingness to seek out and consider all relevant information, including other alternatives and opposing perspectives;

4. Voluntarily correcting personal or institutional mistakes and improprieties and refusing to take unfair advantage of mistakes or ignorance of others;

5. Scrupulously employing open, equitable, and impartial processes for gathering and evaluating information necessary to decisions.

L. Principle of Caring and Concern for Others. Persons affected by this Code should demonstrate a concern for the well-being of all those affected by their actions by:

1. Striving to carry out official, managerial and other responsibilities with a firm commitment to maximize benefits and minimize harm;

2. Being caring, considerate and, to the extent compatible with official duties, kind, compassionate and generous in all their actions.

M. Principle of Respect for Others. Persons affected by this Code should demonstrate respect for others by:

1. Acknowledging and honoring the right of those affected by their professional and personal decisions to autonomy, privacy, and to be treated with dignity;

2. Treating others with courtesy and decency;

3. Exercising authority in a way that provides others with the information they need to make informed decisions about their own lives and about matters within the scope of their professional duties.

N. Principle of Civic Duty/Responsible Citizenship. Persons affected by this Code should act as responsible citizens and uphold the rule of law by:

1. Honoring and respecting the principles and spirit of representative democracy and setting a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules;

2. Exercising their civic duties and rights by voting, expressing informed views, and demonstrating social consciousness and a commitment to the public good.

O. Principle of Pursuit of Excellence. Persons affected by this Code should seek to perform their duties with excellence by:

1. Being diligent, persevering, reliable, careful, prepared and informed;

2. Continually seeking to develop knowledge, skills and judgment necessary to the performance of their duties. (Res. 92-18 (part))

**3.36.050 Application.**

This Code of Ethics shall apply to all persons affiliated with the CCWD as herein set forth:

A. To all elected officials serving on the CCWD Board of Directors;

B. To all persons appointed or hired as employees of the CCWD;

C. To all persons, whether compensated or not, who perform personal services for or on behalf of the CCWD. (Res. 92-18 (part))

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