

**REVISIONS TO THE PERSONNEL RULES**

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**BACKGROUND:** The District adopted the SMCSD Revised Personnel Rules on April 4, 2016. Due to recent changes in law, revisions to the rules are necessary. The Personnel Committee reviewed the revisions at the committee meeting on January 3, 2017 and recommended the following changes:

1. Change the document name from Revised Personnel Rules to Human Resources Policies.
2. Revise Rule 3 – Discrimination and Harassment Prohibitions
3. Revise Rule 5 – At Will Management Employees
4. Revise Rule 47, Section 2b – Prohibitions
5. Revise Attachment A -Harassment Complaint Form

**RECOMMENDATION:** Approve the Revisions to Personnel Rules

**ATTACHMENT:** Revisions to Personnel Rules – Title, Rules 3, 5, 47, section 2b and Attachment A - Harassment Complaint Form



Reviewed By: \_\_\_\_\_  
Jeffrey Kingston, General Manager

## **SMCSD POLICY AND PROCEDURE MANUAL – ~~PERSONNEL RULES~~ Human Resource Policies**

### **RULE 1 - DEFINITIONS**

Unless the context otherwise indicates, terms used herein have the following meanings:

1. "District" means Sausalito-Marín City Sanitary District.
2. "Board" means the Board of the Sanitary District.
3. "General Manager" means the General Manager or Acting General Manager of the District or designee.
4. "Personnel Committee" means the two-member Committee of the Board responsible for review of personnel matters at the District.
5. "Position" means any duties and responsibilities performed by one District employee.
6. "Classes" or "Classes of Positions" means that group of positions sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, the same entrance qualifications be required of candidates applying for appointment to positions in the class, the same tests of fitness may be used to choose qualified employees and that the same salary range may be made to apply.
7. "Job Description" means the description approved by the Board, of any class setting forth the duties, responsibilities and tasks assigned to the position in the class, and the essential qualifications necessary to ensure that persons appointed are capable of performing the assigned duties.
8. "Classification Plan" means an orderly arrangement of classes covering all positions, together with salary ranges for each class.
9. "Eligible List" means a list of persons qualified to accept employment in any one class.
10. "Emergency Appointment" means an appointment made during an actual emergency to prevent the stoppage of public business for a period not to exceed 60 working days.
11. "Holidays" means those specific days designated under Rule 17 hereof.
12. "Week" means any consecutive seven-day period commencing at 12:01 o'clock AM of any Saturday.
13. "Non-exempt employee" means an employee who is not exempt from the overtime provisions of federal law and will receive overtime in accordance with Federal law.
14. "Exempt employee" means an employee who is exempt from the overtime provisions of federal law and whose salary or other compensation is intended to cover all hours worked and to whom no additional overtime will be paid.

15. "Operations and Maintenance personnel" means Operator-In-Training, Engineer-in-Training/Lab Technician, O&M Technician I/II/III, Electrical/Mechanical Maintenance Technician, Lab Director, and Lead Operator.
16. "Regular Status" means the status of employees who have satisfactorily completed their probationary period, and are regularly scheduled to work a minimum of eighty (80) hours per pay period
17. "Extended Leave" means any leave beyond the employee's accrued vacation or sick leave.

## **RULE 2 - STATEMENT OF PURPOSE**

These rules and regulations are applicable to District employment and shall be interpreted uniformly in order to obtain and retain the best qualified personnel available and to assure that appointments and promotions will be made according to merit and fitness.

Employment under these rules and regulations shall not constitute an employment contract. This document may be modified from time to time by the District Board of Directors as they see fit.

Neither the General Manager nor any supervisor has the right to orally amend or modify the terms and conditions of these rules and regulations as they would be applied in any given instance. Amendment or modification can only be made by formal revisions to these rules and regulations by the District Board.

The General Manager shall be responsible for the administration of these rules and regulations. The Manager shall formulate and submit to the Board revisions and amendments to the rules, and standard procedures relating to the rules and regulations, as necessary.

## **RULE 3 - HARASSMENT, DISCRIMINATION, AND RETALIATION PREVENTION POLICY** ~~DISCRIMINATION AND HARASSMENT PROHIBITED~~

It is the policy of the District to employ persons having the best available skills to efficiently provide high quality service. Accordingly, the District shall provide equal opportunity for all persons in all aspects of employment, including recruitment, hiring, promotion, transfer, training, compensation, benefits, working conditions, reduction-in-force, reinstatement, and all other matters of employment.

Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance and shall be without discrimination because ~~of race, color, religion, national origin, sex, sexual orientation, age, physical or mental disability, medical condition, marital status~~ of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40, military and veteran status, sexual orientation, political affiliation or belief or any other basis protected by law. Further, the District condemns and

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prohibits discrimination or harassment of any individual because of that individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40, military and veteran status, sexual orientation, political affiliation or belief ~~race, color, religion, national origin, sex, sexual orientation, age, physical or mental disability, medical condition, marital status~~ or any other basis protected by law.

The District does not condone and will not tolerate any such discrimination or harassment by any individual employed by the District, any District-appointed officials, or any persons with whom the District has a business, service or professional relationship.

Employees who engage in acts of discrimination or harassment shall be subject to severe disciplinary action up to and including termination.

Retaliation against individuals who complain of harassment or discrimination or who participate in an investigation into harassment or discrimination shall not be tolerated. Employees who engage in such retaliation shall be subject to severe disciplinary action up to and including termination.

Harassment includes, but is not limited to:

- A. Verbal harassment such as epithets, derogatory comments, or slurs;
- B. Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work movement directed at an individual;
- C. Visual forms of harassment such as derogatory posters, cartoons, or drawings; or
- D. Sexual harassment such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talk and jokes:
  - 1) if submission to such conduct is made a term or condition of working at the District;
  - 2) if submission to or rejection of such conduct is the basis for employment decisions; or
  - 3) if such conduct unreasonably interferes with the individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Sexual harassment refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

If employee believes that he or she is the victim of discrimination or harassment, that employee shall immediately report the incident to his or her immediate supervisor. If the immediate supervisor is involved in the reported conduct or, if for some reason the employee feels uncomfortable about making a report to that supervisor, the report shall be made to the Operations Superintendent or General Manager. If the General Manager is involved in the

reported conduct, the report shall be made to a member of the Board of Directors' Personnel Committee. Reports may be made on the attached Complaint form (See Attachment A).

The District will investigate any such report of discrimination or harassment and will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this prohibition against discrimination/harassment.

Employees found to have been dishonest or uncooperative during an investigation into allegations of harassment or discrimination may be subject to disciplinary action up to and including termination.

#### **RULE 4 - APPLICABILITY OF THE RULES TO SPECIFIC PERSONNEL**

The provisions of these rules shall apply to the classified service. The classified service shall comprise all offices, employments and positions in the District, except:

1. Elective offices.
2. Members of appointive boards, commissions and committees.
3. Persons engaged under contract to supply expert, professional, technical or other services.
4. Volunteer personnel.
5. Limited service personnel:
  - a. Persons employed by the District not more than six months during a fiscal year for special purposes;
  - b. Part-time employees paid by the hour or day.

#### **RULE 5 - AT WILL MANAGEMENT EMPLOYEES**

1. The ~~District's General Manager, Operations Superintendent and Office Manager~~ positions designated in the Job Description as ~~are~~ "at-will" employees ~~who~~ serve at the pleasure of the Board of Directors and ~~their whose~~ employment can be terminated by the Board of Directors at any time with or without cause, with or without advance notice, and without the right of appeal. Other positions may be designated as at-will positions, as set forth in the offer letter for those positions.
2. The ~~District's positions designated in the Job Description or Employment Agreement as General Manager, Operations Superintendent, Office Manager and any other position designated as an~~ "at-will" positions shall be subject to and required to abide by the rules, regulations, and procedures set forth in these Rules and Standard Procedures promulgated there under except that positions which have been designated as at-will shall not be subject to Rule 16 (Probation) and Rule 20 (Disciplinary Policy Procedures).
3. The ~~District's positions designated in the Job Descriptions as "at-will" General Manager, Operations Superintendent and Office Manager~~ shall be entitled to the fringe benefits set

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forth in the current Personnel Rules unless superseded by a written contract signed by the President of the ~~Board.~~Board. Any such superseding contract is effective only if it is in writing and signed by the President of the Board.

4. The General Manager is directly responsible to the District Board for the successful administration and management of all District Operations to include the Management/ "at-will" employees. ~~The Operations Superintendent is responsible for the successful operation of all collection and treatment facilities. The Office Manager is responsible for financial reporting, payroll and benefits administration, accounts receivables and payables, sewer service charge administration, personnel recruitment and market surveys, records retention and other related administrative functions.~~ Because of the nature of the duties and responsibilities of Management employees involved, the salary rates of these employees ~~the General Manager, Operations Superintendent, and Office Manager~~ shall be established separately by the District Board of Directors, and may be increased or decreased in such amount and at such time as the District Board may thereafter decide.
5. At least once each fiscal year, a Committee of the Board will meet with the General Manager to review and discuss the Manager's performance.
6. The General Manager will meet with the Management employees Operations Superintendent and Office Manager to review and discuss the ~~Superintendent's and Office~~ Manager's performance.

## **RULE 6 - MISSION STATEMENT & CORE VALUES**

### Mission / Vision

The Sausalito-Marín City Sanitary District provides wastewater collection and treatment services for our communities and protects public health, the environment and the bay.

### Core Values

Recognizing that wastewater treatment is a vital component of protecting public health and the environment and the bay, the SMCSD will:

- Operate and maintain a safe wastewater treatment plant.
- Meet all regulatory requirements.
- Provide a high-quality work place by fostering professional growth, teamwork, and job satisfaction;
- Deliver services to our community that are efficient, economical, and environmentally sustainable;
- Use technology to provide accessible and useable information to both our communities and staff;
- Manage and protect assets and investments through sound financial policies and business practices;

## 2. PROHIBITIONS

All employees are prohibited from:

- a. reporting to work or performing any job duties while their ability to perform job duties is impaired due to on or off-duty alcohol or drug use;
- b. possessing, manufacturing, or using alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours, on breaks, during meal periods, ~~or at anytime any time~~ while on District property or at District sponsored events;
- c. directly or through a third party selling, manufacturing, or providing drugs or alcohol to any person, including any employee, while either or both employees are on duty, or on District property;
- d. failing to notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of District equipment;
- e. failing to provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name;
- f. refusing to immediately submit to any aspect of an alcohol, drug, or controlled substance test required by Rule 47 – Drug and Alcohol Abuse Policy or any tampering, obstruction of or interference with testing procedures;
- g. consuming alcohol, drugs, or controlled substances during the eight hours immediately following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whichever comes first; refusing to submit to a search of personal properties when directed by the District, upon reasonable suspicion of drug or alcohol use.

## 3. ALCOHOL AND DRUG TESTING

In carrying out and enforcing this policy, the District may require the following types of testing:

- a. Pre-employment Testing. Following an offer of employment, the District shall require all applicants to submit to a test for alcohol and illegal drug use as a condition of employment. Any applicant who refuses to provide consent for this test, or who receives a verified positive result may be disqualified from District employment.

Applicants to safety-sensitive positions or existing employees who are transferring for the first time to a safety-sensitive position shall also be asked to provide, by written consent, alcohol and drug testing records from prior employers for the two-year period prior to the date of application. These records shall include any alcohol test results of .04 or higher alcohol concentration; refusals to be tested; verified positive drug tests; and documentation of the successful completion of return-to-duty requirements.

**SAUSALITO-MARIN CITY SANITARY DISTRICT  
PERSONNEL RULE – ATTACHMENT A**

**COMPLAINT OF HARASSMENT OR DISCRIMINATION**

Name of Complainant: \_\_\_\_\_

Name of Person(s) Who Engaged  
in Harassment or Discrimination: \_\_\_\_\_

Date Complaint submitted: \_\_\_\_\_

1. What happened? (Describe details including names of witnesses, where the incidents occurred, and date of incidents. Please attach extra pages, if necessary.)

2. The District prohibits discrimination or harassment based on a protected category (i.e., ~~race, color, religion, national origin, sex, sexual orientation, age, physical or mental disability, medical condition, marital status~~ race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40, military and veteran status, sexual orientation, political affiliation or belief or any other basis protected by law). Do you believe that you were harassed or discriminated against because you are in one or more of these protected categories?

Circle one: Yes No

If you believe you were discriminated against or harassed based on your being in one or more protected category (as listed above), state which protected category (or categories) you are in which was the basis of the harassment or discrimination:



3. State the factual basis for your belief that you were harassed or discriminated based on the protected category you have listed above. (Please feel free to use extra pages)

4. Have you told anyone about these incidents? If yes, please state the names of the people you have informed and the date you informed them.

\_\_\_\_\_  
Name of Complainant

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_

Date received: \_\_\_\_\_