

ORDINANCE NO. 86-5

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 5 OF THE DISTRICT CODE
RELATING TO PERSONNEL RULES

BE IT ORDAINED by the Board of Directors of the Rancho Murieta Community Services District as follows:

SECTION ONE: Section 2.09 of Chapter 5 of the District Code is hereby amended to read:

2.09 Full-Time Employee. An employee of the District who regularly works forty (40) hours per week in a classified position and has successfully completed the probationary period.

SECTION TWO: Section 2.15 of Chapter 5 of the District Code is hereby amended to read:

2.15 Part-Time Employee. An employee of the District who regularly works less than forty (40) hours per week in a classified position and has successfully completed the probationary period.

SECTION THREE: Section 2.17 of Chapter 5 of the District Code is hereby deleted.

SECTION FOUR: Section 2.19 of Chapter 5 of the District Code is hereby amended to read:

2.19 Probationary Period. The first six (6) months of employment during which an employee serves at the will or the pleasure of the Board and may be discharged without prior notice and without cause. A probationary employee shall not have the rights described in Division VII.

SECTION FIVE: Section 4.03 of Chapter 5 of the District Code is hereby amended to read:

4.03 Probationary Period.

(a) Prior to employing a person as a full-time or part-time employee, the District shall utilize that person as a probationary employee for a period of six (6) months, unless the General Manager with the approval of the Board extends the period because the duration of the required training or other

circumstances are such that six (6) months is not adequate to evaluate performance. Upon approval of the Board, any extension of the probationary period shall not affect the probationary status of the employee as defined in Section 4.03(b) and (c) below.

(b) (No change.)

(c) During the probationary period, an employee may be terminated at any time without cause or prior notice.

SECTION SIX: Section 4.07(a) of Chapter 5 of the District Code is hereby amended to read:

4.07 Insurance.

(a) Group health insurance is available to all full-time employees and their eligible dependents. An employee becomes eligible on the first day of the second calendar month following his/her employment.

(b) Benefits currently provided include hospital, surgical, major medical, and dental insurance. Effective July 1, 1982, the District will pay all premiums for full-time employees and eligible dependents.

SECTION SEVEN: Section 4.13(c) of Chapter 5 of the District Code is hereby amended to read:

4.13 Salary Plan Administration.

(c) Part-time employees shall be eligible for merit step increases when their equivalent length of service meets the provisions of paragraph (b) in this section.

SECTION EIGHT: Section 5.03 of Chapter 5 of the District Code is hereby amended to read:

5.03 Termination of Temporary Employees. A temporary employee serves at the will or pleasure of the Board and may be terminated at any time without cause or prior notice. A temporary employee does not have the rights described in Division VII.

SECTION NINE: Section 6.05 of Chapter 5 of the District Code is hereby amended to read:

6.05 Family Leave. A full-time or part-time employee may take up to three (3) days off, with approval, with pay for funerals of members of the employee's immediate family as defined in Section 2.12.

SECTION TEN: Section 6.06(a) of Chapter 5 of the District Code is hereby amended to read:

6.06 Authorized Leave of Absence.

(a) A full-time or part-time employee who has completed his/her probationary period may be allowed up to thirty (30) days leave of absence without pay for acceptable reasons upon the prior written approval of the General Manager.

SECTION ELEVEN: Section 6.09 of Chapter 5 of the District Code is hereby amended to read:

6.09 Personal Holiday. Upon prior approval of his/her supervisor, a full-time or part-time employee who has completed his/her six (6) month probationary period may take one (1) "personal holiday" with pay per year. The supervisor may require advance notice prior to the personal holiday.

A part-time employee shall accrue personal holiday hours with pay in the same proportion as his/her working hours bear to the normal working hours of a full-time employee in a comparable position.

SECTION TWELVE: Section 6.10 of chapter 5 of the District Code is hereby amended to read:

6.10 Paid Vacation. A full-time or part-time employee is entitled to paid vacation. No vacation time shall be taken or permitted until an employee successfully completes the probationary period.

SECTION THIRTEEN: Section 6.11 of Chapter 5 of the District Code is hereby amended to read:

6.11 "Accrual" of Vacation for Part-Time Employees. A part-time employee shall accrue vacation with pay in the same proportion as his/her working hours bear to the normal working hours of a full-time employee in a comparable position.

SECTION FOURTEEN: Section 6.12 of Chapter 5 of the District Code is hereby amended to read:

6.12 Accumulation of Vacation for Full-Time and Part-Time Employees.

(a) A full-time employee may accumulate no more than thirty (30) days vacation.

(b) A part-time employee may accumulate that number of vacation days equal to thirty (30) days times his/her working hours divided by the normal working hours of a full-time employee in a comparable position.

(c) (No change.)

(d) (No change.)

SECTION FIFTEEN: Section 6.13 of Chapter 5 of the District Code is hereby amended to read:

6.13 Disposition of Vacation Time Upon Termination.
Any full-time or part-time employee, who has completed his/her six (6) month probationary period, whose employment is terminated without his/her having taken earned vacation time, shall be entitled to pay in lieu thereof for the number of working days of vacation to which he/she is entitled.

SECTION SIXTEEN: The title to Section 6.16 of Chapter 5 of the District Code is hereby amended to read:

6.16 Accrual of Sick Leave - Full-Time and Part-Time Employees.

SECTION SEVENTEEN: Section 6.20 of Chapter 5 of the District Code is hereby amended to read:

6.20 Sick Leave Absences Due To Family Death. A sick leave absence with pay because of death in a full-time or part-time employee's immediate family shall not exceed three (3) days for each period of absence. See Section 6.05 above.

SECTION EIGHTEEN: Section 6.23 of Chapter 5 of the District Code is hereby amended to read:

6.23 Extended Sick Leave Without Pay. Any request for extended sick leave without pay due to illness or injury shall be at the discretion

and approval of the General Manager. At the time of the request, the full-time or part-time employee shall submit a physician's certificate to support the request. The General Manager may approve a request for sick leave without pay for a period of up to thirty (30) days. Only the Board may approve a request for sick leave without pay for over thirty (30) days.

SECTION NINETEEN: Section 7.00 of Chapter 5 of the District Code is hereby amended to read:

7.00 DISCIPLINARY ACTION AND DISMISSAL

7.01 Initiation of Disciplinary Action or Dismissal. Disciplinary action or dismissal may be initiated by the Board, General Manager on his/her own initiative, or upon written recommendation to the General Manager by the employee's supervisor.

7.02 Nature of Disciplinary Action. Disciplinary action may consist of suspension without pay, demotion or reduction in pay.

7.03 Grounds for Disciplinary Action or Dismissal. Grounds for disciplinary action or dismissal for full-time or part-time employees include, but are not limited to, the following:

(a) Fraud in securing employment with the District, giving false or misleading information on an application form;

(b) Unauthorized absence;

(c) Conviction of a felony or other criminal act, which is of a nature to adversely affect the employee's ability to perform the duties and responsibilities of his/her employment;

(d) Conduct unbecoming to an employee in public service, tending to bring discredit to the District, etc.;

(e) Disorderly or immoral conduct;

(f) Incapacity due to mental or physical disability;

(g) Incompetency or inefficiency;

- (h) Insubordination;
- (i) Intoxication while on duty;
- (j) Repeated use of controlled substances;
- (k) Neglect of duty;
- (l) Negligence of, willful damage to, waste of, or unauthorized use of the District's supplies, equipment or premises;
- (m) Failure to follow safety instructions or directions;
- (n) Employee use of District equipment for personal use;
- (o) Participation by an employee in an unauthorized or illegal strike or work stoppage;
- (p) Any conduct which adversely affects the operation of the District, the health and welfare of District employees or the safety of District property; and
- (q) Failure to maintain a good driving record, which failure adversely affects District affairs and operations.

7.04

Notice to Employee of Disciplinary Action or Dismissal.

(a) In all situations involving a disciplinary action or dismissal of a full-time or part-time employee who has completed his/her probationary period, a Notice shall be served on the employee either personally or by registered mail (return receipt requested) at the last known address on file with the District.

(b) The Notice shall include the following:

(1) The statement of the nature of the intended disciplinary action or dismissal;

(2) A statement of the causes therefore, as set forth in Section 7.03;

(3) A statement in ordinary and concise language of all specific facts or omissions upon which the causes of the intended action are based;

(4) A statement that copies of all documents and other materials which support the proposed action are available for examination at the District office; and

(5) A statement advising the employee of his/her rights to respond orally or in writing to the Notice prior to the decision on the intended disciplinary action or dismissal. Any response should be directed to the General Manager and must be made within ten (10) working days of the date of the Notice.

7.05 Suspension Prior to Disciplinary Action or Dismissal.

Prior to the effective date of any disciplinary action or dismissal, the General Manager may suspend with pay the affected employee if the General Manager determines such suspension is necessary to protect the health, safety and welfare of the inhabitants and other employees of the District. The rights and benefits provided to an employee so suspended shall not otherwise be affected.

7.06 Decision of General Manager on Intended Disciplinary Action or Dismissal.

Prior to a decision on any intended disciplinary action or dismissal, the General Manager shall consider any written response timely submitted by an employee and shall meet with any employee who has timely requested to be orally heard. Such meeting shall take place within five (5) working days of the date of the request. The General Manager shall render a decision within ten (10) working days of the last day to submit a response, whichever applies. The decision shall be effective the day that it is made and on that day the affected employee shall be informed thereof either personally or by mail at his/her last known address on file with the District.

7.07 Effect of Suspension.

(a) When a full-time or part-time employee is suspended without pay for ten (10) or fewer working days, employee and employer contributions to benefits will be continued. Employee payments for benefits during the period of suspension will be deducted from the last payroll check prior to the date of suspension or the next following payroll check, as may be applicable.

(b) No benefits will be paid by the District for suspension over ten (10) working days. An employee may continue appropriate benefits by making the payments necessary.

7.08 Effect of Dismissal. Upon the effective date of dismissal, the District shall cease to provide any benefits for the full-time or part-time employee.

7.09 Appeal from Decision to Implement Intended Disciplinary Action or Dismissal.

A full-time or part-time employee may appeal a decision to implement an intended disciplinary action or dismissal. The full-time or part-time employee shall file a Notice of Appeal with the Board within fifteen (15) working days of the effective date of the decision. The Notice of Appeal shall state the name of the employee, the date and nature of the decision appealed, the name of the person who rendered the decision, and the grounds of the appeal stating all specific facts or omissions upon which the appeal is made. The Board shall hold a hearing no later than sixty (60) days from the date of the appeal, unless otherwise agreed to by the parties.

7.10 Failure to File Notice of Appeal. If a full-time or part-time employee fails to file a Notice of Appeal within the time specified in Section 7.09, the disciplinary action or dismissal shall become final without further action.

SECTION TWENTY: Sections 10.00 and 10.01 of Chapter 5 of the District Code are hereby deleted.

SECTION TWENTY-ONE: Section 11.01 of Chapter 5 of the District Code is hereby amended to read:

11.01 Programs. When the Board of Directors or the General Manager deems it appropriate, a full-time or part-time employee may be sent to approved training and education programs. The District shall pay the cost of the employee's tuition and books and other reasonable expenses previously authorized, upon successful completion of the program for which prior approval has been received.

SECTION TWENTY-TWO: Section 15.01 of Chapter 5 of the District Code is hereby amended to read:

15.01 Purpose of Grievance Procedure. The grievance procedures set forth herein are designed to resolve grievances informally and to provide an orderly procedure for the grievance procedure is available only to full-time or part-time employees.

SECTION TWENTY-THREE: Section 15.05(a) of Chapter 5 of the District is hereby amended to read:

15.05 Second Step of Grievance Procedure (Formal Grievance).

(a) If an informal grievance is not resolved to the satisfaction of the grievant, the grievant may initiate a formal grievance in writing. The formal grievance shall be initiated within fifteen (15) working days of the decision rendered in the informal grievance procedure. A formal grievance shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the grievance is based. The formal grievance shall be in writing and shall be filed with the General Manager or a designated representative of the District.

SECTION TWENTY-FOUR: Section 15.06 of Chapter 5 of the District Code is hereby amended to read:

15.06 Third Step of Grievance Procedure (Appeal). If the grievant is not satisfied with the decision rendered by the General Manager or designated representative of the District, the grievant may appeal the decision in writing within five (5) working days to the Board of Directors. If the grievant does not appeal the decision to the Board in writing within five (5) working days, the issue will be considered settled. The appeal shall state the

date and nature of the grievance, and shall state all specific facts or omissions upon which the appeal is based.

SECTION TWENTY-FIVE:

To the extent the terms and conditions of this Ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinance, resolutions, rules, or regulations, the terms of this Ordinance shall prevail with respect to the terms and provisions thereof and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

SECTION TWENTY-SIX:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION TWENTY-SEVEN:

This Ordinance shall be in full force and effective thirty (30) days after adoption and shall be published not less than once in a newspaper of general circulation published in the District within thirty (30) days after adoption.

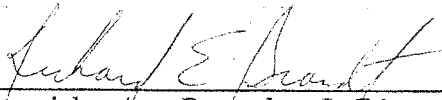
PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, County of Sacramento, State of California, this 10th day of September, 1986, at a regular meeting of the Board by the following vote:

AYES: Directors: Brandt, Devlin, Dudley, Wegner

NOES: None

ABSENT: Director Simpson

ABSTAIN: None



President, Board of Directors
RANCHO MURIETA COMMUNITY SERVICES DISTRICT

ATTEST:

Linda D. Eversole

Secretary, Board of Directors
RANCHO MURIETA COMMUNITY SERVICES DISTRICT