

MOJAVE WATER AGENCY

ORDINANCE NO. 4

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MOJAVE WATER AGENCY AUTHORIZING SICK LEAVE  
PROGRAM, ESTABLISHING HOLIDAYS, PROVIDING FOR  
VACATIONS, AND OTHER EMPLOYEE BENEFITS

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MOJAVE  
WATER AGENCY AS FOLLOWS:

Section 1: TITLE

This Ordinance shall be known as the "Agency Employment  
Conditions Ordinance".

Section 2: PURPOSE

This Ordinance is enacted for the purpose of establishing  
rules and regulations governing the employment and general  
working conditions for employees of the Mojave Water Agency  
and providing certain employee benefits. It shall be the  
duty of the General Manager to execute the provisions of  
this Ordinance.

Section 3: THOSE ELIGIBLE FOR EMPLOYMENT

All persons considered for employment with this Agency  
shall be citizens of the United States as provided by  
State law, of good character, and qualified to perform  
the duties of the position for which they are considered.  
All employees of the Agency shall live within the bound-  
aries of the Mojave Water Agency. Newly hired employees  
shall move into the Agency area within one year of the  
date of their employment.

Section 4: DISCRIMINATION

No employee of this Agency nor any person seeking employ-

ment with this Agency shall be favored or discriminated against because of political opinion or affiliation, or because of race, color, national origin, or religious belief.

Section 5: WORKING HOURS

Subsection (a) Full Time Employees. The standard work week for full time employees of the Agency, except as stated in specific position specifications shall consist, for all purposes, of a basic 40-hour week and an 8-hour day; provided, however, that the General Manager may authorize employment on a different basis when the nature of the employment or the best interests of the Agency so require; provided further, however, that in no event shall employment be in violation of the Labor Code or Title 8 of the Administrative Code of the State of California; provided further that the General Manager, department heads, and supervisory personnel so designated by their position specifications or by the General Manager, shall work such hours as may be necessary for the effective operation of their respective departments.

Subsection (b) Part Time Employees. Those employees in positions which are designated part-time or which compensation is fixed upon a basis of part-time work shall work such days and hours as are determined by the General Manager, department heads, or position specifications; provided, however, that no part-time employee shall work in excess of the standard 40-hour week or 8-hour day.

Subsection (c) Temporary Employees. All persons not

employed on a permanent basis shall work such hours as are determined by their department heads provided, however, that no temporary employee shall work in excess of the standard work week.

Section 6: COMPENSATION

Subsection (a) Semi-Monthly Basis. All employees shall be paid on the 15th day (not later than the 20th day) and the last day (not later than the 5th day of the next succeeding month) of each month for work performed during the semi-monthly period just completed.

Subsection (b) Method of Calculating Compensation. The equivalent hourly rate of Classified Employees who are paid on a semi-monthly basis will be calculated by multiplying the basic monthly salary of the employee by twelve (for the number of months in the year) and then dividing by 2,080 (representing 52 weeks of 40 hours).

Subsection (c) Payroll Deductions. The Treasurer shall deduct from each employee's salary or wages such amounts as may be required by law or as may be authorized by the employee for the following purposes:

- (1) Income Tax (withholding)
- (2) Employee's contribution to the Old Age, Survivor and Disability Insurance
- (3) Employee's contribution to the State Employees' Retirement System
- (4) Employee's contribution to the Group Health Insurance Plan

- (5) Desert Communities United Fund (charity)
- (6) U. S. Savings Bonds
- (7) Such other deductions as may be required by law and/or as may be authorized by the Board of Directors.

When so authorized or required, the Treasurer shall make such deductions and shall pay the amounts thereof into the specified agency, firm, or group.

Subsection (d) Unauthorized and Unexcused Absence. Except as hereinafter provided, unauthorized and unexcused absence from duty shall be accounted for as leave of absence without pay. An employee paid at an hourly rate shall forfeit his compensation for the period of such absence.

Subsection (e) Temporary Employees. All temporary employees shall be designated on the employment record as such, and shall receive compensation at the established hourly rates for the classification to which they have been assigned and for the total number of hours of work performed. Such employees shall not be eligible for or receive pay for holidays, vacation, or sick leave time. Temporary employees remaining on the payroll for a period of four (4) months shall be considered permanent employees and shall receive sick leave, vacation, and other benefits dating from the day of original employment.

Subsection (f) Regular Part Time Employees. Regular part-time employees shall receive compensation as follows: If position is non-classified (supervisory), the salary paid

shall be an amount which bears the same ratio to the full-time specified salary as the amount of time actually worked bears to the number of working days of the normal working shift of such position during the calendar month in which such work occurs. If the position is classified, the equivalent hourly rate as calculated per Subsection (b) above is the hourly rate that shall be paid for the total number of hours of work performed. Such regular part-time employees shall receive holidays, vacation and sick leave benefits. Such benefits shall bear the same relation to the benefits received by full-time employees as the number of days or hours actually worked bears to the number of working days or hours of the normal working shift of such employee during the period in which such benefits accrue.

Section 7: EXPENSES

Subsection (a) Traveling. All officers and employees of the Agency who shall be obliged to travel on Agency business in the performance of their duties shall be reimbursed the actual cost of transportation, meals, lodging and incidentals necessarily incurred thereby, in addition to the compensation otherwise provided, upon presentation to the Agency of an itemized statement of said expenses to which is attached receipt for common carrier transportation and for lodging.

Subsection (b) Automobile Allowance. Any employee who, by reason of the nature of the position held, is required to use his own automobile in the course of his employment,

shall be allowed automobile expense for each mile or portion of a mile actually traveled on Agency business at the rate established and re-established from time to time by the Board of Directors.

Section 8: SICK LEAVE

Subsection (a) Definition: Sick leave is an insurance or protection provided by the Agency, to be granted in circumstances of adversity to promote the health and welfare of the individual employee. It is not an earned right to time off from work. Sick leave is defined to mean the absence from duty of an employee because of actual illness, injury, or exposure to contagious disease. Under extenuating circumstances, sick leave may also be granted in cases of death or serious illness within the immediate family of the employee which requires the attention of the employee, upon authorization of the General Manager.

Subsection (b) Accumulative Sick Leave. Upon the completion of four months of continuous service in a permanent position, employees of the Agency shall become eligible for one day of sick leave for each calendar month of service, to be credited on the first day of the month following.

Subsection (c) Initial Credit. Employees completing four months of continuous service in a permanent position shall be credited with an accumulation of sick leave time equivalent to one day for each month of completed service, and subsequent earned sick leave shall be in addition thereto.

Subsection (d) Maximum Accrual. All unused sick leave shall be accumulative to a maximum of ninety (90) working days.

Subsection (e) Notice of Sickness. Employees must notify their Department Head <sup>or</sup> before the second day of absence in order to qualify for sick leave with pay.

Subsection (f) Investigation. It shall be the responsibility and duty of the General Manager and each Department Head to investigate each request for sick leave and to approve sick leave with pay where it is determined to be proper. If sick leave for illness or injury exceeds three working days, the employee prior to return to work shall submit a statement of such a disability from a physician, surgeon or other person practicing a recognized healing art certificated by the State of California. The statement shall certify that the employee's physical condition prevented him from performing the duties of his position during the period of absence.

Subsection (g) Improper Use. Evidence substantiating the unwarranted use of sick leave for trivial indisposition, instances of misrepresentation, or violation of the rules defined herein shall be construed as grounds for dismissal or such other action as may be deemed proper and necessary by the Department Head and/or the General Manager.

Subsection (h) Misconduct. Sick leave with pay will not be granted for absences due to willful injury, gross

negligence, intemperance, or improper conduct on the part of the employee.

Subsection (i) Minimum Charge. The minimum charge against accumulated sick leave shall be one hour and all sick leave taken shall be deducted from the employee's accumulated sick leave time.

Subsection (j) Bereavement or Attendance. Sick leave granted in each case of bereavement, or attendance, shall not exceed the equivalent of one standard work week of accumulated leave, which allowance shall include all travel time.

Subsection (k) Termination. Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled.

Subsection (l) Workmen's Compensation. Employees injured in the line of duty will be compensated by the Agency for the difference between their regular pay and Workmen's Compensation payments for a maximum of two months. Sick leave, if available, may be taken for additional time off.

Subsection (m) Sick Leave Advanced. Sick leave may be advanced to an employee at the discretion of the General Manager. Upon termination a deduction shall be made covering the monetary value of any unearned leave so advanced to an employee.

Section 10: VACATION

Subsection (a) Definition. Vacation with pay is a right earned as a condition of employment and made available in the interest of the Agency for the recreation, health



and well-being of the employee.

Subsection (b) Accrual. Upon completion of twelve (12) months of continuous service in a permanent position, employees of the Agency shall be entitled to ten (10) working days of vacation time. At the end of five (5) years of continuous service, such employees shall be entitled to fifteen (15) working days of vacation time.

Subsection (c) Approval. Vacation periods shall be taken with the approval of the General Manager at such times as will not impair the work schedule or efficiency of the Agency. Any employee deprived of vacation by order of the General Manager to meet the convenience of the Agency shall be paid for such loss of vacation time, in addition to the compensation earned for such time actually worked.

Subsection (d) Vacation as Sick Leave. Vacation time may be used in lieu of sick leave without pay.

Subsection (e) Accumulated Vacation Time. Any employee may be permitted to accumulate vacation time for not to exceed two annual vacation periods. All accumulated vacation time in excess of such amount shall be deemed waived and lost.

Subsection (f) Termination. Employees terminating employment after one year of continuous service shall be compensated for accrued vacation time. No person whose employment is terminated before the completion of one year shall be entitled to any vacation or any pay in lieu thereof.

Section 11: HOLIDAYS

Subsection (a) Approved Holidays. As far as practicable, the officers and employees of the Agency shall not be required to serve, and the general offices of the Agency shall not be open, on days declared by the State of California to be legal holidays.

Subsection (b) In lieu Holidays. When any legal holiday occurs on a Saturday or Sunday, it shall be observed by by Agency employees on the same day it is observed by State employees.

Subsection (c) Holidays During Vacation. When an approved holiday falls within a vacation period, an employee on vacation shall be entitled to that holiday in addition to his regular vacation.

Section 12: MILITARY LEAVE.

Subsection (a) Annual Encampment. Any employee in continuous service for one year or more shall be allowed a leave of absence for a period not to exceed thirty calendar days in any calendar year when in attendance at an encampment or training school as a member of the California National Guard or similar California military component or any reserve component of the armed forces of the United States. The Agency shall pay the employee his full salary for the period. In the event any employee shall be required to attend such encampment or training school for a period in excess of thirty days, a leave of absence without pay for such excess shall be allowed for such purpose.

Subsection (b) Re-employment. Re-employment after military service shall conform to the requirements of the Military and Veterans Code, but in all other respects shall be in accordance with this ordinance.

Section 13: VOTING.

Each employee shall be allowed time off with pay to vote at local, state, and national elections if sufficient time is not available outside of regular working hours.

Section 14: LEAVE OF ABSENCE WITHOUT PAY.

Subsection (a) To Whom Granted. Leave of absence without pay may be granted to any permanent employee or officer for any of the following reasons: illness or disability when sick leave has been exhausted; pregnancy; to take a course of study which will increase his usefulness on return to his position; or for personal reasons acceptable to the General Manager.

Subsection (b) Length of Leave. A leave of absence for a total not exceeding twenty working days in any one year period may be granted by the General Manager. A leave of absence in excess of twenty working days may be granted by the General Manager upon a written request initiated by or on behalf of the employee, with the approval of the Board of Directors. The request shall set forth the date when it is desired to begin the leave, the probable date of return, and the specific reason for the request. The General Manager shall attach his

recommendation and transmit the request to the Board of Directors for final action. Leave so granted shall be for a specified period or appropriate conditions may be imposed. Such leave may be extended upon further written request containing justification therefor, such request for extension to be processed in the same manner as the original request. Nothing herein shall prevent the earlier return to duty by the employee, except that the General Manager may require two weeks advance notice of his intention to return. The Board of Directors shall have the right to cancel or revoke a leave of absence previously granted by them.

Subsection (c) Effect on Sick Leave, etc. Sick leave shall not accrue during a leave of absence, but accrued sick leave shall not be lost. Eligibility for vacation shall not be lost but vacation shall be postponed by a period equal to the nearest full number of months of such leave of absence.

Section 15: RECORDS OF SICK LEAVE, VACATION, ETC.

Subsection (a) Availability. The General Manager shall keep an accurate and current record of the attendance, absences and status of employees, including sick leave and vacation accrued and allowed, and overtime for each employee, and related matters. Such records shall be available for the employee's inspection.

Subsection (b) Absent Without Pay. Vacation and sick

leave benefits shall not accrue during the time an employee is absent without pay or during any calendar month during which the employee is absent in an unpaid status for more than ten working days.

Subsection (c) Change from Temporary to Permanent Status.

For any employee who receives a permanent appointment, the monthly increments of sick leave and vacation time shall accrue as if the employee had been on a permanent basis from the beginning of his employment with the Agency.

Subsection (d) Retroactive. The sick leave and vacation provisions of this Ordinance shall be retroactive to the date of employment of all permanent employees in the employ of this Agency at the time of adoption of this Ordinance.

Section 16: TERMINATION.

Subsection (a) Discharged Employees. Any employee may be suspended, demoted, or dismissed for cause by the General Manager. Any employee who is so affected shall be entitled to written notice of such action and the reason therefor. The General Manager must give two weeks notice in advance of termination of permanent employees for lack of work.

Subsection (b) Resignation. Permanent employees are expected to give two weeks notice to the General Manager before they resign so that a replacement may be hired and trained.

Section 17: REVIEW.

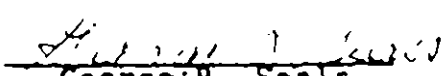
Within 30 days prior to the end of each fiscal year, the Board shall review this Employment Conditions Ordinance in conformance with sound business practices. Changes, additions to, and deletions from the provisions to this ordinance shall only be by ordinance of the Board of Directors.

Section 18: REPEAL.

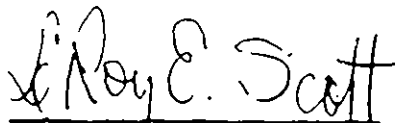
All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 19: EFFECTIVE DATE.

This Ordinance shall take effect September 14, 1968. ADOPTED this 16th day of July, 1968, by the Board of Directors of the Mojave Water Agency.

  
George R. Seals  
President

ATTEST:

  
LeRoy E. Scott  
Secretary

MOJAVE WATER AGENCY  
CERTIFICATE OF THE SECRETARY

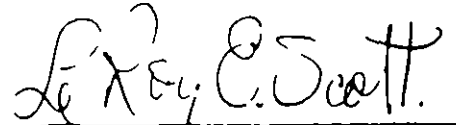
I, LeRoy E. Scott, Secretary of the Mojave Water Agency, do hereby certify that the foregoing Ordinance No. 4 is a true and correct copy of an ordinance adopted by the Board of Directors of the Mojave Water Agency at a regular meeting of said Board held on July 16, 1968 at which a quorum was at all times present and acting.

I further certify that on October 15, 1968, at the regular meeting of the Board of Directors of the Mojave Water Agency, adoption of Ordinance No. 4 was ratified through a roll call vote as follows:

YAYS 9 (Directors Carter, Matthews, Molby, Wishek, Seals, Scott, Shope, Most, and Kenney)

NOLS 0

ABSENT 2 (Directors Cox and Pleasant)

  
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LeRoy E. Scott  
Secretary