

MOJAVE WATER AGENCY

ORDINANCE NO. 7

"Agency Employment Conditions Ordinance"

MOJAVE WATER AGENCY  
ORDINANCE NO. 7

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MOJAVE WATER AGENCY

ORDINANCE NO. 7

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MOJAVE WATER AGENCY  
KNOWN AS THE "AGENCY EMPLOYMENT CONDITIONS ORDINANCE"

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: DEFINITIONS

- 2-01 Advancement - A salary increase of one or more steps within  
the limits of the pay range established for a class.
- 2-02 Agency - The Mojave Water Agency.
- 2-03 Anniversary Date - The date on which an employee commences  
employment with the Agency.
- 2-04 Applicant - An individual who has completed and submitted  
an application for employment with the Agency.
- 2-05 Appointment - The offer to and acceptance by a person of a  
position, either on a regular or temporary basis.
- 2-06 Demotion - A voluntary or involuntary reassignment to a less  
responsible position for cause.
- 2-07 Eligible Employee - A regular employee who has completed his  
probationary period.
- 2-08 He - All references in this document to 'he' apply also to 'she'.
- 2-09 Leave of Absence - Leave without pay granted to an employee  
at the discretion of the General Manager.
- 2-10 Military Leave - Leave on official orders for the purpose of  
active military duty.
- 2-11 Probationary Period - A specific period during which the employee  
is required to demonstrate his fitness for the duties of the  
position to which he has been appointed by actual performance of  
these duties.

- 2-12 Promotion - Advancement to a higher salary range with an increase in responsibility.
- 2-13 Regular Employee - An employee working 40 hours per week.
- 2-14 Regular Part-Time Employee - An employee regularly working less than 40 hours per week.
- 2-15 Resignation - Voluntary separation from the Agency by an employee.
- 2-16 Sick Leave - Leave with pay covering absence of an employee who is unable to perform his regular duties because of his own illness or absence caused by death in the employee's immediate family.
- 2-17 Supervisor; Personnel - Any employee on Range 34 and above.
- 2-18 Termination - Separation of an employee without prejudice.
- 2-19 Vacation Leave - Leave with pay granted to an employee, the time of which shall be at the discretion of the General Manager.

### SECTION 3: GENERAL PROVISIONS

#### 3-01 Repeal

Ordinances #4 and #6 of the Mojave Water Agency are hereby repealed.

#### 3-02 Review

The Board of Directors shall review the Agency Employment Conditions Ordinance as conditions require. Changes, additions to and deletions from the provisions of this Ordinance shall be only by ordinance of the Board of Directors.

#### 3-03 Validity

If any paragraph, sentence, clause or phrase of this Agency Employment Conditions Ordinance is held to be unconstitutional or invalid for any reason, this shall not affect the remaining portions of the Ordinance.

3-04 Copies of Rules

This Ordinance shall be printed and a copy made available to each employee of the Agency and a copy placed on file with the Agency.

3-05 Manager's Authority

The General Manager is hereby authorized to make such administrative decisions as are necessary to implement this Ordinance and to expedite Agency services.

3-06 Administrative Rules and Regulations

These rules do not preclude the General Manager from developing and administering supplemental personnel rules and regulations, as long as they do not conflict with these rules or other MWA resolutions and ordinances.

SECTION 4. HIRING PROCEDURES

4-01 Selection Procedures

The General Manager shall appoint each employee. It is the policy of the Agency to appoint the best qualified applicant for each position without regard to race, color, national origin, sex or age. The General Manager shall establish selection procedures which shall insure the employment of the best qualified applicants, including such factors as education, experience, skills, knowledge, personal qualifications and potential for growth.

4-02 Eligibility

All persons considered for employment with this Agency shall be qualified to perform the duties of the position for which they are considered.

4-03 Discrimination

No person applying for employment with the MVA, or employed by the MVA, shall be discriminated against on the basis of political affiliations, race, creed, religion, national origin, citizenship, age, physical handicap or sex.

4-04 Advertising of Vacancies

All vacancies to be filled shall be advertised in a newspaper of general circulation within the Agency and shall state the qualifications desired and set a time limit for making application.

4-05 Application

Application shall be made on forms provided by the Agency. Such forms shall comply with discriminatory and other applicable laws.

4-06 Disqualification

The General Manager shall reject any applicant who does not have the minimum qualifications required for the position or has made any false statement of any material fact in his application. Whenever an applicant is rejected, notice of such rejection with statement of reason shall be mailed to the applicant.

4-07 Appointment

The General Manager may make an appointment based on personal interview with the applicant, using his best judgment as to the applicant's ability, experience and adaptability to the position for which he is applying.



#### 4-08 Examinations

Some positions are best filled through qualifying examinations, which may be given at the discretion of the General Manager. The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the General Manager, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Any qualified person who, within the period prescribed in the public notices thereof, has filed an application upon the form furnished by the Agency and whose application has not been rejected for cause in accordance with these rules and who presents himself at the time and place designated for an examination shall be admitted and allowed to participate.

The Agency, upon recommendation of the General Manager, may contract with any competent agency or individual for the purpose of preparing and administering examinations. In the absence of such a contract, the General Manager shall direct the preparation and administration of examinations.

#### 4-09 Notification of Examination Results and Review of Papers

Each candidate in an examination shall be given written notice of the result thereof. Any candidate shall have the right to inspect his own examination papers within five (5) working days after the notices of examination results were mailed.

SECTION 5: EMPLOYMENT5-01 Working Hours

General office hours of the Agency shall be from 8:00 AM to 12:00 Noon and from 1:00 PM to 5:00 PM, Mondays through Fridays, except holidays. So far as practicable, the hours of employment shall not exceed 40 hours per week.

5-02 Personnel Action Request

All actions affecting an employee's position, classification, salary, work department or payroll deductions shall be accomplished by form "Personnel Action Authorization." A copy of said form will be supplied to the employee.

5-03 Step and Range

Regular appointments of classified employees shall be made within Schedule A (Personnel Classification) of Salary Resolution 257-74. Placement, promotions and demotions shall be in accordance with Resolution 257-74.

5-04 Appointments

All appointments shall be classified under one of the following types:

- (a) Normal full-time appointment = will work the standard 40-hour week and receive compensation and benefits as herein prescribed.
- (b) Part-time appointment = work less than the normal 40-hour work week, but on a regular basis. Compensation and benefits are proportionate to that received for full-time work.

- (c) Project appointment - project employees are those employees who hold a position which has been authorized by the Agency for only a prescribed period of time or for the duration of a specified project. Project employees shall be employed as if for normal employment and on appointment shall be given written notice of the limited nature of their employment and of the fact they shall not earn the right to employment past the period authorized. Project employees shall receive the normal fringe benefits to which they would otherwise be entitled.
- (d) Hourly appointment - work on an hourly basis as required by the Agency. No vacation, sick leave or vacation benefits accrue if there is less than 20 hours employment.

5-05 Probation and Permanency

All original appointments of employees shall be subject to a probationary period of three months. A probationary employee may be dismissed at any time during the probationary period. An employee who serves the required probationary period in a satisfactory manner shall be classified as a permanent employee and shall be subject to dismissal only for cause.

5-06 Suspension, Demotion and Dismissal

The continued employment of permanent employees is contingent upon proper performance of assigned duties and personal fitness. A permanent employee may be demoted, suspended or dismissed for cause following pre-termination proceedings as prescribed by law. These causes shall include but not be limited to the

following:

- (a) Incompetence, inefficiency, inattention to or dereliction of duty, lack of ability, or failure to perform the assigned duties in a satisfactory manner.
- (b) Insubordination, failure to obey Agency policy rules.
- (c) Conviction of any felony. Conviction of a misdemeanor involving moral turpitude, dishonesty, immoral conduct, drunkenness on duty, intemperance, addiction to or use of narcotics, of fraud in obtaining employment with the Agency.
- (d) Political activity during the assigned hours of duty.
- (e) Persistent discourteous treatment of the public or of fellow employees or other willful failure of good conduct tending to injure the public service.
- (f) Physical or mental incapacity.
- (g) Absence from duty without leave.
- (h) Evidence establishing careless conduct or willful disregard for health and welfare of fellow employees shall be cause for disciplinary action.

5-07 Appeal to Board of Directors

(a) Dismissal

An employee who is dismissed shall have the right to file a written statement requesting an appeal within five days of dismissal. He may, at his own expense, be represented by counsel and present witnesses. If appeal is upheld, the employee shall be reinstated without prejudice and

shall suffer no loss of pay or benefits as the result of same. The decision of the Board of Directors shall be final.

(b) Grievance

If an employee has what he believes to be a justified grievance of any kind, he should first submit such grievance to the General Manager in writing. If the manager is unable to resolve the problem to the mutual satisfaction of the employee and the manager, the employee may request an audience with the Board in executive session. The manager shall not reject an employee's request to speak to the Board.

5-08 Termination of Employment

- (a) An employee who desires to resign in good standing shall submit his resignation in writing to the General Manager at least two weeks in advance of his intended resignation date.
- (b) Employees shall retire at the end of the calendar month in which they reach age 70, or as prescribed by law.
- (c) Whenever it becomes necessary to reduce the number of employees because of lack of work, lack of funds or in the interests of economy, the General Manager shall approve the specific positions to be discontinued.
- (d) In case of termination of a regular employee of the Agency through no fault of his own, and who has been employed for over one continuous year, termination pay

equivalent to one semi-monthly salary payment shall be made to the employee. Resignation or dismissal for cause shall not entitle an employee to any termination payment.

## SECTION 6: COMPENSATION

### 6-01 Pay Days

All employees shall be paid bi-weekly on Friday, provided that if such day falls on a holiday, employee shall be paid on the immediately preceding workday.

### 6-02 Method of Calculating Compensation

The equivalent hourly rate of employees who are paid on a bi-weekly 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).

### 6-03 Responsibility for payroll preparation

The paymaster or accountant is responsible for preparing the payroll checks. Should there be a disagreement as to the

proper amount, the auditor shall be informed concerning the method of calculating compensation in this ordinance and the accountant shall abide by his advice.

6-04 Overtime pay

- (a) It is Agency policy that Agency work be done during regular working hours, and that overtime be discouraged except in emergencies or for staff attendance at board meetings. The manager and supervisory personnel, as defined by the Board of Directors, are not entitled to overtime pay.
- (b) Any overtime work shall be paid at the rate of one and one-half (1-1/2) times the regular rate upon approval by the General Manager and paid to the employee at the same time as his regular pay.
- (c) Employees required to work on a scheduled holiday shall be paid at the rate of two and one-half (2-1/2) times the regular rate upon approval by the General Manager and paid to the employee at the same time as his regular pay.

6-05 Salary Schedule

- (a) The Board of Directors shall annually adopt a salary schedule.
- (b) In the event that the Directors do not adopt a salary schedule for each new fiscal year, the salary schedule approved for the prior year shall continue in force and effect until a new schedule is adopted.

- (c) The General Manager shall develop job descriptions for every classification and update these as necessary.
- (d) Compensation of the General Manager shall be as agreed by negotiation on a yearly basis.

6-06 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:

- (a) Federal income tax (withholding)
- (b) State income tax
- (c) State disability insurance
- (d) Such other deductions as may be required by law and/or as may be authorized by the employee and/or 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.

SECTION 7: EMPLOYEE BENEFITS

7-01 Sick Leave

(a) Accrual

Upon the completion of one full pay period of continuous service, employees in regular positions shall accrue sick leave prorated on the basis of ninety-six hours per year or eight hours per month. Earned sick leave shall be available for use the first day following the month in which it is earned.



(b) Notice of Sickness

Employees must notify their department head on or before the second day of absence in order to qualify for sick leave with pay.

(c) Investigation

It shall be the responsibility and duty of the General Manager to investigate each request for sick leave and to allow sick leave with pay where the application is determined to be proper.

(d) Improper Use

Improper use of the sick leave privilege is cause for disciplinary action. If it appears that the sick leave privilege is being abused, a medical certificate may be required for any absence on sick leave.

(e) Sick Leave Advanced

Sick leave may be advanced to an employee at the discretion of the General Manager. Upon termination, a deduction will be made covering the monetary value of any unearned leave so advanced.

(f) Sick Leave Conversion

Upon retirement, death, or termination eligible employees (or the estate of an employee) will be paid for unused sick leave accrued to the date of termination according to the following formula:

<u>Sick Leave Accrued as of Date of Termination</u>	<u>Cash payment % of Hours of Accrued Sick Leave</u>
480 hours or less	30%
481 hours to 600 hours	35%
601 hours to 720 hours	40%
721 hours to 840 hours	45%
841 hours to 960 hours	50%

7-02 Disability Leave(a) Industrial Accidents

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 four months. Sick leave or annual leave, if available, may be taken for additional time off on a pro-rata basis; total benefits not to exceed wages or salary at time of injury.

(b) Other Disability

An employee whose physical condition prohibits his carrying out his assigned duties and whose sick leave and vacation leave have been used shall be assigned disability leave for a period of up to 24 months during which no benefits shall be earned.

(c) Medical Release

Employees returning to work from extended absence due to on-the-job injury or illness shall submit medical evidence of physical recovery acceptable to the General Manager.

7-03 Other Leave(a) Sabbatical

An employee upon the recommendation of his supervisor and approval of the General Manager may be granted a leave of absence without pay for a period not to exceed 90 calendar days. At the conclusion of the initial period for which granted, such leave may be extended for an

additional period or periods; total absence not to exceed one year. No sick leave or vacation benefits will accrue during such leave. Such leaves shall be granted only for purposes which are in the best interest of the Agency. Upon return from a leave of absence, the employee shall be reinstated to a position equivalent in duties and salary to that which he held at the time that his request for leave was granted and a new anniversary date will be established.

(b) Military Leave

Military leave and regulations for payment pertaining thereto shall be in accordance with Deering's Military Code and Veteran's Code of the State of California.

(c) Jury Leave

Each officer or regular employee when called for jury duty service or when appearing in court as a subpoenaed witness, shall receive his regular compensation during the period so served; any amounts of payment received for such service shall be assigned to the Agency. A leave slip for the period of absence shall be approved by the General Manager.

(d) Bereavement Leave

An employee shall be granted necessary leave of absence without loss of pay not to exceed three workdays on account of the death of a member of his immediate family; this bereavement leave shall be deducted from his sick

leave. Member of the immediate family is defined as mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother, or sister of the employee, or any relative living in the immediate household of the employee.

(e) Maternity Leave

Sick leave, if any, and leave without pay shall be granted for pregnant employees in the same manner that sick leave and leave without pay are granted other employees eligible for sick leave. An employee will ordinarily be permitted to work as long as she is physically capable of performing the duties of the position satisfactorily. This determination rests with the General Manager, based upon the facts of each individual case and medical report. Neither vacation leave nor sick leave shall accrue while on maternity leave. The employee may return from maternity leave at a time convenient to the Agency, provided her physician's statement indicates her physical condition to have been restored.

7-04 Attendance Records

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.

7-05 Insurance(a) Life Insurance

Group term life insurance coverage is provided to eligible Agency employees at Agency expense. The amount of coverage is based on the annual salary of the insured.

(b) Health Plan Insurance

Group health plan insurance coverage is provided for eligible Agency employees and their dependents at Agency expense. This plan provides hospitalization, doctor and surgical benefits with accompanying major medical coverage.

(c) Dental Insurance

Group dental insurance is provided to eligible Agency employees and their dependents at Agency expense under CDS Group No. 399-0037.

7-06 Retirement, Disability and Death Benefits

Each officer, regular and regular part-time employee is covered under the State of California's "Public Employees' Retirement System". Costs of participation in this plan are paid by the Agency.

SECTION 8: VACATIONS8-01 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.

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8-02 Earned Vacation

Officers and employees of the Agency shall earn vacation leave for the first five years of continuous employment at the rate of ten working days per year. During the second five years (6-10) of continuous employment, vacation leave shall be earned at the rate of 15 working days per year. After the tenth year of employment, vacation leave shall accrue at the rate of 20 working days per year.

8-03 Semi-Monthly Accrual

Vacation leave shall accrue on a monthly basis based on the amount earned yearly. If the vacation earned in a year is 10 days, the accrual per month shall be 6-2/3 hours; if 15 days, 10 hours; if 20 days, 13-1/3 hours. 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 actually worked. Payment for such loss of vacation time shall be made at the current time rate. Such payment shall be made at the end of the employee's anniversary year of employment in which the loss occurred.

8-04 Adjustments

Anniversary dates shall be adjusted if the officer or employee is on leave of absence or any other non-pay status in excess of 30 consecutive calendar days so that no leave is earned during such period. Vacation leave granted prior to its having been earned shall have its monetary value deducted from the final pay of the employee who terminates.

8-05 Accumulated Vacation Time

Each employee shall be entitled to accrue a maximum of two (2) annual vacation periods. At least one such vacation period must be used before a third period is accumulated or it will be forfeited.

8-06 Vacation as Sick Leave

Vacation time may be used in lieu of sick leave without pay.

8-07 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 9: HOLIDAYS9-01 Fixed Holidays

Employees appointed to full-time regular positions shall be entitled to the following fixed holidays:

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Day before Christmas
Labor Day	Christmas
Veterans' Day	Day before New Year's Day

9-02 Floating Holidays

Employees appointed to full-time regular positions shall be entitled to a total of twenty-four hours floating holiday time, provided that the employee is on the payroll during the entire pay period in which such floating holiday time is to accrue. Floating holiday time shall accrue in the following increments:

- (a) Eight hours floating holiday time shall be accrued during the pay period in which February 12 falls.
- (b) Eight hours floating holiday time shall be accrued during the pay period in which February 22 falls.
- (c) Eight hours floating holiday time shall be accrued during the pay period in which October 1 falls.

Floating holidays accrued shall be available for use on the first day following the pay period in which they are accrued with the approval of the General Manager.

9-03 New and Terminating Employees

New and terminating employees must be on the payroll the day before and the day after a fixed holiday to receive holiday pay. Regular employees must be on the payroll the day before or the day after a fixed holiday to receive holiday pay.

9-04 Weekend Holidays

When a fixed holiday falls on Saturday or Sunday, the fixed holiday shall be treated as an eight-hour floating holiday.

SECTION 10: REIMBURSEMENT

10-01 Use of Private Vehicle

The use of a private vehicle on Agency business shall be by approval of the General Manager. Employees will be reimbursed at the rate established by the Board for the use of a private vehicle in Agency business. Agency vehicles shall be used whenever possible and shall be kept well-serviced. Agency credit cards should be used to buy gasoline, oil, etc. for Agency vehicles. These credit cards are not to be used for private vehicles.



10-02 Other Incidental Expenses

As authorized by the manager, expenses for meals, including tips, lodging, taxi, parking fees, telephone and other expenses incidental to traveling shall be reimbursed. Use of VISA or other Agency credit cards by employees is encouraged.

10-03 Expense Vouchers

All expenses shall be submitted through an expense voucher to which receipts for all expenses shall be attached.

SECTION 11: ATTENDANCE AT CONFERENCES AND MEETINGS

11-01 Discretion of General Manager

At the discretion of the General Manager, employees may attend conferences, conventions and meetings when attendance is of benefit to the Agency.

11-02 Reporting

Any employees attending meetings at Agency expense must make a report to the Board on matters of significance upon their return.

SECTION 12: PETTY CASH

A petty cash fund is established to cover miscellaneous daily Agency purchases. Such cash must be kept in a locked safety box and one employee assigned to it. All withdrawals shall be accounted for by a dated and signed receipt. The petty cash fund shall be replenished as necessary.

SECTION 13: USE OF CREDIT CARDS

13-01 Authorization

Credit cards to be used by employees of the Agency in carrying out their official functions shall be obtained in the name of

the Agency. Credit cards obtained shall include the generally-accepted credit cards recognized in most businesses.

13-02 Responsible Party


The General Manager shall be responsible for obtaining and the safe keeping of authorized credit cards. Credit cards may be obtained by written authorization from the General Manager. All credit cards shall be turned in upon termination of employee.

13-03 Official Business

Credit cards shall be used only on official business by the employees. Those individuals utilizing the credit cards shall be required to turn in receipts.

SECTION 14: EFFECTIVE DATE

This Ordinance shall be effective the 24th day of July, 1979.

  
\_\_\_\_\_  
William E. Orchard, President

SECTION 15: CERTIFICATION

I, the undersigned Secretary to the Mojave Water Agency Board of Directors, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 7 of said Agency, introduced and passed at meeting of said Board on July 24, \_\_\_\_\_, 1979 and that said Ordinance was passed by the following roll call vote:

AYES: Halstead, Hartman, Marsh, Gaines, Cliath, Kite


NOES: None

ABSENT: Ornard

ABSTAINED: None

I further certify that said Ordinance was thereupon signed by the President of the Board of Directors of said Agency.

ATTEST:

  
\_\_\_\_\_  
Glenn R. Gaines, Secretary