

<h1>POLICY MANUAL</h1>	Date Adopted: February 9, 1987
Classification: PERSONNEL	Date Last Amended: 07/13/87; 09/13/88; 06/27/89; 07/09/91 12/13/93; 07/05/94; 07/09/96; 07/07/98
Subject: Employee Evaluation	Approved By:

**I. POLICY PURPOSE**

It is the purpose of this policy to promote a high quality of personnel staff services and individual employee performance for the District. This purpose shall be achieved through the use of regular evaluations for all District employees - which evaluations shall be designed to:

- A. Provide safeguards of objectivity and fairness in the evaluation of personnel.
- B. Improve the employee's understanding of their job, the supervisor's standards for performance, and the extent to which the standards are being met.
- C. Encourage the employee's development in terms of better job performance and greater responsibility.
- D. Aid management in selecting persons for promotion, transfer, and training.
- E. Provide a basis for merit-based wage and salary adjustments pursuant to the District Salary Resolution.

**II. EMPLOYEE RIGHTS**

It is the further purpose of this policy to protect and ensure the rights and integrity of the individual District employees.

- A. Protection Against Discrimination and Harassment:  
In the pursuit of this purpose, the District prohibits unlawful discrimination and harassment. Complaints concerning the occurrence of unlawful discrimination or harassment by any District employee toward another person shall be reported immediately to the General Manager who shall cause an immediate investigation to take place. In the event the General Manager confirms the occurrence of unlawful discrimination or harassment, he shall initiate immediate corrective action, to include as necessary: (a) discipline of the offending employee, and (b) restoration of the position and benefits of the injured employee.

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The investigation and discipline shall be conducted in such a manner as to protect the rights and future of the involved employees, and insure the protection of the complaining employee from any form of harassment or retaliation.

Employees found to have filed a false or malicious complaint shall be subject to discipline, including employment termination.

**B. Confidentiality of Evaluations, Employee Review and Comment:**

The District shall maintain the security and confidentiality of evaluations performed pursuant to this policy in the permanent personnel records of the District.

1. An employee shall have the right to inspect and review any official records in his or her personnel file. The contents of the file shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the District. The employee shall be given the opportunity to respond in writing or in a personal interview on any such information about which the employee disagrees.
  
2. An employee dissatisfied with his or her performance evaluation and wishing to supplement the evaluation with written comments may do so. The written comments must be signed and dated and submitted to the employee's supervisor or appointing authority. The written statement becomes a part of the employee evaluation document and a permanent part of the employee's personnel record.

**III. CONSISTENCY WITH LAW**

This policy shall be implemented, consistent with applicable State and Federal statutes and in compliance with the policies of the District Board of Directors.

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**IV. ESTABLISHMENT OF EVALUATION FREQUENCY**

- A. All District employees shall be evaluated, on forms approved by the District at least once each year. All employees may be evaluated at such other frequencies as determined necessary by the appropriate evaluator or reviewer.

Evaluations at other frequencies shall be determined necessary when:

1. an entire department, specialized job class or group of employees is to be evaluated;
  2. an employee's overall job performance needs improvement;
  3. it is necessary to address individual circumstances, other than those above, which are appropriate for the evaluation process;
  4. such evaluation is required pursuant to a previous step evaluation, hearing or disciplinary action.
- B. For administrative purposes, the prescribed annual evaluation is performed in accordance with the anniversary date. Administrative Evaluations shall occur at approximately one month prior to the employee's salary step date. Once an employee has achieved the top step in the salary range, evaluations will continue at least annually on the anniversary of the salary step date on which the top salary step was achieved. However, the failure to conduct evaluations within the time or manner specified in these rules shall not affect the validity of personnel transactions.

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## V. DEFINITIONS

- A. Employee Evaluation:  
A process involving a formal review of an employee's job or work performance, documenting the information and discussing it with the employee. This process may also be referred to as an employee review.
- B. Employee:  
Any person occupying a regular full or part-time position with the District.
- C. Evaluator:  
The person having full daily supervisory or managerial responsibilities over the evaluated employee, or the supervisory or managerial person designated by the General Manager for the purposes of this policy as the evaluator.
- D. Reviewer:  
The person occupying the supervisory or managerial position over the evaluator, or the supervisor or managerial person designated by the General Manager for the purposes of this policy as the reviewer.
- E. Hearing Officer:  
The Administrative Committee of the Board of Directors in the case of personnel hearings for the Assistant General Manager and District Engineer; the General Manager in the case of personnel hearings for all other subordinate personnel; the Board of Directors in the case of personnel hearings involving the General Manager.

## VI. DESIGNATION OF EVALUATORS

- A. Staff members of the administrative and environmental divisions will be evaluated by the supervisory or managerial personnel designated by the Assistant General Manager and approved by the General Manager consistent with this policy.

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- B. Staff members of the engineering design and operations divisions will be evaluated by the supervisory or managerial personnel designated by the District Engineer and approved by the General Manager consistent with this policy.
- C. The District Assistant General Manager and the District Engineer will be evaluated by the General Manager.
- D. The District General Manager will be evaluated by the Administrative Committee of the Board of Directors.

**VII. EVALUATION PROCEDURE**

- A. Advance Discussion Notice to Employee:  
The employee to be evaluated shall be advised in advance as to the time and place of the evaluation discussion with his or her evaluator. Unless there are mitigating circumstances requiring otherwise, the employee shall be notified at least a day in advance of the evaluation.
- B. Completion of Evaluation Form:  
During the evaluation discussion, the employee and the evaluator shall complete the written evaluation form approved by the General Manager, pursuant to the provisions of this policy.
- C. Employee Comments:  
The employee may attach additional written comments and materials to the completed evaluation form.
- D. Discussion of Evaluation Findings:  
The evaluation will discuss the performance and objectives of the employee in relation to the job duties and requirements. Where performance does not meet standards or objectives, the evaluator will discuss such shortcomings with the employee and, where possible, indicate how the employee can improve job performance.
- E. Setting of Objectives:

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The employee and the evaluator shall jointly establish written objectives for the next evaluation period, said objectives to form one basis for the next succeeding evaluation.

F. Employee Review and Signature:

The employee will be given opportunity to review the written evaluation. The employee will be required to sign the form acknowledging that he or she has read the form and that performance has been discussed with the employee. The signature of the employee does not indicate agreement with the evaluation conclusions. The employee shall receive a copy of the evaluation upon the review and execution of the evaluation form by the reviewer.

G. Evaluator's Signature:

Upon completion of the evaluation discussion with the employee, the evaluator shall sign the evaluation form and submit it to the reviewer for the reviewer's examination and signature.

**VIII. DESIGNATION OF REVIEWER**

A. The evaluations of the staff members of the administrative and environmental divisions will be reviewed by the Assistant General Manager or other supervisory or managerial personnel as may be designated by the General Manager.

B. The evaluation of the staff members of the engineering design and operations divisions will be reviewed by the District Engineer or other supervisory or managerial personnel as may be designated by the General Manager.

C. The evaluation of the Assistant General Manager and the District Engineer by the General Manager will be reviewed by the Administrative Committee of the Board of Directors.

D. The evaluation of the General Manager by the Administrative Committee of the Board of Directors will be reviewed by the entire Board of Directors.

**IX. REVIEWER'S RESPONSIBILITIES**

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- A. The reviewer shall examine the complete evaluation form inclusive of any attached supplemental information. During such examination, the reviewer may consider prior evaluations and discuss the current evaluation with the evaluator.
- B. The reviewer may not order an evaluator to change an evaluation, nor may the reviewer alter the rating given by the evaluator. However, the reviewer may add written comments or opinions concerning the employee's performance in the space provided on the form or by a supplementary sheet which is dated, signed and attached to said form.
- C. The reviewer shall grant to the employee, if so requested, a meeting regarding the completed evaluation. The evaluator may be present at such meeting if so requested by either party. The reviewer shall note on the completed evaluation form the date, place and attendance of such meeting.
- D. Upon concluding the review, the reviewer shall indicate in writing on the evaluation form, or by the signed and dated attachment thereto, one of the following:
  - 1. Concurrence with the evaluators findings and recommendations.
  - 2. Disagreement with the valuator's findings and recommendations. Upon a determination of disagreement by the reviewer, the evaluation shall be forwarded to the General Manager with the reviewer's recommendations in writing.

**X. EMPLOYMENT TERMINATION**

- A. General Provisions:  
All employees, other than the General Manager, may be terminated from District employment at will by the General Manager. Such terminations may be in response to a reduction in force, organizational restructuring, budgetary considerations, performance limitations, other general management considerations, or disciplinary proceedings taken pursuant to this section X of this policy. The termination of the General Manager shall be governed by

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provisions of the General Manager's contract, administered by the Board of Directors.

B. Separation Pay:

In the case of regular full-time employees, the terminated employee shall receive separation pay, equaling not less than one full biweekly pay in addition to such other salary and benefits earned by the employee pursuant to this resolution. Non-regular employees shall not receive separation pay.

C. Disciplinary Evaluation:

If at any time the evaluator believes or it is reported to the evaluator that an employee is not successfully meeting his or her job responsibilities; is in violation of District policies or programs; or is otherwise manifesting one or more causes for disciplinary action set forth in Paragraph B hereof, the evaluator shall perform and submit to the reviewer a disciplinary evaluation of such employee. If such disciplinary evaluation produces an unsatisfactory finding: (a) the reviewer may approve the evaluation inclusive of recommended corrections; or, (b) the reviewer may schedule a disciplinary hearing with the hearing officer.

D. Disciplinary Hearing:

1. If a disciplinary hearing is conducted: (a) the subject employee shall be given five (5) working days written notice of such hearing; (b) such notice shall state the date, time and location of such hearing; the reasons for such hearing and the charges being brought against the employee; and, the employee's rights.
2. The employee and the evaluator, reviewer and hearing officer will be present at the hearing which shall be informal. At this time the evaluator shall discuss the disciplinary evaluation and the reasons for the unsatisfactory finding and the need for the disciplinary hearing; and, employee will have an opportunity to be heard, to ask questions, to present a case in his or her behalf, and may require other employees to appear and answer questions asked by any party to the hearing. The

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employee may be represented at the hearing by independent legal counsel or another representative at their own expense.

3. The disciplinary hearing, except for deliberations between the hearing officer, reviewer, and the evaluator outside the presence of the employee will be tape recorded.
4. After the disciplinary hearing, the decision of the hearing officer shall be given to the employee in written form within ten days of the hearing. The decision of the hearing officer may include any of the following actions;
  - a. dismissal of charges; dismissal of all charges and allegations against the employee;
  - b. oral reprimand; made to the employee in a formal discussion with the reviewer, summarized in writing and filed in the permanent personnel record with a copy to the employee;
  - c. written reprimand; presented to the employee by reviewer, such document outlining the employee's performance or conduct problems and the required improvements. Such document shall be filed in the permanent personnel record with a copy to the employee;
  - d. probation; the creation of defined probationary period for observance of employee conduct and performance, served with full pay and benefits, such probation shall consist of a specific term which shall include an interim evaluation at a predetermined date.
  - e. disciplinary suspension; an involuntary absence without pay for a period not to exceed thirty working days. The length of such suspension shall be directly proportional to the severity of the employee action being disciplined.

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- f. administrative salary reduction; a reduction in pay from the employee's current step within a pay range to any lower step and range as set forth in the Salary Resolution. Such salary reduction shall be directly proportional to the severity of the employee action being disciplined.
  - g. termination; immediate removal from District employment. Such termination shall be effective immediately upon the delivery of the hearing officer's decision to the subject employee. The terminated employee shall receive a separation pay of not less than one full biweekly pay in addition to the payment of such other salary and benefits earned by the employee pursuant to the District Salary Resolution.
5. Any decision of the hearing officer involving disciplinary actions b, c, d, e, and f set forth in Paragraph 4 above shall include a specified reevaluation date not later than six (6) months from the date of such decision. Upon the conclusion of such reevaluation conducted pursuant to the provisions of this policy, the evaluator shall recommend to the reviewer any of the following:
- a. lifting of the reprimand or probation;
  - b. restoration to original salary, or permanent continuance at the reduced salary subject to further annual evaluations;
  - c. termination; if such recommendation is for termination, the hearing procedure specified above will be followed.

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E. Causes for Disciplinary Action:  
Employee performance or conduct which may be classified among the following shall be cause for initiation of the disciplinary procedures set forth in this policy.

1. Incompetency;
2. Inefficiency;
3. Insubordination;
4. Breach of confidentiality
5. Neglect of duty;
6. Absence without leave;
7. Dishonesty;
8. Fraud in securing District employment or benefits;
9. Discourteous treatment of the public or other employees;
10. Creation of disharmony or disunity among fellow employees, District service provider or constituents;
11. Drinking alcoholic beverages or taking controlled substances without a prescription while on the job, or reporting for work while under the influence of alcohol, intoxicants or controlled substances;
12. Use of narcotics or other habit forming drugs;
13. Conviction of a felony or misdemeanor involving moral turpitude;
14. Failure to pay just debts as reflected by multiple or repeated contacts by creditors during working hours;

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15. Willful violation of any District regulation, policy, program, or order;
16. Any conduct which bears some rational relationship to the employment and is of a character that can reasonably result in the impairment or disruption of the work of District employees or the provision of District services;
17. Persistent failure to take treatment or corrective measures for a disqualifying physical or mental condition; or
18. Abuse of leave.

- B. Pursuit of Administrative Remedy of Prerequisite to Litigation:  
No employee, dismissed from District employment or disciplined pursuant to this policy may bring suit for damages, restoration or any related cause of action without such employee first having exhausted all administrative remedies provided in these Personnel Guidelines.
- C. District Rights Preserved:  
The provisions of this section X specifically address administration of employee disciplinary proceedings and nothing herein shall limit the District's exercise of the management rights set forth in this salary resolution, including the exercise of such rights regarding the layoff, demotion, reclassification, reassignment or non-disciplinary termination of employees.