



RESOLUTION NO. 2016-002

A RESOLUTION OF THE BAYVIEW WATER AND SEWER DISTRICT APPROVING AND ADOPTING A PERSONNEL POLICY MANUAL FOR THE BAYVIEW WATER AND SEWER DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code § 42-3212, the Bayview Water and Sewer District may exercise all powers of management, control and supervision of all the business and affairs of the district, including hiring employees, and,

WHEREAS, the District desires to provide a set of guidelines intended to create and maintain understanding and cooperation among the employees of the District and to set forth results and procedures to enhance the services of the District to its members, and,

WHEREAS, state and federal rules and regulations set certain provisions regarding District employees, some of which must be set forth in writing, and,

WHEREAS, the Board of Directors agree that it is in the best interest of the District and its employees to adopt a written personnel policy to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all District employees, and to explain benefits provided to District employees, and,

WHEREAS, the Board of Directors have reviewed the personnel policy and believe the proposed Personnel Policy Manual should be adopted, to be effective as of the 15th day of November, 2016,

NOW, THEREFORE; BE IT RESOLVED by the Board of Directors of the Bayview Water and Sewer District as follows:

1. That the attached Personnel Policy Manual is hereby approved and adopted as the Personnel Policy Manual for the Bayview Water and Sewer District effective the 15th day of November, 2016.

Bayview Water and Sewer District Policy Series 600 At-Will Personnel Policy

Approved by Board of Directors

Resolution 2016- _____

Date: _____

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BAYVIEW WATER and SEWER DISTRICT

POLICY SERIES 600

PERSONNEL POLICY

I. THIS PERSONNEL POLICY IS NOT A CONTRACT.

No Contract of Employment with the Bayview Water and Sewer District ("BWSD") will be valid unless it is in written form and expressly approved by the Board of Directors and is signed by and contains the name of the specific employee who would be benefited/obligated by the contract.

Notwithstanding anything said by a supervisor, no contract of continued employment shall be implied.

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice. Changes may be made at the sole discretion of the Board of Directors.

II. PURPOSE

The purpose of this policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all BWSD employees and to explain benefits provided to BWSD employees.

THIS POLICY IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF BWSD.

The Board of Directors of BWSD may, at its sole discretion, alter or amend this policy or portions thereof at any time without prior notice to or consent by its employees.

NATURE OF EMPLOYMENT

ALL EMPLOYEES OF BWSD ARE EMPLOYED AT THE DISCRETION OF THE BOARD OF DIRECTORS AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE BOARD OF DIRECTORS.

All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies; the terms of this paragraph shall prevail.

Except as otherwise provided herein or as required by law, employees of BWSD are AT-WILL employees.

Only a written contract expressly authorized by the Board of Directors can alter the at-will nature of employment by BWSD.

III. GENERAL POLICIES

These policies apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, social and recreational programs, and all other conditions and privileges of employment in accordance with applicable federal, state, and local laws.

A. THE ORGANIZATION IN WHICH YOU WORK:

The Bayview Water and Sewer District (BWSD)

In 1991, the Bayview Water and Sewer District (BWSD) was formed and a Board of Directors was elected. The objective of BWSD is to provide its customers with excellent quality water and reliable sewer service that protects the local lake environment. The goals of BWSD are to maintain water treatment and delivery systems, operate a sewer collection and waste water treatment facility and to keep these water and sewer systems operating efficiently.

The office is located at 16401 E. Emerson Drive, Bayview, Idaho 83803 and receives mail at: PO Box 637, Bayview, Idaho 83803.

Except for BWSD-defined holidays, the office is currently open during the following hours: Monday thru Thursday 9am to 3pm, Friday 9am-11pm

B. OPERATION AND MANAGEMENT OF THE BAYVIEW WATER AND SEWER DISTRICT

Working for BWSD may be different from previous employment you may have had. BWSD is a political subdivision of the State of Idaho, though not a part of the state government. BWSD's Board of Directors serves as the governing body for BWSD, carrying out local legislative duties, setting policy and fulfilling other obligations provided by law. The Board of Directors is the policy maker for BWSD, and therefore has primary authority to establish terms and conditions of employment with BWSD.

As with all elected public officials, the Board of Directors is ultimately responsible to the voters of BWSD. The terms set forth herein reflect BWSD policy at the time of its preparation, but they are subject to change at any time, without prior notice, and at the sole discretion of the Board of Directors.

C. THE SUPERVISOR/SEO

The Board of Directors has authority and a duty to establish general and administrative policy for BWSD and for its employees. To manage day to day affairs the Board of Directors will designate a Supervising Elected Official (the "SEO" in the following document). This will be accomplished by passage of a resolution naming the Board Member (the Chairman of the Board) who shall have the responsibility and the authority

to manage the affairs and direct the employees of the BWSD consistent with all duly adopted policies. The primary and significant purpose for this action by resolution is to ensure that employees know to whom they should report, address questions, get information, and from whom they shall receive the direction of the Board of Directors.

Each employee should recognize that although they may be under the direction of a Supervisor and SEO, they remain an employee of BWSD and not of the Supervisor or SEO who supervises their work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any Supervisor or SEO's pledge, without the express action of the Board of Directors. That is particularly true for terms or conditions which would establish a financial obligation for BWSD, now or in the future. You may work for a department or in an area with operational policy that provides additional direction to employees on expectations and about procedures unique to that department.

D. WHAT YOU CAN EXPECT FROM BAYVIEW WATER AND SEWER DISTRICT

The BWSD believes in creating a harmonious working relationship between all employees. In pursuit of this goal, BWSD has created the following employee relations objectives:

1. Provide an exciting, challenging, and rewarding workplace and experience.
2. Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religious persuasion, marital status, political belief, or a disability that does not prohibit performance of essential job functions.
3. Compensate all employees according to their effort and contribution to the success of BWSD within the parameters of BWSD's operational budget.
4. Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
5. Provide vacation, sick leave and holidays to all eligible employees.
6. Provide eligible employees with health and welfare benefits.
7. Provide training and development opportunities to help meet specific job description requirements, maintain certification and support opportunities for advancement within BWSD.
8. Assure employees, after talking with their Supervisor/SEO, an opportunity to discuss any problem with the Board of Directors of BWSD.
9. Take prompt and fair action on any complaint that may arise in the everyday conduct of our business, to the extent that is practical.
10. Respect individual rights, and treat all employees with courtesy and consideration.
11. Maintain mutual respect in our working relationship.
12. Provide buildings and offices that are comfortable, orderly and safe.
13. Promote employees on the basis of their ability and merit.
14. Make promotions or fill vacancies from within BWSD whenever practical and in the best interests of BWSD.

15. Keep all employees informed of the progress of BWSD, as well as the District's overall goals and objectives.
16. Promote an atmosphere in keeping with the goals BWSD.

E. WHAT BAYVIEW WATER AND SEWER DISTRICT EXPECTS FROM EACH EMPLOYEE

The Bayview Water and Sewer District needs your help in making each working day enjoyable and rewarding.

- Your first responsibility is to know your own duties and how to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and to maintain a good team attitude.
- How you interact with fellow employees and those whom BWSD serves, and how you accept direction can affect the success of your department. In turn, the performance of one department can impact the quality of service provided by BWSD. Consequently, whatever your position, you have an important assignment: perform every task to the best of your ability.
- You are encouraged to grasp opportunities for personal development within the organization when offered. This policy manual provides insight on how you may perform positively and best meet BWSD's expectations.
- We strongly believe you should have the right to make your own choices in matters that concern and control your life. We believe in direct access to management. We are dedicated to making BWSD a place where you can approach your Supervisor/SEO, or any member of management to discuss any problem or question. We expect you to voice your opinions and contribute suggestions to improve BWSD. We're all human, so please communicate with each other and with management.
- Remember, you help to create the pleasant and safe working conditions that BWSD intends for you. The result will be better performance for BWSD overall and personal satisfaction for you.

F. OPEN COMMUNICATION POLICY

- BWSD encourages you to discuss any difficulty you may have with a co-worker directly with that person.
- If a resolution is not reached, please arrange a meeting with your Supervisor/SEO to discuss any concern, problem, or their, that arises during the course of your employment.
- Any information discussed in an Open Communication meeting is considered confidential.
- Retaliation against any employee for appropriate usage of Open Communication channels is unacceptable.
- Please remember it is counterproductive to a harmonious workplace for employees to create or repeat corporate rumors or office gossip. It is more constructive for an employee to consult their Supervisor/SEO immediately with

any questions.

G. SUGGESTIONS

- We encourage all employees to bring forward their suggestions and ideas about how BWSD can be made a better place to work and the service to customers enhanced.
- When you see an opportunity for improvement, please talk it over with your Supervisor/SEO. They can bring your idea to the attention of the people in BWSD who may be able to implement it.
- We have created a form to help you communicate your ideas and suggestions. You can get a copy of the employee suggestion form from your supervisor/SEO at any time.
- It is template written to help you define the problem or situation, describe an ideal situation and your proposed solution, as well as list the requirements necessary for implementing your plan.
- The form also insures that you get maximum recognition for your contribution.

H. EMPLOYMENT

At-Will Employment

Your employment with BWSD is at-will. This means that neither you nor BWSD has entered into a contract regarding the duration of your employment. You are free to terminate your employment with BWSD at any time, with or without reason. Likewise, BWSD has the right to terminate your employment, or otherwise discipline, transfer, or demote you at any time, with or without reason, at the discretion of BWSD.

No employee of BWSD can enter into an employment contract for a specified period of time, or make any agreement contrary to this policy without written approval from the Board of Directors.

I. TERMINATION OF YOUR EMPLOYMENT

BWSD will consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from BWSD;
2. Fail to return and/or to contact Supervisor/SEO after an approved leave of absence or vacation on the date specified by BWSD, or
3. Fail to report to work or call in after a one work-day absence.

You may be terminated for poor performance, misconduct, excessive absences, tardiness, discrimination, harassment, or other violations of BWSD policies. However, your employment is at-will and you and BWSD has the right to terminate your employment without any reason.

J. CUSTOMER RELATIONS

The success of BWSD depends upon the quality of the relationships between BWSD, our employees, members, suppliers, and the general public. Our members' impression of BWSD and their satisfaction with us are to a great extent formed by you. In fact, regardless of your position, you are BWSD's ambassador. The more goodwill you promote, the more our members will respect and appreciate you, BWSD and our services.

Below are several things you can do to help give members a good impression of BWSD and are expected from you:

1. Act competently and deal with all members in a courteous and respectful manner.
2. Do not engage in gossip or trade in rumors about any member.
3. Communicate pleasantly and respectfully with other employees during member service work.
4. Follow up on orders and questions promptly, provide businesslike replies to inquiries and requests, and perform all duties in an orderly manner.
5. Take great pride in your work and enjoy doing your very best.

K. SELECTION PROCEDURES, NEW EMPLOYEES

BWSD is hopeful that as a result of the mutual selection process undertaken, your employment will prove to be beneficial both to BWSD as well as yourself and we look forward to having you join us.

We carefully select our employees through written applications, personal interviews and reference checks.

1. Applications for employment must be submitted on a form provided by the BWSD, must be complete and must be signed by the applicant. Other documents as set forth by the BWSD may be required to complete the application process.
2. The SEO shall arrange interviews with the screened applicants that have been selected. The SEO will choose other employees or Board members to participate in the interview, as judged necessary to determine whether applicants who have been selected for the interview satisfy the requirements of the job description. If the job description requires certification and specific training, the SEO shall verify that applicants have the necessary certificate(s) and evidence of required training.
3. The SEO shall make hiring recommendations to the entire Board of Directors of BWSD. The authority to make final hiring decisions in all classes of employees rests solely with the BWSD Board of Directors.

L. EMPLOYEE BACKGROUND CHECK

Prior to becoming an employee of BWSD, a job-related background check is conducted. A comprehensive background check consists of any or all of the following:

- prior employment verification;
- verification of required certification;
- contact with professional references;
- education confirmation; and/or
- As appropriate, a criminal record review, health examination and/or driving record history have also been obtained.

M. CRIMINAL RECORDS

In response to BWSD's zero-tolerance for Violence in the Workplace Policy, BWSD conducts a pre-employment criminal check on applicants for positions that may involve close, unsupervised contact with the public and members. When appropriate, the criminal record is checked to protect BWSD's interest and that of its employees and members.

N. DRIVER'S LICENSE AND DRIVING RECORD

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to BWSD's insurer.

- You will be asked to submit a copy of your driving record to BWSD from time to time.
- Any changes in your driving record must be reported to your supervisor/SEO immediately.
- Failure to do so may result in disciplinary action, up to and including termination.

O. HEALTH EXAMINATIONS

BWSD reserves the right to require an employee's participation in a health examination to determine the employee's ability to perform the essential job functions where such requirements have been defined. All such health examination costs shall be paid by BWSD.

P. DRUG TESTING: ZERO TOLERANCE DRUG FREE WORKPLACE

BWSD has a zero tolerance Drug Free Workplace policy. For your safety and the safety of others working around you and the general public, this policy will be enforced at all times during your employment.

- All BWSD employees are subject to drug and or alcohol testing (herein after "Drug Testing"). All employees are required to complete a pre-employment drug test. Cost of the drug test will be paid by BWSD. This is mandatory for all new employees.
- Commercial Drivers that have a valid Idaho CDL, shall become part of the testing pool, and be subject to random drug testing at BWSD's discretion. Non

CDL employees are subject to random drug testing, but are not included in the CDL testing pool.

- Failure to pass the pre-employment drug test will disqualify the applicant from employment with BWSD.
- Failure of a drug test by an existing employee will lead to immediate administrative leave without pay.
 - The employee may at their own expense retest (at the same BWSD approved testing facility) within three (3) days of the original drug test.
 - If the results are negative, the employee will be reinstated.
 - If the results are positive, the employee will remain on unpaid administrative leave.
- Should the employee opt not to enter the drug rehabilitation program, the employee shall be subject to disciplinary action up to and including termination.
- An employee that successfully completes a rehabilitation program, will be reinstated, but will have a six-month probationary period as a condition of reinstatement.

Q. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

Selection of BWSD employees and all employment decisions, including classification, transfer, discipline, and discharge will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to application of BWSD policy in this regard shall be brought to the attention of the Board of Directors, or in the case of objection to actions undertaken by them, to legal counsel for BWSD.

R. VETERAN'S PREFERENCE

BWSD will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code § 65-502 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-502 or its successor will be employed.

S. CONFLICT OF INTEREST

No person shall be employed by BWSD when said employment would result in a violation of provisions found in Idaho Code § 74-401 et seq., §18-1359 or their successors. Any such employment made in violation of these sections may be void. An employee whose relative is subsequently elected may be eligible to retain their position as allowed in Idaho Code §18-1359(5).

T. PREFERENCE FOR HIRING FROM WITHIN

Qualified individuals who are already employees of BWSD may be given preference over outside applicants to fill vacancies in the work force. Employees may be selected

for transfer to positions without following the procedures normally required for hiring of new employees. However, it is always the goal of BWSD to have the most qualified individuals in all positions of employment.

U. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules and policies contained in this Personnel Policy are subject to change, without prior notice, at any time in the sole discretion of the Board of Directors.

IV. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee may begin work for BWSD:

1. Employment application form.
2. Insurance forms.
3. Insurance information about dependents (if desired by the employee).
4. Immigration form (I-9)
5. Federal and State Withholding Statement – (W-4).
6. Any other benefit forms necessary for employee information.
7. Employee's emergency contact information/declaration.

B. INTRODUCTORY PERIOD

- Your first ninety (90) days of employment at BWSD are considered an Introductory Period, and during that period you will not be eligible to use accrued vacation described in this Employee Policy Manual unless otherwise required by law.
- This Introductory Period will be a time for getting to know your fellow employees, your supervisor/SEO and the tasks involved in your job position, as well as becoming familiar with BWSD services.
- During this period while you are learning about the job your supervisor/SEO may work more closely with you than will be typical in the future.
- This Introductory Period is a "getting acquainted" time both for you, as an employee, and for BWSD, as an employer.
- During this Introductory Period, BWSD will evaluate your suitability for employment, and you can evaluate BWSD as well.
- Please understand, however, that completion of the Introductory Period does not guarantee continued employment, as employment is always at-will.
- You are free to terminate your employment at any time, with or without reason, and BWSD may choose to terminate your employment at any time, with or without reason.

At the end of the Introductory Period, your supervisor/SEO and the Board will discuss your job performance with you. This review will be similar to the job performance

review that is done for regular full-time or part-time employees on an annual basis.

A former employee who has been rehired after a separation from BWSD of more than one (1) year is considered an introductory employee during their first ninety (90) days following rehire.

C. ANNIVERSARY DATE

The first day you report to work is your "official" anniversary date. Your anniversary date is used to compute various conditions and benefits described in this Employee Policy Manual.

D. EMPLOYMENT ELIGIBILITY

All offers of employment are contingent on verification of your right to work in the United States. On your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Federal Form I-9, Employment Eligibility Verification Form.

E. NEW EMPLOYEE ORIENTATIONS

On your first working day, you will be asked to complete employment paperwork. Depending on your department's workload, your supervisor/SEO will introduce you to your co-workers and work-place. Please feel free to ask your colleagues any questions not answered during your orientation.

F. PAYROLL REPORTING SYSTEMS

Reports of hours worked and time on and off the job must be completed in a timely manner in accordance with established procedures.

- Each report of employee time should be signed by both the supervisor/SEO and by the employee and should contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered.
- Each employee should review payment and related withholding information for each pay period.
- Any employee with concerns about their compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the office supervisor or SEO as soon as such concern arises and within seven (7) days of discovery.
- If the response from the office supervisor is unsatisfactory, the employee should raise their concerns promptly with their immediate supervisor/SEO in order to resolve them. A written record of such issues and their resolution should be maintained in the employee's personnel file.

G. DISTRIBUTION OF POLICY

At the time of employment, each employee should receive a copy of this personnel policy and their job description. It is the responsibility of each employee to familiarize themselves with the contents of the personnel policy as well as their job description and to acknowledge receipt in writing using the form attached hereto as Appendix "A" and

incorporated herein by this reference. Periodic updates or changes in this Policy or in a job description should be distributed to and acknowledged by each employee.

V. EMPLOYEE PERSONNEL FILES

A. PERSONNEL RECORDS

The official employee records for BWSD will be kept in the office of BWSD. Such employee records are not subject to release based on a public record request.

Secured personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with BWSD.

- The employee's supervisor/SEO
- The Board of Directors as a whole
- Legal Counsel for the BWSD
- Or the employee themselves may contribute materials to the personnel file that are deemed relevant to the employee's performance and tenure.

Each employee shall have the right to review all materials placed in their personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not otherwise be removed from the premises except as strictly necessary for BWSD purposes.

B. ACCESS TO PERSONNEL FILES

Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization from the Board of Directors who may do so after consultation with its legal counsel. Information regarding personnel matters will only be provided to outside parties with a release in writing from the employee or pursuant to Court order or a proper subpoena and when deemed necessary by legal counsel for BWSD. BWSD reserves the right to disclose all or a relevant part of the contents of personnel files to outside state or federal agencies in response to a lawful request, to its own insurance carrier or its agents for risk management purposes, when necessary to defend itself against allegations of unlawful conduct, or when responding to a lawful request from a regulatory body.

C. MANAGEMENT OF INFORMATION IN PERSONNEL FILES

Each employee shall be provided an opportunity to contest the contents of their personnel file at any time. This shall be done by filing a written objection and explanation which will be included in the file along with the objectionable material. In the sole judgment of the Board of Directors, after consultation with legal counsel for BWSD if appropriate, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

VI. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. This list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Among these rules, the most important is the rule addressing attitude and cooperative behavior.

A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of BWSD is expected to conduct themselves in a manner that is helpful and productive and which does not reflect adversely upon BWSD. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of BWSD as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon BWSD and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity.
2. Be prompt and regular in attendance at work or other required employer functions.
3. Comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public. No employee that is off-duty shall wear any clothing depicting BWSD or BWSD insignia to any public or private place that would reflect adversely upon BWSD or its officials.
4. Not engage in criminal conduct of any kind while on or off duty. District employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the Board.
5. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the District or its officials or otherwise impair the employee's ability to perform.
6. Dedicate primary efforts to BWSD. Each employee must notify the Supervisor/SEO of any other:
 - employment
 - self-employment
 - other business interests

Secondary or self-employment or other business interest should not conflict with duties performed for BWSD in any meaningful way. Additionally, such secondary or self-employment or other business interest shall not present any conflict of interest for the employee.

Employees are prohibited from performing secondary or self-employment or other business interests for BWSD customers that are in any way related or similar to the services provided by BWSD.

5. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in BWSD and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 (Ethics in Government Act), I.C. §74-501 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Not accept gifts or gratuities in any personal or professional capacity which could create the impression the donor was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
7. Not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with legal counsel for BWSD or without an order from a court or public agency of competent jurisdiction.
10. Not engage in conduct away from work which, although not criminal, may impair the employee's ability to perform.
11. Not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of BWSD work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do their job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do their job and the length of the time that the employee will be required to take the medication. The employee may be required to take sick leave while taking the medication.
12. Not engage in conduct while operating a motor vehicle which impairs the ability of the employee to drive even though the driving conduct does not occur during hours of employment. See Series 630, District Vehicle Policy
13. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board of Directors or the department for which they work.

B. WORKPLACE CONDUCT

Each employee will be expected to conduct themselves in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of BWSD employees. Each employee of BWSD shall:

1. Give their best efforts to accomplish the work of BWSD for public benefit in accordance with policies and procedures adopted by BWSD displaying an attitude of cooperation and constructive participation.

2. Be subject to the administrative authority of the officials/SEO who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in their profession and avoid conflicts of interest or using their public position for personal gain.
4. Maintain educational standards, training and any certification or licensure required by your job description.
5. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
6. Abide by all departmental rules whether they be written or issued orally by the supervisor/SEO. No employee shall be required to follow the directive of a supervisor/SEO which violates laws of any local jurisdiction, the state, or nation.
7. Abide by pertinent state and federal statutes, and BWSO rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of any and all records in accordance with the direction of the responsible official.
8. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules, including but not limited to scheduling and taking of vacation and sick leave. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor/SEO's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
9. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
10. Unless otherwise directed by your supervisor/SEO it is expected that full day employees will take no more than two (2) fifteen (15) minute paid breaks each day, one in the morning and one in the afternoon.
11. Unless otherwise directed a one (1) hour unpaid and duty free lunch period will be provided to each full day employee.
12. Reporting all accidents that occur or are observed on the job, immediately to the supervisor/SEO.
13. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
14. Report any accidents observed to have happened on BWSO property or involving BWSO property. Each employee shall provide as much information as they can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor/SEO as soon as physically possible and reasonable efforts should be made to assist those in need.
15. Follow all rules regarding safety in the workplace whether established formally

- by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer and more efficient.
16. Maintain a current driver's license when necessary in the conduct of work for BWSO. Each employee must report any state-imposed driving restrictions to their immediate supervisor/SEO. Each employee is also obligated to notify their supervisor/SEO in the event that their driving abilities are impaired.
 17. Perform such obligations as are necessary to carry out the work of BWSO in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

C. PROHIBITED WORKPLACE CONDUCT

Employees of BWSO shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform their work competently or which would threaten the safety or well-being of other workers or the public.
2. Use, possess or sell a controlled substance in any quantity while on company property or while on duty.
3. Engage in obscene or abusive conduct to fellow employees or to the public
 - Use abusive language in the presence of fellow employees or the public. Abusive language shall include, but not be limited to profanity and loud or harassing speech.
 - Demonstrate indifference or rudeness towards a fellow employee or the public.
 - Engage in any disorderly/antagonistic conduct on BWSO premises or while conducting BWSO business.
4. Sleep, loiter or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
5. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
6. Use work time or work areas for personal business, including but not limited to soliciting, selling merchandise or collecting funds of any kind for charities or other benefit without prior authorization, or at a time or place that interferes with the work of another employee.
7. Use work time or District premises to promote religious beliefs to members of the public or fellow employees.
8. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.
9. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
10. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of BWSO (I.C. §§ 18-3201 and 18-3202).
11. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.

12. Smoke, except at designated break times, in designated outdoor smoking areas where provided.
13. Fail to use and properly complete designated time-sheets.
14. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with BWSO policy.
15. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the BWSO policy for use of vacation, sick, bereavement, or other types of leave granted by this personnel policy.
16. Engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work in the office or department in which the employee serves.
17. Use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities. Refer to Policy SERIES 610 and SERIES 620.
18. Engage in criminal conduct of any kind while on duty or off. BWSO employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and BWSO.
19. Violate any lawful rule established by the appointed official/SEO to maintain order and productivity in the workplace.
20. Unlawfully harass a fellow worker or any member of the public at any time while in BWSO active service, as outlined in Section X. Discriminatory Workplace Harassment Policy and Complaint Procedure, in this Policy Manual.
21. Violate security or safety rules or fail to observe safety rules or BWSO safety practice; fail to wear required personal protective equipment; tamper with equipment or safety equipment.
22. Use negligent or careless action that endangers the life or safety of another person.
23. Use or possess unauthorized firearms, weapons or explosives on BWSO property or while on duty. Engage in criminal conduct or acts of violence, or make threats of violence toward anyone on BWSO premises or when representing BWSO; fight or provoke a fight on BWSO property, or negligently damage property.
24. Act in an insubordinate manner or refuse to obey an instruction properly issued by action of the Board of Directors or by a supervisor/SEO pertaining to work; or refuse to work on a special assignment or in the adoption of new work methods, practices or procedures as directed.
25. Threaten, intimidate or coerce BWSO employees on or off BWSO property at any time, for any purpose.
26. Engage in an act of sabotage; negligently cause the destruction or damage of BWSO property, or the property of fellow employees, suppliers, or the public in any manner.
27. Commit theft or have unauthorized possession of BWSO property or the property of BWSO employees; unauthorized possession or removal of any BWSO property, including documents, from the premises without proper

- permission from management/SEO; unauthorized use of BWSO equipment or property for personal reasons; using BWSO equipment for profit.
28. Engage in immoral conduct or indecency on BWSO property or while conducting BWSO business.
 29. Conduct a lottery or gamble on BWSO premises or while conducting BWSO business.
 30. Engage in unsatisfactory or careless work; fail to meet production or quality standards as established and explained by BWSO supervisors/SEO.
 31. Leave work before the end of a work shift or not be ready to work at the start of a work shift without approval of a supervisor/SEO; stopping work before time specified for such purposes.
 32. Create or contribute to unsanitary conditions.
 33. Post, remove or alter notices on any bulletin board on BWSO property without prior permission of the Supervisor/SEO/SEO.
 34. Fail to report an absence or late arrival; excessive absence or tardiness.
 35. Purchase BWSO surplus items for resale.
 36. Speed or drive carelessly or "distracted", while operating BWSO vehicles.
 37. Fail to immediately report damage to, or an accident involving BWSO equipment.

D. RELATIONSHIP POLICY

No employee of BWSO shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.

No employee supervisor or SEO of BWSO shall supervise or otherwise exercise discretion concerning a paid employee who is related within the first degree of affinity or consanguinity.

No employee of BWSO shall hire a paid employee who is related to the supervisor/SEO within the second degree of affinity or consanguinity pursuant to state law (I.C. § 18-1359 or its successor).

Any Supervisor/SEO involved in a romantic relationship with a subordinate must immediately notify the Board of Directors of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the District to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

VII. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by class or category in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that they are properly categorized for purposes of each benefit type. BWSO will endeavor to assist with such matters, but

the employee shall be ultimately responsible to assure that their service is properly addressed.

With the exception of elected officials, any employee, regardless of designation, may utilize the unlawful discrimination and "name-clearing hearing" procedures set out in Section VI of this policy should they believe that an employment action taken against them was the result of unlawful discrimination or involves an allegation entitling them to a name-clearing hearing.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

- a. Except as otherwise provided by this Policy, or as required by law, or pursuant to a written contract approved by the Board of Directors, employees of BWSO are AT-WILL EMPLOYEES.

Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the Board of Directors.

BWSO retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, they may utilize the opportunity to be heard using or following procedures set out in this manual.

- b. **Employed Attorneys.**

Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and their client, attorneys employed by BWSO are considered to be at-will independent contractors, and serve at the pleasure of the Board of Directors. They can be employed or removed at the pleasure of the officials whom they serve.

- c. **Veteran's Rights Following Reinstatement.** Any veteran, who has been restored to their position in accordance with Idaho Code § 65-512, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to an opportunity to be heard prior to termination. Such returning veteran shall also be considered as having been on leave of absence during their period of military duty. They shall be restored to their position without loss of seniority, status or pay.

B. EMPLOYEE CLASSIFICATION FOR BENEFIT PURPOSES

The classification of the position you hold with BWSO may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

1. Elected Officials

Elected officials are not considered regular employees. Elected officials receive employment benefits as identified in a resolution adopted by the Board.

2. Full-Time Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 40 hours are considered Full-time Employees. Full-time employees shall receive all employee benefits provided by BWSD as such benefits now exist or may be subsequently changed by action of the Board of Directors.

3. Part-Time Employees

Employees whose employment is sustained and continuing, but whose typical work week consists of less than 40 hours on a regular basis are considered part-time Employees. Part-time employees shall receive reduced employee benefits, in accordance with specific policies adopted by the Board of Directors. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory State benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

4. Temporary or Seasonal Employees

Employees who work on an irregular or temporary basis, even though they work more than 40 hours per week are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of Directors.

5. Independent Contractors

Independent contractors who provide services to BWSD on a contractual basis are not considered employees of BWSD. This Policy does not apply to independent contractors.

C. COMPENSATION POLICIES

1. **Establishment of Employee Compensation**

BWSD compensates employees in accord with decisions by the Board of Directors as budgets are set. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period. The supervising elected official (SEO) or administrator may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of Directors. The Board of Directors reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify

or require change in BWS D expenditures. Employees shall be reviewed annually based on date in position and their salary may be adjusted accordingly.

- a. All positions shall be classified by the SEO unless an exemption is approved by the BWS D Board of Directors. Employees in classified service shall be compensated in accordance with the pay plan established by the BWS D Board of Directors.
- b. The SEO shall conduct a salary survey not less than once every five (5) years and shall adjust salaries in the pay plan accordingly.
- c. The rate of pay for each classified employee will be set at a specific pay range within a specific pay grade.
- d. No employee shall be paid less than the federal minimum wage unless otherwise provide by law.

2. Right to Change Compensation and Benefits

The District may change general compensation for any reason deemed appropriate by the Board. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent District budget. Hours worked may be reduced or employees may be laid off by the Board as necessary to meet budgetary constraints or as work needs change.

D. CLASSIFICATION SYSTEM AND POSITION DESCRIPTION

The SEO shall establish and maintain a job classification system, subject to the approval of the BWS D Board of Directors.

1. All classified positions will be paid according to their job description.
2. A copy of the job description shall become part of the employee's official personnel file.
3. The employee will certify in writing that they have read and understand the job description and agree to abide by it.

E. COMPLIANCE WITH STATE AND FEDERAL PAY ACTS

BWS D shall comply with all state and federal pay acts respecting the compensation of employees for services performed in the public service.

F. ADDITIONAL COMPENSATION POLICIES

1. Overtime/Compensatory Time Policy

- a. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or nonexempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact

your department supervisor or the Human Resources Office for further clarification of the employee's FLSA status.

- b. Removed- Hourly non-exempt hourly employees.
- c. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

2. Reporting and Verifying Time Records

- a. Each hourly employee is responsible to timely and accurately record time that the employee has worked in accordance with the procedures authorized by the Board and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor or SEO and the employee, and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Exempt employees may be required to document time worked or benefits used for accountability purposes.
- b. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.

3. Work Periods

The work week for all employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Saturday of each week and concludes at 11:59 p.m. of the succeeding Friday.

4. Payroll Procedures and Paydays

- a. Paychecks are issued by the Office and the Board Chairman on the first and fifteenth of each month. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- b. It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with the official policy of BWSO. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Secretary/Treasurer with the assistance of the BWSO Board Chairman, the policy shall prevail. Employees are obligated to

call to BWSO's attention any discrepancies or errors in payroll practices, either to the advantage or disadvantage of the employee within 7 days of receiving their paycheck.

5. Payroll Deductions

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code § 45-609).

6. Travel Expense Reimbursement

An employee on pre-approved BWSO business shall be reimbursed for travel expenses incurred in completing their work-related assignment in accordance with the policies established by BWSO. Each employee is responsible for providing receipts for any expenses for which reimbursement is requested.

See Policy Series 640.

G. COMPENSATION WHILE SERVING ON JURY DUTY OR AS A WITNESS IN A COURT PROCEEDING

Leave will be granted to employees called as a court witness in matters specifically related to BWSO operations or called to jury duty. Full pay will be granted provided that any payments received from the Court, excluding personal mileage, shall be returned to BWSO.

H. MILITARY LEAVE

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 409, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

I. ON-THE-JOB INJURIES

Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries shall be reported to the employee's supervisor/SEO as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the Board of Directors for review.

VIII. EMPLOYEE BENEFITS

BWSO offers a number of employee benefits for full-time and part-time employees. These benefit

offerings are subject to change or termination in the sole discretion of the Board of Directors. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the Board of Directors. These benefits may be changed by the Board of Directors without notice to the employees.

A. VACATION LEAVE

Vacation leave is available to full-time and part-time employees who have completed the equivalent of six (6) months of employment. Vacation leave accrues from the start of employment in the following manner:

Full Time Employees:

Length of Service

1 Month through 60 Months
61 Months through 120 Months
121 Months or more

Vacation Leave Accrual

40 hrs. = 1.54 hrs. per pay period
80 hrs. = 3.08 hrs. per pay period
120 hrs. = 4.62 hrs. per pay period

Part Time Employees:

After six (6) months of employment, part-time employees accrue vacation leave using the "Length of Service" table above, but vacation hours accrue at one half (1/2) the rate shown for full-time employees.

B. VACATION LEAVE POLICIES

1. BWSD will always try to let employees use vacation time as desired, but vacations cannot interfere with department operations. Time off for vacation must be approved by the employee's supervisor/SEO at least one (1) month in advance. If any conflicts arise in vacation requests, preference will be given to the employee with the longest length of continuous service.
2. Only accrued vacation may be taken. Employees will not receive advance vacation pay.
3. All vacation time must be taken in full day increments, unless otherwise authorized by BWSD Supervisor/SEO. Specific vacation dates must be approved by BWSD Supervisor/SEO. The Supervisor/SEO has the responsibility to maintain adequate staffing levels and has the authority to limit the approval of vacation requests in order to meet operational needs. Requests will normally be granted as long as absences will not negatively affect BWSD's operations. Usually, only one employee may be out on a vacation day in a department at any one time.

C. VACATION ACCUMULATION RIGHTS

1. Employees are encouraged to use their vacation to take time off each year.
2. An employee may accrue up to one hundred sixty (160) hours of vacation. Once an employee reaches accruals of that amount, no additional vacation leave will accrue until the employee's accrued hours are reduced below the maximum.
3. Upon separation from employment unused vacation leave up to the maximum allowable accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

4. If an employee is on an approved leave of absence for no more than (30) days, vacation eligibility will continue to accrue. If an approved leave of absence extends beyond (30) days, vacation time will not continue to accrue for the remainder of the leave of absence. If the leave is for medical reasons, sick leave shall be exhausted first; then any remaining vacation leave shall be exhausted.

D. SICK LEAVE

1. Sick leave benefits are provided to full time employees at the rate of eight (8) hours of paid personal/sick leave per month. Sick leave may be taken in hourly increments with approval of the Supervisor/SEO.
2. Sick leave is a benefit to provide relief to the employee in the event of illness to the employee or their immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness presents no practical alternative for necessary care.
3. Sick leave must be requested at least two hours before the time when the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. The Board or department supervisors may require the employee to provide a doctor's note, or require, at the District's expense, an independent review of reported illness by a competent medical authority.

E. SICK LEAVE ACCUMULATION RIGHTS

1. Sick leave may be accumulated up to a maximum of 280 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee's accrued hours are reduced below the maximum.
2. Sick leave benefit recipients will receive their normal compensation when using sick leave. Unused sick leave will be lost when an employee leaves the District's employment.

F. HOLIDAYS

Eight official holidays are provided for full-time employees and listed below. Part-time employees are also provided this benefit, based on a proportionate share of their regular work hours. Employees who have full-time and part-time paid active status on the date of any holiday shall receive compensation for that day even though they do not work. Holidays which fall on Saturday shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of Directors.

Full-time Employees who work on holidays shall be scheduled to receive a substitute holiday with pay within sixty (60) days of the date of the holiday they worked. Unscheduled emergency work on holidays shall be compensated at a rate of double (2) times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day (January 1)

Presidents' Day (Third Monday in February)

Memorial Day (Last Monday in May)
Labor Day (First Monday in September)
Christmas Day

Independence Day (July 4)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving

G. FUNERAL (BEREAVEMENT) LEAVE

Up to five (5) working days of leave with pay (not charged to other leave time) shall be granted to employees upon request to make arrangements for and attend funeral services of the employee's spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, granddaughter, grandson, daughter-in-law, son-in-law, step-parent, brother, their, brother-in-law, their-in-law, daughter or son of the employee's spouse, and any relative living in the household of the employee. Up to three (3) working days of paid bereavement time shall be allowed for emotional recovery in the event of a still birth or miscarriage within the third trimester of a pregnancy by the employee or by the employee's spouse.

With your supervisor/SEO's approval, you may take up to one (1) full day without pay to attend funerals of other relatives and friends. If you prefer, a day of accrued vacation may be used for this purpose.

Funeral leave pay will only be made to employees for actual time spent away from work for the funeral or its arrangements. For example, if the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence: you may not receive holiday or vacation pay in addition to paid funeral leave.

H. LEAVES OF ABSENCE

Up to ten (10) days of unpaid leave of absence can be granted by the supervisor for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of ten (10) days will require written approval of the Board.

I. OTHER LEAVE

1. Family Medical Leave Act (FMLA)

a. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

- Must have worked for the employer for at least 12 months;
- Must have worked at least 1,250 hours for the employer during the previous 12 months; and
- BWSO must employ at least 50 employees within 75 miles of the employee's place of work.

Since the District does not employ at least 50 employees, FMLA DOES NOT apply to District employees, and they are not entitled to 12 weeks of job-protected, FMLA leave.

J. BENEFITS FOR TEMPORARY EMPLOYEES

All temporary employees shall receive benefits as required by law to include Worker's Compensation insurance. All other benefits are to be determined in the discretion of the

Board of Directors.

K. INSURANCE COVERAGE AVAILABLE TO EMPLOYEES

Various insurance benefits are available to employees and family members in accordance with the terms and conditions of BWSD's contract for such services. The SEO should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available.

L. MISCELLANEOUS BENEFITS

In addition to the benefits listed on the previous pages, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement:

1. Parking privileges, use of the lunchroom and kitchen facilities.
2. Further training and education reimbursement or tuition refund and expenses (books/software) when approved by BWSD.
3. Any such offerings are subject to change at any time at the sole discretion of the Board of Directors.
4. Transfer of Benefits with Employee Transfer:
 - Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within BWSD. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

M. CHANGE IN BENEFITS

BWSD, through its Board of Directors reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

IX. EMPLOYEE PERFORMANCE AND DISCIPLINE

A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of BWSD is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

BWSD adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. BWSD reserves the right to take any of the prescribed steps in any order in the event that a supervisor/SEO deems a policy

violation or action of the employee to be serious enough to warrant a certain step.

C. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary steps that may be taken by the Supervisor/SEO in response to personnel policy violations:
 - Oral warning, with a written record of warning placed in the employee's file;
 - Written warning or reprimand;
 - Suspension without pay;
 - Dismissal.
2. Conditions of maintaining employment that relate to particular performance/behavior issues, may be established in conjunction with any of these actions.

D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION, RETALIATION AND "NAME-CLEARING HEARING"

1. All BWSO employees are AT-WILL employees. However, BWSO recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination or retaliation. BWSO also recognizes that an employee who is being terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a name-clearing hearing when one is requested."
2. Unlawful discrimination and retaliation addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. BWSO does not condone discrimination on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way an investigation for such charges.
3. Failure to pursue the opportunity to be heard or name clearing hearing procedures constitutes a waiver of this opportunity.
4. Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this procedure and will not be heard.
5. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
 - a. Within fourteen (14) days of the employees termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation or the basis for entitlement to a name-clearing hearing, stating with particularity the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested

hearing is denied.

- b. An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name-clearing hearing meet with the Board of Directors, and the meeting will last no longer than two hours unless otherwise approved.
 - c. An audio recording of the hearing will be made and maintained as part of the personnel record.
 - d. The employee's Supervisor/SEO may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The Board of Directors may require the employee's supervisor/SEO to participate in the hearing.
 - e. The employee shall have an opportunity to be represented by legal counsel at the employee's own expense.
 - f. The employee shall be provided an opportunity to present evidence upon which the claims are based.
 - g. The Board may ask questions during this process.
 - h. The employee may ask questions participants during this process.
 - i. The Idaho Rules of Evidence do not apply to this opportunity be heard or name-
2. The opportunity to be heard shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to address the claims.
 3. After the hearing, the Board of Directors will consider the information submitted, and such other information as might be in BWSD's records, to arrive at a decision concerning the employee's allegations. The decision will set forth in writing the reasons for the Board's determination.

X. WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

1. This section establishes BWSD's commitment to provide a work environment free from unlawful discrimination, harassment, and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior.

This policy should be reviewed by each employee on a periodic basis.

2. It is important that all employees treat all other employees and members of the

public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor/SEO and Elected Official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace, will not be tolerated.

3. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

B. POLICY

1. Unlawful discrimination or harassment of an applicant for employment, a member of the public or an employee by any employee of BWSD on the basis of race, color, religion, national origin, sex, age (40 and over) or disability is in violation of state and/or federal law and will not be tolerated by BWSD.

2. Employees found to be participating in any form of employment-related unlawful discrimination or harassment, or retaliating against another employee for filing a complaint alleging discrimination or harassment for cooperating with an investigation, will be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES

1. BWSD:

a. It is the responsibility of BWSD to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.

b. BWSD designates the Chairman of the Board as its designee ("as the official who will be responsible for directing the procedures of this policy).

2. Supervisors/SEO's:

a. Supervisors and the SEO enforce the policy, train new employees on it, regularly review it with all employees so that the employees know its provisions, and monitor the workplace for compliance.

b. If a supervisor or SEO observes that unlawful discrimination, harassment or retaliation is occurring, the supervisor or SEO should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consult with the supervisor or SEO, and take corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the Supervisor or SEO's area of responsibility or oversight, the supervisor should notify the SEO or a member of the Board of Directors, and the SEO should notify the Board of Directors, who should then take prompt steps to address the allegation.

c. If unlawful harassment is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

3. Employees: It is the responsibility of each and every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. Satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their supervisor, the SEO, the Board of Directors or the legal counsel for BWSO of such actions, recounting specific actions or occurrences whenever possible.

D. DEFINITIONS

For purposes of clarification, unlawful harassment includes but is not limited to the following behaviors:

1. Verbal Harassment – Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) or disability, whether made in general, directed to an individual, or directed to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” which is oriented towards a prohibited form of harassment.
2. Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. Visual Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This applies to both posted material and material maintained in or on BWSO equipment or personal property in the workplace.
4. Sexual Harassment – Any act which is sexual in nature and is made explicitly or

implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with the authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: a supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees, or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.

E. COMPLAINT PROCEDURE

The following complaint procedure must be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

1. A person who believes they have been unlawfully harassed, discriminated or retaliated against should report it to their supervisor, the SEO, the Board of Directors, or legal counsel for BWSD.
2. If a supervisor or SEO becomes aware that unlawful discrimination, harassment or retaliation is occurring in any BWSD department as a result of an employee coming forward, the informed person should immediately report it to the designated official and legal counsel for BWSD, unless the designated official is the focus of the complaint, in which case the legal counsel for the District should be informed, and will have the responsibility to direct the investigation. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. Promptly upon receiving the complaint, the designated official should initiate an investigation to determine whether there is a reasonable basis for believing that a violation of this policy or law has occurred.

4. Upon receiving the complaint, or being advised by a Supervisor or SEO that violation of this policy may be occurring, the designated official should review the complaint and consult with BWSD's legal counsel.
5. The designated official, in consultation with legal counsel for the District, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the conduct occurred.
7. As soon as practical, the investigator will conclude the investigation and submit a report of the findings to the designated official, who will then route it as appropriate.

If it is determined that unlawful harassment, retaliation or discrimination has occurred, the appropriate official will recommend the course of action to be taken by BWSD.

The appropriate action will depend on the following factors:

- a. The severity, frequency and pervasiveness of the conduct;
 - b. The conduct of the respective employees;
 - c. Prior complaints made against the person alleged to have committed the offenses; and respondent; and
 - d. The quality of the evidence (first-hand knowledge, credible corroboration, etc.).
8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment, retaliation, or discrimination, but some potentially problematic conduct is revealed, corrective action may be taken.
 9. Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and legal counsel for the District will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
 10. The complainant and the person alleged to have committed the offense may submit statements to the designated officials and/or supervisors or SEO challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
 11. Promptly after the designated official and/or supervisors and/or SEO has met with both parties and reviewed the documentation, and after consultation with legal counsel, a decision will be made as to what action, if any, should be taken by the Board or department head.

F. DISCIPLINARY ACTION

If unlawful discrimination, harassment or retaliation is determined to have occurred and after informing the Board of Directors of the findings, the supervisor or SEO should take prompt and effective remedial action against the actor. The action should be commensurate with the severity of the offense, up to and including termination of employment.

G. RETALIATION

Retaliation in any manner against a person for filing or initiating in good faith a charge or complaint of discrimination, harassment or retaliation, , testifying in an investigation, providing information or assisting in an investigation is expressly prohibited and subject to disciplinary action up to and including termination. The supervisor, department head, SEO and BWSD Board shall take reasonable steps to protect the victim and other potential victims from further harassment, retaliation or related consequences.

H. CONFIDENTIALITY

Confidentiality shall be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The District's insurer may also be engaged to assist in all phases of any proceeding or investigation.

I. FALSE COMPLAINTS

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

XI. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, BWSD may reduce forces in such manner as it deems necessary to maintain the effective functioning of BWSD services. Employee assignments may be affected by reductions in force

made due to economic conditions or to changes in staffing and work needs. The Board may make any changes in the work force or assignment of resources deemed to be in the District's best interests.

B. COBRA BENEFITS

Employees of BWSD who currently receive medical benefits who resign or are terminated from their employment may be eligible to continue those medical benefits at the employee's sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after termination of their employment should contact the Office Supervisor or SEO.

C. EXIT INTERVIEW

Each employee who terminated from employment with BWSD is encouraged to participate in an exit interview with the SEO. In such interview, the SEO should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits if available. The employee should be invited to inform the interviewer about their impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

D. RESIGNATION POLICY

1. Written and oral resignations are effective upon receipt by a supervisor or Board. Oral resignations should be documented by the supervisor after consultation with the department head or Board. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate a intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the District will consider the employee as having resigned and immediately notify him/her of such.

XII. ADDITIONAL POLICIES

From time to time, in addition to altering or amending this policy or portions thereof at anytime without prior notice to or consent by BWSD employees, the Board of Directors may approve and/or adopt additional policies and/or procedures for BWSD employees. Upon approval and/or adoption, such policies and/or procedures shall become part of this policy upon adoption, including previously adopted polies attached hereto as Appendix "B" and incorporated herein by this reference.

XIII. APPENDIX "A"

ACKNOWLEDGMENT OF RECEIPT OF **BWSD** PERSONNEL POLICY

I, _____ acknowledge receipt of the **BWSD** Series 600 Personnel Policy, adopted on _____ and a copy of my job description.

- I understand that it is my responsibility to read and review and be familiar with the contents of this policy as well as my job description.
- I understand that neither is a contract and cannot create a contract.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy Manual, my job description and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new policy.
- I understand that this policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modification.

DATED this _____ day of _____, 20_____.

(Employee Signature)

I, _____, provided a copy of the **BWSD**, Series 600, At-Will Personnel Policy, as adopted by the Board of Directors on _____
(Name-Title)

(Date)

to _____, on this _____ day of _____, 20_____.
(Employee's Name)

(Name - Title)

XIV. APPENDIX "B"

- A. **Policy Series 610, CELL
PHONE POLICY**
- B. **Policy Series 620
COMPUTER &
INFORMATION SYSTEMS
POLICY**
- C. **Policy Series 630, COMPANY
VEHICLE POLICY**
- D. **Policy Series 640,
EMPLOYEE TRAVEL &
CREDIT CARD USE
POLICY**
- E. **Policy Series 650,
MATERIALS & SERVICES
PURCHASING POLICY**
- F. **Policy Series 660, ON CALL
POLICY**