

OTAY WATER DISTRICT  
FINANCE, ADMINISTRATION AND COMMUNICATIONS  
COMMITTEE MEETING  
and  
SPECIAL MEETING OF THE BOARD OF DIRECTORS

2554 SWEETWATER SPRINGS BOULEVARD  
SPRING VALLEY, CALIFORNIA  
BOARDROOM

**WEDNESDAY**  
**May 16, 2012**  
**12:00 P.M.**

This is a District Committee meeting. This meeting is being posted as a special meeting in order to comply with the Brown Act (Government Code Section §54954.2) in the event that a quorum of the Board is present. Items will be deliberated, however, no formal board actions will be taken at this meeting. The committee makes recommendations to the full board for its consideration and formal action.

**AGENDA**

1. ROLL CALL
2. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

**DISCUSSION ITEMS**

3. UPDATE REPORT ON DIRECTOR'S EXPENSES FOR THE 3<sup>RD</sup> QUARTER OF FISCAL YEAR 2012 (PRENDERGAST) [5 minutes]
4. APPROVE A 5-YEAR AGREEMENT (THREE [3] YEARS WITH TWO [2] ADDITIONAL YEARS AT THE DISTRICT'S OPTION) WITH ALLIANT INSURANCE SERVICES, INC. FOR BENEFIT CONSULTING AND BROKER SERVICES AND IDENTIFYING ALLIANT AS THE DISTRICT'S BROKER OF RECORD IN AN AMOUNT NOT-TO-EXCEED \$135,000 (WILLIAMSON) [5 minutes]
5. ADOPT RESOLUTION NO. 4197 REVISING AND UPDATING BOARD OF DIRECTORS POLICY NO. 22, DRUG FREE WORKPLACE POLICY AND PROCEDURE; AND HUMAN RESOURCES POLICY, FAMILY AND MEDICAL LEAVE ACT, PREGNANCY DISABILITY LEAVE, AND KIN CARE LEAVE (WILLIAMSON) [5 minutes]
6. ADJOURNMENT



# AGENDA ITEM 3



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	June 6, 2012
		PROJECT:	DIV. NO. All
SUBMITTED BY:	Sean Prendergast, Payroll/AP Supervisor		
APPROVED BY:	<input checked="" type="checkbox"/> Joseph R. Beachem, Chief Financial Officer <input checked="" type="checkbox"/> German Alvarez, Assistant General Manager Finance and Administration <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Director's Expenses for the 3rd Quarter of Fiscal Year 2012		

### **GENERAL MANAGER'S RECOMMENDATION:**

This is an informational item only.

### **COMMITTEE ACTION:**

Please see Attachment A.

### **PURPOSE:**

To inform the Board of the Director's expenses for the 3rd quarter of Fiscal Year 2012.

### **ANALYSIS:**

The Director's expense information is being presented in order to comply with State law. (See Attachment B for Summary and C-H for Details.)

### **FISCAL IMPACT:**

None.

**STRATEGIC GOAL:**

Prudently manage District funds.

**LEGAL IMPACT:**

Compliance with State law.

Attachments:    Attachment A Committee Action  
                  Attachment B Director's Expenses and per Diems  
                  Attachment C-H Director's Expenses Detail



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b>	Director's Expenses for the 3rd Quarter of Fiscal Year 2012
-------------------------	---

### COMMITTEE ACTION:

This is an informational item only.

### NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for board approval. This report will be sent to the Board as a committee approved item, or modified to reflect any discussion or changes as directed from the committee prior to presentation to the full board.

# **BOARD OF DIRECTORS' EXPENSES AND PER-DIEMS**

**FINANCE, ADMINISTRATION AND  
COMMUNICATIONS COMMITTEE MEETING  
MAY 16, 2012**

Policy 8 requires that staff present the Expenses and Per-Diems for the Board of Directors on a Quarterly basis:

- Fiscal Year 2012, 3rd Quarter.
- The expenses are shown in detail by Board member, month and expense type.
- This presentation is in alphabetical order.
- This information was presented to the Finance, Administration, and Communications Committee on May 16, 2012.

Board of Directors' Expenses and Per-Diems  
Fiscal Year 2012 Quarter 3 (Jan 2012- Mar 2012)

Director Bonilla	\$0.00
Director Croucher	\$800.00
Director Gonzalez	\$200.00
Director Lopez	\$2,725.84
Director Robak	\$527.75
<b>Total</b>	<b>\$4,253.59</b>

# Director Bonilla

## Fiscal Year 2012 Quarter 3

	Jan 2012	Feb 2012	Mar 2012
Business Meetings	0.00	0.00	0.00
Director's Fees	0.00	0.00	0.00
Mileage Business	0.00	0.00	0.00
Mileage Commuting	0.00	0.00	0.00
Seminars and Travel	0.00	0.00	0.00
<b>Monthly Totals</b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>
<b>Quarterly Total</b>			<b><u>\$0.00</u></b>

<b>Fiscal Year-to-Date 2011 (Jul 2011-Jun2012)</b>	<b>\$0.00</b>
--	---------------

**Director Bonilla does not request per diem reimbursements**

Meetings Attended			
Meetings Paid			

# Director Croucher

## Fiscal Year 2012 Quarter 3

	Jan 2012	Feb 2012	Mar 2012
Business Meetings	0.00	0.00	0.00
Director's Fees	200.00	200.00	400.00
Mileage Business	0.00	0.00	0.00
Seminars	0.00	0.00	0.00
Travel	0.00	0.00	0.00
<b>Monthly Totals</b>	<b><u>200.00</u></b>	<b><u>200.00</u></b>	<b><u>400.00</u></b>
<b>Quarterly Total</b>			<b><u><u>\$800.00</u></u></b>

<b>Fiscal Year-to-Date 2011 (Jul 2011-Jun 2012)</b>	<b>\$1,800.00</b>
---	-------------------

**Director Croucher serves on all  
District Committees (6)**

Meetings Attended	2	2	4
Meetings Paid	2	2	4

# Director Gonzalez

## Fiscal Year 2012 Quarter 3

	Jan 2012	Feb 2012	Mar 2012
Business Meetings	0.00	0.00	0.00
Director's Fees	200.00	0.00	0.00
Mileage Business	0.00	0.00	0.00
Seminars	0.00	0.00	0.00
Travel	0.00	0.00	0.00
<b>Monthly Totals</b>	<b><u>200.00</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>
<b>Quarterly Total</b>			<b><u><u>\$200.00</u></u></b>

<b>Fiscal Year-to-Date 2011 (Jul 2011-Jun2012)</b>	<b>\$3,355.45</b>
--	-------------------

Meetings Attended	2		
Meetings Paid	2		

# Director Lopez

## Fiscal Year 2012 Quarter 3

	Jan 2012	Feb 2012	Mar 2012
Business Meetings	0.00	25.00	120.00
Director's Fees	700.00	700.00	900.00
Mileage Business	31.08	46.07	91.58
Mileage Commuting	33.30	33.30	45.51
Seminars and Travel	0.00	0.00	0.00
<b>Monthly Totals</b>	<b><u>764.38</u></b>	<b><u>804.37</u></b>	<b><u>1,157.09</u></b>
<b>Quarterly Total</b>			<b><u>\$2,725.84</u></b>

<b>Fiscal Year-to-Date 2011 (Jul 2011-Jun 2012)</b>	<b>\$5,073.36</b>
---	-------------------

Meetings Attended	8	12	11
Meetings Paid	7	7	9

# Director Robak

## Fiscal Year 2012 Quarter 3

	Jan 2012	Feb 2012	Mar 2012
Business Meetings	0.00	0.00	0.00
Director's Fees	100.00	100.00	300.00
Mileage Business	3.33	3.33	9.99
Mileage Commuting	2.22	2.22	6.66
Seminars and Travel	0.00	0.00	0.00
<b>Monthly Totals</b>	<b><u>105.55</u></b>	<b><u>105.55</u></b>	<b><u>316.65</u></b>
<b>Quarterly Total</b>			<b><u><u>\$527.75</u></u></b>

<b>Fiscal Year-to-Date 2011 (Jul 2011-Jun2012)</b>	<b>\$1,013.63</b>
--	-------------------

Meetings Attended	1	3	4
Meetings Paid	1	1	3

Board of Directors' Expenses and Per Diems  
Fiscal Year 2012 to Date (Jul 2011- Mar 2012)

Director Bonilla	\$0.00
Director Croucher	\$1,800.00
Director Gonzalez	\$3,355.45
Director Lopez	\$5,073.36
Director Robak	\$1,013.63
<b>Total</b>	<b>\$11,242.44</b>

Board of Directors' Expenses and Per Diems  
Fiscal Year 2012 **Projected** (Jul 2011-Jun 2012)

Director Bonilla	\$00.00
Director Croucher	\$2,400.00
Director Gonzalez	\$4,474.00
Director Lopez	\$6,764.00
Director Robak	\$1,352.00
<b>Total</b>	<b>\$14,990.00</b>

Based on nine months of actuals



**OTAY WATER DISTRICT  
ADMINISTRATIVE EXPENSES - BOARD  
July 1, 2011 - March 31, 2012**

	<u>Jul-11</u>	<u>Aug-11</u>	<u>Sep-11</u>	<u>Oct-11</u>	<u>Nov-11</u>	<u>Dec-11</u>	<u>Jan-12</u>	<u>Feb-12</u>	<u>Mar-12</u>	<u>Apr-12</u>	<u>May-12</u>	<u>Jun-12</u>	<u>Total</u>
	1	2	3	4	5	6	7	8	9	10	11	12	
<b>JAIME BONILLA (DETAILED IN SECTION D):</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0.00
5281 Director's fees	-	-	-	-	-	-	-	-	-	-	-	-	-
5211 Mileage - Business	-	-	-	-	-	-	-	-	-	-	-	-	-
5211 Mileage - Commuting	-	-	-	-	-	-	-	-	-	-	-	-	-
5213 Seminars and conferences	-	-	-	-	-	-	-	-	-	-	-	-	-
5212 Travel	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0.00

<b>GARY D. CROUCHER (DETAILED IN SECTION E):</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5281 Director's fees	300.00	-	-	300.00	400.00	-	200.00	200.00	400.00	-	-	-	1,800.00
5211 Mileage - Business	-	-	-	-	-	-	-	-	-	-	-	-	-
5211 Mileage - Commuting	-	-	-	-	-	-	-	-	-	-	-	-	-
5213 Seminars and conferences	-	-	-	-	-	-	-	-	-	-	-	-	-
5212 Travel	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	\$ 300.00	\$ -	\$ -	\$ 300.00	\$ 400.00	\$ -	\$ 200.00	\$ 200.00	\$ 400.00	\$ -	\$ -	\$ -	\$ 1,800.00

<b>DAVID GONZALEZ (DETAILED IN SECTION F):</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5281 Director's fees	200.00	-	600.00	-	500.00	100.00	200.00	-	-	-	-	-	1,600.00
5211 Mileage - Business	-	-	-	-	-	-	-	-	-	-	-	-	-
5211 Mileage - Commuting	-	-	-	-	-	-	-	-	-	-	-	-	-
5213 Seminars and conferences	-	-	780.00	-	-	-	-	-	-	-	-	-	780.00
5212 Travel	-	-	975.45	-	-	-	-	-	-	-	-	-	975.45
Total	\$ 200.00	\$ -	\$ 2,355.45	\$ -	\$ 500.00	\$ 100.00	\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,355.45

<b>JOSE LOPEZ (DETAILED IN SECTION G):</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ 120.00	\$ -	\$ -	\$ 145.00
5281 Director's fees	400.00	300.00	700.00	300.00	300.00	100.00	700.00	700.00	900.00	-	-	-	4,400.00
5211 Mileage - Business	22.20	-	13.32	5.55	-	14.43	31.08	46.07	91.58	-	-	-	224.22
5211 Mileage - Commuting	33.30	33.30	58.83	33.30	33.30	-	33.30	33.30	45.51	-	-	-	304.14
5213 Seminars and conferences	-	-	-	-	-	-	-	-	-	-	-	-	-
5212 Travel	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	\$ 455.50	\$ 333.30	\$ 772.15	\$ 338.85	\$ 333.30	\$ 114.43	\$ 764.38	\$ 804.37	\$ 1,157.09	\$ -	\$ -	\$ -	\$ 5,073.36

<b>MARK ROBAK (DETAILED IN SECTION H):</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5281 Director's fees	100.00	-	200.00	100.00	-	-	100.00	100.00	300.00	-	-	-	900.00
5211 Mileage - Business	3.33	-	16.65	3.33	-	-	3.33	3.33	9.99	-	-	-	39.96
5211 Mileage - Commuting	2.22	-	2.22	2.22	-	-	2.22	2.22	6.66	-	-	-	17.76
5213 Seminars and conferences	-	35.00	-	20.91	-	-	-	-	-	-	-	-	55.91
5212 Travel	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	\$ 105.55	\$ 35.00	\$ 218.87	\$ 126.46	\$ -	\$ -	\$ 105.55	\$ 105.55	\$ 316.65	\$ -	\$ -	\$ -	\$ 1,013.63

<b>TOTALS:</b>													
5214 Business meetings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ 120.00	\$ -	\$ -	\$ 145.00
5281 Director's fees	1,000.00	300.00	1,500.00	700.00	1,200.00	200.00	1,200.00	1,000.00	1,600.00	-	-	-	8,700.00
5211 Mileage - Business	25.53	-	29.97	8.88	-	14.43	34.41	49.40	101.57	-	-	-	264.18
5211 Mileage - Commuting	35.52	33.30	61.05	35.52	33.30	-	35.52	35.52	52.17	-	-	-	321.90
5213 Seminars and conferences	-	35.00	780.00	20.91	-	-	-	-	-	-	-	-	835.91
5212 Travel	-	-	975.45	-	-	-	-	-	-	-	-	-	975.45
Total	\$ 1,061.05	\$ 368.30	\$ 3,346.47	\$ 765.31	\$ 1,233.30	\$ 214.43	\$ 1,269.93	\$ 1,109.92	\$ 1,873.74	\$ -	\$ -	\$ -	\$ 11,242.44

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: BONILLA, JAIME**

**ATTACHMENT D**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION D Amount</b>
		MR. BONILLA DOES NOT REQUEST PER DIEM REIMBURSEMENTS	\$0.00

---

---

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: CROUCHER, GARY**

**ATTACHMENT E**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION E Amount</b>
Director's Fee	7/5/2011	AD HOC COMMITTEE MEETING - HEALTH BENEFITS NEGOTIATIONS	\$ 100.00
	7/15/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	7/19/2011	FINANCE COMMITTEE MEETING	100.00
	10/19/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	10/21/2011	LAFCO SPECIAL DISTRICTS ADVISORY COMMITTEE	100.00
	10/31/2011	LEGAL AD HOC COMMITTEE	100.00
	11/8/2011	LEGAL AD HOC COMMITTEE	100.00
	11/16/2011	FINANCE AND ADMINISTRATIVE COMMITTEE MEETING	100.00
	11/28/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	11/30/2011	SPECIAL BOARD OF DIRECTORS MEETING	100.00
	1/4/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	1/24/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	2/1/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	2/16/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	3/7/2012	OTAY BOARD OF DIRECTORS MEETING	100.00
	3/14/2012	BOARD ETHICS TRAINING 700 FORM REVIEW	100.00
	3/19/2012	FUTURE WATER RATES/USAGE AND ECONOMY PREDICTIONS	100.00
	3/21/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
Director's Fee Total			<hr/> 1,800.00
<b>Grand Total</b>			<hr/> <b>\$1,800.00</b> <hr/>

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: GONZALEZ, DAVID**

**ATTACHMENT F**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION F Amount</b>
Director's Fee	7/15/2011	REGULAR BOARD OF DIRECTORS MEETING	\$ 100.00
	7/19/2011	FINANCE COMMITTEE MEETING	100.00
	9/7/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	9/8/2011	SPECIAL DISTRICT INSTITUTE	100.00
	9/9/2011	SPECIAL DISTRICT INSTITUTE	100.00
	9/10/2011	SPECIAL DISTRICT INSTITUTE	100.00
	9/19/2011	FINANCE AND ADMINISTRATIVE COMMITTEE MEETING	100.00
	9/29/2011	METRO COMMISSION BRIEFING MEETING	100.00
	11/2/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	11/3/2011	METRO COMMISSION BRIEFING MEETING	100.00
	11/7/2011	PADRE DAM MWD CEREMONY	100.00
	11/16/2011	FINANCE COMMITTEE MEETING	100.00
	11/30/2011	SPECIAL BOARD OF DIRECTORS MEETING	100.00
	12/6/2011	SOUTH COUNTY ECONOMIC DEVELOPMENT	100.00
	1/4/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	1/18/2012	FINANCE & ADMINISTRATIVE COMMITTEE MEETING	100.00
Director's Fee Total			<u>1,600.00</u>
Registration Fee	9/10/2011	REGISTRATION FEE - SPECIAL DISTRICT AND LOCAL GOVERNMENT INSTITUTE SEPTEMBER 8-10, 2011	<u>780.00</u>
Travel	9/31/2011	LODGING FEE - ATTENDED THE SPECIAL DISTRICTS & LOCAL GOV'T INSTITUTE FINANCE SEMINAR SEPT. 7-9, 2011	<u>577.65</u>
	9/7/2011	AIRFARE FEE TO ATTEND THE SPECIAL DISTRICTS & LOCAL GOV'T INSTITUTE FINANCE SEMINAR	397.80
Travel Total			<u>975.45</u>
<b>Grand Total</b>			<u><u>\$ 3,355.45</u></u>

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: LOPEZ, JOSE**

**ATTACHMENT G**

Account Name	Date	Descriptions	SECTION G Amount
Mileage - Business	7/31/2011	MEETING - JULY 11, 2011	\$ 22.20
	9/30/2011	MEETING - SEPTEMBER 9 & 15, 2011	13.32
	10/31/2011	MEETING -OCTOBER 11, 2011	5.55
	12/14/2011	MEETING - DECEMBER 14, 2011	14.43
	1/31/2012	MEETING - JANUARY 12, 20 & 27, 2012	31.08
	2/29/2012	MEETING - FEBRUARY 9, 24, 25 & 26, 2012	46.07
	3/31/2012	MEETING - MARCH 6, 12, 16, 20 & 29, 2012	91.58
Mileage - Business Total			<u>224.22</u>
Mileage - Commuting	7/31/2011	MEETING - JULY 5, 12, & 15, 2011	33.30
	8/31/2011	MEETING - AUGUST 4, 10, & 18, 2011	33.30
	9/30/2011	MEETING - SEPTEMBER 7, 14, 19, 28, & 29, 2011	58.83
	10/31/2011	MEETING -OCTOBER 5 & 19 2011	33.30
	11/30/2011	MEETING - NOVEMBER 2, 28, & 30, 2011	33.30
	1/31/2012	MEETING - JANUARY 14, 18 & 24, 2012	33.30
	2/29/2012	MEETING - FEBRUARY 1, 16 & 21, 2012	33.30
	3/31/2012	MEETING - MARCH 7, 14, 19 & 21, 2012	45.51
Mileage - Commuting Total			<u>304.14</u>
Director's Fee	7/5/2011	AD HOC COMMITTEE MEETING - HEALTH BENEFITS NEGOTIATIONS	100.00
	7/11/2011	DESAL PLANT WITH ROSARITO MAYOR	100.00
	7/12/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	7/15/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	8/4/2011	AD HOC COMMITTEE MEETING - HEALTH BENEFITS NEGOTIATIONS	100.00
	8/10/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	8/18/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	9/7/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	9/9/2011	MEETING WITH STAR NEWS EDITOR CARLOS DAVALOS	100.00
	9/14/2011	WATER CONSERVATION GARDEN COMMITTEE MEETING	100.00
	9/15/2011	MEETING WITH CHULA VISTA COUNCIL WOMAN PAT AGUILAR	100.00
	9/19/2011	FINANCE AND ADMINISTRATIVE COMMITTEE MEETING	100.00

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: LOPEZ, JOSE**

**ATTACHMENT G**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION G Amount</b>
Director's Fee	9/28/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	9/29/2011	METRO COMMISSION BRIEFING MEETING	100.00
	10/5/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	10/11/2011	CITY COUNCIL MEETING - GREEN BUSINESS RECOGNITION AWARD	100.00
	10/19/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	11/2/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	11/28/2011	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	11/30/2011	SPECIAL BOARD OF DIRECTORS MEETING	100.00
	12/14/2011	WATER CONSERVATION GARDEN COMMITTEE MEETING	100.00
	1/4/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	1/12/2012	GENERAL MANAGER MEETING	100.00
	1/17/2012	METRO COMMISSION WITH OTAY STAFF	100.00
	1/18/2012	FINANCE & ADMINISTRATIVE COMMITTEE MEETING	100.00
	1/20/2012	MEETING WITH STATE SENATOR JOEL ANDERSON AND GENERAL MANAGER OF OTAY	100.00
	1/24/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	1/27/2012	AGENDA BRIEFING WITH GENERAL MANAGER AND COUNSEL	100.00
	2/1/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	2/9/2012	UNION TRIBUNE MEETING WITH MR. JOHN LYNCH	100.00
	2/16/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	2/21/2012	SPECIAL BOARD OF DIRECTORS MEETING	100.00
	2/24/2012	AGENDA BRIEFING WITH GENERAL MANAGER AND COUNSEL	100.00
	2/25/2012	HOOVER DAM TOUR - METROPOLITAN WATER	100.00
	2/26/2012	PARKER DAM AND COLORADO RIVER TOUR - METROPOLITAN	100.00

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME: LOPEZ, JOSE**

**ATTACHMENT G**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION G Amount</b>
Director's Fee	3/6/2012	METROPOLITAN WATER DISTRICTS FINANCE MEETING	100.00
	3/7/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	3/12/2012	BUS TRIP FROM CWA TO (LA) METRO WATER DISTRICTS MEETING	100.00
	3/14/2012	WATER CONSERVATION GARDEN COMMITTEE MEETING	100.00
	3/16/2012	GENERAL MANAGER MEETING - COMMITTEE AGENDA ITEMS	100.00
	3/19/2012	BOARD BUDGET WORKSHOP	100.00
	3/20/2012	COUNCIL ON WATER UTILITIES MEETING	100.00
	3/21/2012	ENGINEERING AND OPERATIONS COMMITTEE MEETING	100.00
	3/29/2012	GENERAL MANAGER AND COUNSEL - AGENDA BREIFING	100.00
Director's Fee Total			4,400.00
Business meetings	2/21/2012	COUNCIL ON WATER UTILITIES MEETING	25.00
	3/5/2012	SAN YSIDRO CHAMBER OF COMMERCE	95.00
	3/20/2012	COUNCIL ON WATER UTILITIES MEETING	25.00
Business meetings Total			145.00
<b>Grand Total</b>			<b>\$ 5,073.36</b>

**OTAY WATER DISTRICT  
SUMMARY - BOARD OF DIRECTORS EXPENSES  
FOR THE PERIOD JULY 1, 2011 THROUGH MARCH 31, 2012**

**DIRECTOR'S NAME:      ROBAK, MARK**

**ATTACHMENT H**

<b>Account Name</b>	<b>Date</b>	<b>Descriptions</b>	<b>SECTION H Amount</b>
Mileage - Business	7/15/2011	MEETING - JULY 15, 2011	\$ 3.33
	9/7/2011	MEETING - SEPTEMBER 2, & 7, 2011	16.65
	10/5/2011	MEETING - OCTOBER 5, 2011	3.33
	1/4/2012	MEETING - JANUARY 4, 2012	3.33
	2/21/2012	MEETING - FEBRUARY 21, 2012	3.33
	3/31/2012	MEETING - MARCH 7, 14, & 19, 2012	9.99
Mileage - Business Total			39.96
Mileage - Commuting	7/15/2011	MEETING - JULY 15, 2011	2.22
	9/4/2011	MEETING - SEPTEMBER 4, 2011	2.22
	10/5/2011	MEETING - OCTOBER 5, 2011	2.22
	1/4/2012	MEETING - JANUARY 4, 2012	2.22
	2/21/2012	MEETING - FEBRUARY 21, 2012	2.22
	3/31/2012	MEETING - MARCH 7, 14, & 19, 2012	6.66
Mileage - Commuting Total			17.76
Director's Fee	7/15/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	9/2/2011	MEETING CHULA VISTA CHAMBER OF COMMERCE	100.00
	9/7/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	10/5/2011	REGULAR BOARD OF DIRECTORS MEETING	100.00
	1/4/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	2/21/2012	SPECIAL BOARD OF DIRECTORS MEETING - DISCUSS SALT CREEK GOLF COURSE	100.00
	3/7/2012	REGULAR BOARD OF DIRECTORS MEETING	100.00
	3/14/2012	SPECIAL BOARD OF DIRECTORS MEETING - DISCUSS FORM 700	100.00
	3/19/2012	SPECIAL BOARD OF DIRECTORS MEETING-DISCUSS SALES FORECASTING	100.00
Director's Fee Total			900.00
Registration Fee	8/19/2011	REGISTRATION FEE - SAN DIEGO EAST CO. CHAMBER WORKSHOP	35.00
	10/26/2011	REGISTRATION FEE - EAST COUNTY ECONOMIC DEVELOPMENT COUNCIL	20.91
Registration Fee Total			55.91
<b>Grand Total</b>			<b>\$ 1,013.63</b>



EXHIBIT B

OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM

Pay To: Gary Croucher

Period Covered:

Employee Number: 7011

From: Jan 1, 2012 To: Jan 31, 2012

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE	
				HOME to OWD OWD to HOME	OTHER LOCATIONS
✓ 1	1/4	Board	Regular Meeting		
✓ 2	1/24	Committee	P+O COMMITTEE		
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					

Total Meeting Per Diem: \$ 200-  
(\$100 per meeting)

Total Mileage Claimed: 0 miles

Gary Croucher  
(Director's Signature)

GM Receipt: [Signature]

Date: 2/2/2012

FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_





EXHIBIT B

OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM

Pay To: Gary Croucher

Period Covered:

Employee Number: 7011

From: 2-1-12 To: 2-29-12

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
✓ 1	2/1	Board	Regular Board	100-	
✓ 2	2/16	Committee	Ev. & Committee	100-	
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					

*Per Diem*

0.\*  
0.\*  
2.\*  
100.00=  
200.00\*

Total Meeting Per Diem: \$ 200-  
(\$100 per meeting)

Total Mileage Claimed: 0 miles

*Gary Croucher*  
(Director's Signature)

GM Receipt: *Waters*

Date: 3/13/2012

FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_

*W  
D  
3.23.12*





AB000 - 10 1000 - 2101 - 528101 200.00  
rec'd 3/15/12 [signature]

OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM

Pay To: David Gonzalez

Period Covered:

Employee Number: 1796

From: 1/1/12 To: 1/31/12

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
✓ 1.	1/4/12	OWD	Board Meeting		
✓ 2.	1/18/12	OWD	Finance Administration & Communications Committee		
3.					
4.					
5.					
6.					
7.					
8.				0.*	
9.				0.*	
10.				2.*	
11.				100.00*	
12.				200.00*	
13.					
14.				0.*	
15.					
16.					
17.					

Per items

10

Total Meeting Per Diem: \$200.00  
(\$100 per meeting)

Total Mileage Claimed: 0 miles

[Signature]  
(Director's Signature)

GM Receipt: [Signature]

Date: 3/22/2012

FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_

(NOTE RECEIVED DATE ABOVE)



**EXHIBIT B**

**OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM**

Pay To: Jose Lopez

Period Covered:

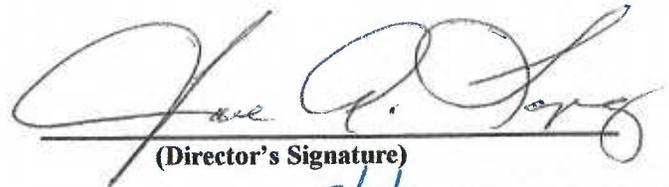
Employee Number: 7010

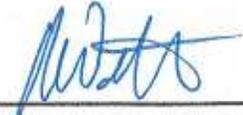
From: 01/01/12 To: 1/30/12

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
✓ 1. ✓	01/4/12	OWD	REGULAR BOARD MEETING	20	
✓ 2.	01/5/12	METRO COM	Metro Commission/ Wastewater JPA (NO CHARGE)		
✓ 3. ✓	01/12/12	OWD	General Manager meeting		10
✓ 4.	01/17/12	OWD	Conf. mtg on Metro Commission with OWD staff		
✓ 5.	01/18/12	OWD	Finance & Admin Committee mtg	20	
✓ 6.	01/20/12	OWD	State Senator Joel Anderson, Gen Mgr		36
✓ 7.	01/24/12	OWD	Eng & Ops Committee meeting	20	
✓ 8.	01/27/12	OWD	Agenda Briefing -Gen Mgr & Counsel		10
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

Total Meeting Per Diem: \$700  
(\$100 per meeting)

Total Mileage Claimed: 106 miles

  
(Director's Signature)

GM Receipt: 

Date: 2/6/2012

FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_



000-184000-2101-521102

100.00  
33.30

EXHIBIT B

OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM

Pay To: 01 Jose A. Lopez

Period Covered:

Employee Number: 7010

From: 02/01/12 To: 02/29/12

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
✓ 1.	02/1/12	OWD	REGULAR BOARD MEETING	20	
2.	02/2/12	OWD	Metro Commission (NO CHARGE)		
3.	02/8/12	OWD	Employee Recognition Luncheon (NO CHARGE)		
✓ 4.	02/9/12	OWD	UT Meeting -Mr. John Lynch		36
✓ 5.	02/16/12	OWD	Eng. & Ops Committee mtg	20	
6.	02/16/12	OWD	Ferguson/Gen Mgr/Mr Tellez (NO CHARGE)		
7.	02/16/12	OWD	Southwestern College Ms. Melinda Nish (NO Charge)		
✓ 8.	02/21/12	OWD	Special Board Meeting	20	
✓ 9.	02/24/12	OWD	Agenda briefing -Gen Mgr & Counsel		5
✓ 10.	02/25/12	SDCWA	Hoover Dam Tour - Metropolitan Water		21
✓ 11.	02/26/12	SDCWA	Parker Dam & Colorado River Tour- Metropolitan W,		21
12.	02/28/12	OWD	Manny Magana Retirement at OWD (NO CHARGE)		
13.					
14.				0.*	7.*
15.				100.00*	700.00*
16.				0.*	0.*
17.				20.*	20.*
18.				20.*	60.*
					60.*
					0.5550*
					55.3*

Total Meeting Per Diem: \$700  
(\$100 per meeting)

Total Mileage Claimed: 143 miles

*Per Diem*  
*Mr. Lopez*

*Jose A. Lopez*  
(Director's Signature)

GM Receipt: *[Signature]*

Date: 3/13/2012

MAR 21 AM 8:40

FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_

*W/D*  
*3-23-12*



AB000-1B4000-2101-000000  
 AB000-1B4000-2101-521102  
 EXHIBIT B 45.57

OTAY WATER DISTRICT  
 BOARD OF DIRECTORS  
 PER-DIEM AND MILEAGE CLAIM FORM

Pay To: 01 Jose A. Lopez

Period Covered:

Employee Number: 7010

From: 03/01/12 To: 03/31/12

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
✓ 1.	03/6/12	SDCWA	Prep for Metropolitan Water District's Finance mtg		42
✓ 2.	03/7/12	OWD	Regular Board meeting	20	
✓ 3.	03/12/12	SDCWA	Bus trip from CWA to (LA) Metro Water District mtg		42
✓ 4.	03/14/12	OWD	Water Conservation Garden meeting	22	
5.	03/14/12	OWD	Form 700 workshop (NO CHARGE)		
✓ 6.	03/16/12	OWD	General manager meeting -Committee agenda items		5
✓ 7.	03/19/12	OWD	Board Budget Workshop	20	
✓ 8.	03/20/12	OWD	Council on Water Utilities meeting		71
✓ 9.	03/21/12	OWD	Eng & Operations Committee mtg	20	
10.	03/23/12	OWD	General Manager and Director Bonilla (NO CHARGE)		
✓ 11.	03/29/12	OWD	General Manager & Counsel - Agenda briefing		5
12.					
13.					
14.				0.*	9.*
15.				100-00=	900-00*
16.				0.*	0.*
17.				20.*	22.*
18.				20.*	20.*
				82.*	82.*
				0.5550=	45.57*

Total Meeting Per Diem: \$900  
 (\$100 per meeting)

Total Mileage Claimed: 247 miles

Jane C. Long  
 (Director's Signature)

GM Receipt: [Signature]

Date: 4/6/2012

12 APR 10 AM 7:51 FOR OFFICE USE: TOTAL MILEAGE REIMBURSEMENT: \$ \_\_\_\_\_

to check w/d  
 7-10-12



# COUNCIL OF WATER UTILITIES, SAN DIEGO COUNTY

Mitchell S. Dion, Chair  
Rincon del Diablo Municipal Water District  
1920 N Iris Lane  
Escondido, CA 92026

Doug Wilson, Vice Chair  
Padre Dam Municipal Water District  
9300 Fanita Pkwy  
Santee, CA 92071

Phone: 760.745.5522  
Fax: 760.745.4235  
[www.rinconwater.org](http://www.rinconwater.org)

Phone: 619.448.3111  
Fax: 619.449.9469  
[www.padredam.org](http://www.padredam.org)

## MEMBER AGENCIES

City of Escondido  
City of Oceanside  
City of Poway  
City of San Diego

San Diego County Water Authority

Metropolitan Water District of So. California

Borrego Water District

Carlsbad Municipal Water District

Elsinore Valley Municipal Water District

Encina Wastewater Authority

Fallbrook Public Utility District

Helix Water District

Lakeside Water District

Leucadia Wastewater District

Olivenhain Municipal Water District

Otay Water District

Padre Dam Municipal Water District

Rainbow Municipal Water District

Ramona Municipal Water District

Rancho California Water District

Rincon del Diablo Municipal Water District

Riverview Water District

San Dieguito Water District

Santa Fe Irrigation District

South Bay Irrigation District

Sweetwater Authority

Vallecitos Water District

Valley Center Municipal Water District

Vista Irrigation District

Yuima Municipal Water District

## RESERVATIONS/INVOICE

**Tuesday, February 21, 2012**  
**7:15 a.m.**

### PLEASE MAKE RESERVATIONS AS FOLLOWS:

**AGENCY:** Otay Water District

**Contact:** Susan Cruz

**Phone:** (619) 670-2280

**Name/Title** Jose Lopez, Director

**Name/Title** \_\_\_\_\_

**Name/Title** \_\_\_\_\_

**Name/Title** \_\_\_\_\_

**Name/Title** \_\_\_\_\_

**Name/Title** \_\_\_\_\_

**Total payment:** 1 reservation(s) at \$25.00 each = \$ 25.00 .

### MAKE CHECK PAYABLE TO: "COUNCIL OF WATER UTILITIES"

**MAIL TO:** Council of Water Utilities  
c/o Rincon del Diablo Municipal Water District  
1920 N Iris Lane  
Escondido CA 92026

**SEND TO:** 760.745.4235 (fax) or [kblakely@rinconwater.org](mailto:kblakely@rinconwater.org)

Reservations must be received by 12 noon,  
Thursday, February 16, 2012

Ysidro Chamber of Commerce  
663 E San Ysidro Blvd  
San Ysidro, CA 92173

ANNUAL DINNER RSVP  
FOR DIRECTOR JOSE LOPEZ  
~~AB000-1B4000-2101-521401-11-1111~~

# Invoice

**PAID**

Bill To
Otay Water District Susan Cruz 2554 Sweetwater Springs Blvd. Spring Valley, CA 91978-2004

Date	Invoice #
3/5/2012	1123

Due Date
3/5/2012

Description	Qty	Rate	Amount
Annual Dinner Reservation for Board Member Jose Lopez		95.00	95.00
<b>Total</b>			95.00

<b>Payments/Credits</b>	\$-95.00
<b>Balance Due</b>	\$0.00



# COUNCIL OF WATER UTILITIES, SAN DIEGO COUNTY

Doug Wilson, Chair  
Padre Dam Municipal Water District  
9300 Fanita Pkwy  
Santee, CA 92071

Paul Dorey, Vice Chair  
Vista Irrigation District  
1391 Engineer Street  
Vista, CA 92081

Phone: 760.745.5522  
Fax: 760.745.4235  
[www.padredam.org](http://www.padredam.org)

Phone: 760.597.3100  
Fax: 760.598.8757  
[www.vid-h2o.org](http://www.vid-h2o.org)

## MEMBER AGENCIES

- City of Escondido
- City of Oceanside
- City of Poway
- City of San Diego

- San Diego County Water Authority
- Metropolitan Water District of So. California
- Borrego Water District
- Carlsbad Municipal Water District
- Elsinore Valley Municipal Water District
- Encina Wastewater Authority
- Fallbrook Public Utility District
- Helix Water District
- Lakeside Water District
- Leucadia Wastewater District
- Olivenhain Municipal Water District
- Otay Water District
- Padre Dam Municipal Water District
- Rainbow Municipal Water District
- Ramona Municipal Water District
- Rancho California Water District
- Rincon del Diablo Municipal Water District
- Riverview Water District
- San Dieguito Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Sweetwater Authority
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuima Municipal Water District

## RESERVATIONS/INVOICE

Tuesday, March 20, 2012  
7:15 - 8:45 a.m.

### PLEASE MAKE RESERVATIONS AS FOLLOWS:

AGENCY: OTAY WATER DISTRICT

Contact: SUSAN CAUZ OR TITA CAYETANO

Phone: (619) 670-2253

Name/Title MARK WATTON, GENERAL MANAGER

Name/Title JOSE LOPEZ, DIRECTOR

Name/Title \_\_\_\_\_

Name/Title \_\_\_\_\_

Name/Title \_\_\_\_\_

Name/Title \_\_\_\_\_

Total payment: 2 reservation(s) at \$25.00 each = \$ 50.<sup>00</sup>

### MAKE CHECK PAYABLE TO: "COUNCIL OF WATER UTILITIES"

MAIL TO: Council of Water Utilities  
c/o Padre Dam Municipal Water District  
P.O. Box 719003  
San Diego CA 92072

SEND TO: 619.258.6403 (fax) or [msouthwick@padre.org](mailto:msouthwick@padre.org)

Reservations must be received by  
Thursday, March 15, 2012



OTAY WATER DISTRICT  
BOARD OF DIRECTORS  
PER-DIEM AND MILEAGE CLAIM FORM

300.00  
rec'd 3/27/12  
11.10

Pay To: Mark Robak

Period Covered:

Employee Number: 7014

From: 11-1-11 To: 3-31-12

3217 Fair Oaks Lane, Spring Valley, CA 91978

ITEM	DATE	MEETING	PURPOSE / ISSUES DISCUSSED	MILEAGE HOME to OWD OWD to HOME	MILEAGE OTHER LOCATIONS
1	11-2	Monthly Otay Board Meeting	General District Business	4	6
2	11-7	Padre Dam Recycling Plant	Rededication of plant honoring Ray Stoyer - NO CHARGE	0	0
3	11-30	Special Otay Board Meeting	District legal firm contract	4	6
4	1-4	Monthly Otay Board Meeting	General District Business	4	6
5	2-8	District Luncheon at Sycuan	Recognize employee achievements - NO CHARGE	0	0
6	2-21	Special Otay Board Meeting	Discuss Salt Creek Golf Course	4	6
7	2-21	East County Chamber Mixer - Riviera Supper Club	Monthly Business Mixer - NO CHARGE	0	0
8	3-7	Monthly Otay Board Meeting	General District Business	4	6
9	3-14	Special Otay Board Meeting	Discuss Form 700	4	6
10	3-19	Special Otay Board Meeting	Discuss Water Sales Forecasting	4	6
11	3-23	East County Chamber Office	Dine and Dialogue with Dennis Cushman hosted by Helix WD - NO CHARGE	0	0

DO NOT PAY  
PAY

Ad. ✓  
Ad. ✓  
Ad. ✓  
Ad. ✓  
Ad. ✓

Total Meeting Per Diem: \$700 500.-  
(\$100 per meeting)

Total Mileage Claimed: 70 miles

28 42  
-8 x .55 cents  
20 x .55 cents  
11.10  
16.65  
INV

*Mark Robak*  
(Director's Signature)

Date: 4-11-12

Receipt  
GM Approval:

*Jane G. Lopez*

FOR OFFICE

0.\* 5.\* 100.00= 500.00\* 0.\* 4.00+ 4.00+ 4.00+ 4.00+ 4.00+ 20.00\* 20.00x 0.5550= 11.10\* 0.\*

*Receipt* *Mileage*



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	June 6, 2012
SUBMITTED BY:	Kelli Williamson Human Resources Manager	PROJECT:	Various DIV.NO. ALL
APPROVED BY:	<input checked="" type="checkbox"/> Rom Sarno, Chief, Administrative Services <input checked="" type="checkbox"/> German Alvarez, Assistant General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	APPROVE THE SELECTION OF ALLIANT INSURANCE SERVICES, INC. FOR BENEFIT CONSULTING SERVICES AND AS THE DISTRICT'S BROKER OF RECORD		

### **GENERAL MANAGER'S RECOMMENDATION:**

That the Board authorize the General Manager to negotiate and enter into a 5-year agreement (three [3] years with two [2] additional years at the District's option) with Alliant Insurance Services, Inc. (Alliant) for benefit consulting and broker services and identifying Alliant as the District's Broker of Record in an amount not-to-exceed \$135,000.

### **COMMITTEE ACTION:**

Please see "Attachment A".

### **PURPOSE:**

In 2008, the District issued a Request for Proposal (RFP) to several Benefit Consultants interested in bidding for the District's Benefit Consulting and Brokerage Service. In August 2008, the Board approved Willis Insurance Services of California (Willis) to become the District's Benefit Consultant and Broker of Record. The District and Willis entered into a two (2) year agreement with up to three (3) options to renew. The District is completing the fourth year of this agreement. In an effort to continue with best practices and to validate that the District is receiving the best available benefit consulting services at a competitive price, the District solicited bids once again for Benefit Consultants in February 2012. Since

negotiations will be occurring next year, the District began the RFP process one (1) year ahead of schedule.

**ANALYSIS:**

The District uses Benefit Consultant services to perform a full range of services related to the design, bidding, implementation, maintenance, renewal, communication, and improvement of the District's group health, dental, life, long-term disability programs and flexible benefits program.

The District sent an RFP to nine (9) reputable Benefit Consulting firms and received responses from the following five (5) firms:

<b>Benefits Consulting and Brokerage Firms</b>	<b>Total Proposed Cost (3 years with 2 option years)</b>
Alliant Insurance Services	\$135,000
California Corporate Benefit Insurance Services*	\$480,000
Pickering Insurance*	\$165,000
WSP Corporate Benefits & Insurance Services*	\$165,000
Willis Insurance Services of California	\$203,000

*\*pricing provided for three (3) years; assumed costs quoted were the same for all five (5) years.*

A four-person panel jointly reviewed and rated the proposals. The proposal review included evaluation on the following topics:

- Perceived ability of Consultant to negotiate a benefits program that meets the needs of the District.
- Consultant's knowledge and/or technical support related to the implementation of Online Benefits Open Enrollment.
- Consultant's and other assigned staff's availability and accessibility including the location of the office that will be servicing our account.
- Qualifications, background, and experience of Consultant and staff and team composition.
- Consultant's ability to provide proactive support to the District's Human Resources function including dissemination of current general and legal updates as well as time-sensitive insurance carrier information.

Based on the overall evaluation which included a review and rating of proposals, interviews, and reference checks, staff recommends contracting with Alliant. While all consultants considered are capable of providing the benefit consulting services requested, two main factors were considered when making a final recommendation: Alliant currently serves as the Benefits Consultant to the CSAC/SDRMA Medical pool of which the District is a member and will potentially enhance the communication regarding benefit-related topics, and Alliant quoted the most competitive fee.

**FISCAL IMPACT:**             Joe Beachem, Chief Financial Officer

The annual cost of the agreement is \$27,000 and will not exceed \$135,000 over five (5) years. This change in Benefit Consultants is expected to save the District approximately \$13,600 annually with a total savings of approximately \$68,000 over the five (5) years of the agreement, while maintaining the excellent quality of benefit consulting services on an on-going basis. Funding for this expenditure is provided through the operating budget and the FY13 budget, which includes \$40,000.

**STRATEGIC GOAL:**

- Provide enhanced value by directing and managing financial issues that are critical to the District.

**LEGAL IMPACT:**

None.

Attachments:    Attachment A   -  Committee Action Report



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b>	APPROVE THE SELECTION OF ALLIANT INSURANCE SERVICES FOR BENEFIT CONSULTING SERVICES AND AS THE DISTRICT'S BROKER OF RECORD
-------------------------	--

### **COMMITTEE ACTION:**

The Finance, Administration, and Communications Committee met on May 16, 2012, to review this item. The Committee supported presentation to the full Board.

### **NOTE:**

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a committee approved item, or modified to reflect any discussion or changes as directed from the committee prior to presentation to the full Board.

# AGENDA ITEM 5



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	June 6, 2012
SUBMITTED BY:	Kelli Williamson Human Resources Manager	PROJECT:	Various DIV.NO. ALL
APPROVED BY:	<input checked="" type="checkbox"/> Rom Sarno, Chief, Administrative Services <input checked="" type="checkbox"/> German Alvarez, Assistant General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	ADOPT RESOLUTION #4197 TO REVISE AND UPDATE DISTRICT BOARD POLICY #22, DRUG FREE WORKPLACE POLICY AND PROCEDURE, AND THE FAMILY AND MEDICAL LEAVE ACT, PREGNANCY DISABILITY LEAVE, AND KIN CARE LEAVE HUMAN RESOURCES POLICY AND PROCEDURE		

### **GENERAL MANAGER'S RECOMMENDATION:**

That the Board adopt Resolution #4197 to revise and update the following District Policies:

- Drug Free Workplace Policy and Procedure (Board Policy #22)
- Family and Medical Leave Act, Pregnancy Disability Leave, and Kin Care Leave Policy (Human Resources Policy)

### **COMMITTEE ACTION:**

Please see "Attachment A".

### **PURPOSE:**

To request that the Board adopt Resolution #4197 (Attachment B) and approve revisions and updates to the following two (2) District Policies: Drug Free Workplace Policy and Procedure (Board Policy #22), and the Family and Medical Leave Act, Pregnancy Disability Leave, and Kin Care Leave (Human Resources Policy).

### **ANALYSIS:**

As a regular business process, the District periodically reviews policies and procedures. This review includes ensuring that the

District is streamlining business processes, which is a focus of the District's Strategic Plan.

After consultation with General Counsel, District staff is recommending revisions to the attached policies. These policies were also reviewed with the OWD Employees' Association. The Association has agreed to the policies as presented. Updates deemed appropriate at this time are detailed below and revisions are shown in the attached strike-through versions of the policies (Attachments B1 and B2).

**Drug Free Workplace Board Policy and Procedure**

Changes were made to incorporate appropriate language from the existing Department of Transportation (DOT) Drug and Alcohol Policy so that the Drug Free Workplace policy would be a stand-alone policy, not needing to reference the DOT policy throughout. The definition of Safety-Sensitive Duties was also expanded to include positions that have access to sensitive/classified District information related to safety or security duties.

**Family and Medical Leave Act, Pregnancy Disability Leave, and Kin Care Leave Human Resources Policy and Procedure**

Revisions were made to incorporate new changes in the laws such as Military Caregiver Leave and Military Exigency Leave, Kin Care, health insurance continuation for employees on Pregnancy Disability Leave, and any other necessary clarifying language.

Based on the above, it is requested that the Board of Directors adopt Resolution #4197 in support of the proposed revisions and updates.

**FISCAL IMPACT:**             Joe Beachem, Chief Financial Officer

None.

**STRATEGIC GOAL:**

Optimize the District's Operating Efficiency.

**LEGAL IMPACT:**

None.

- Attachments:    Attachment A    - Committee Action Report
- Attachment B    - Resolution #4197
- Attachment B1 - Revisions to Drug Free Workplace Policy and Procedure (Board Policy #22)
- Attachment B2 - Revisions to Family and Medical Leave Act, Pregnancy Disability Leave, and Kin Care Leave Human Resources Policy



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b>	ADOPT RESOLUTION #4197 TO REVISE AND UPDATE DISTRICT BOARD POLICY #22, DRUG FREE WORKPLACE POLICY AND PROCEDURE, AND THE FAMILY AND MEDICAL LEAVE ACT, PREGNANCY DISABILITY LEAVE, AND KIN CARE LEAVE HUMAN RESOURCES POLICY AND PROCEDURE
-------------------------	--

### COMMITTEE ACTION:

The Finance, Administration, and Communications Committee met on May 16, 2012, to review this item. The Committee supported presentation to the full Board.

### NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a committee approved item, or modified to reflect any discussion or changes as directed from the committee prior to presentation to the full Board.

RESOLUTION NO. 4197

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE OTAY WATER DISTRICT TO  
REVISE AND UPDATE DISTRICT POLICIES

**WHEREAS**, the Board of Directors of Otay Water District have established policies, procedures, ordinances, and resolutions for the efficient operation of the District; and

**WHEREAS**, it is the policy of the District to establish procedures to review policies, procedures, ordinances, and resolutions periodically to ensure they are current and relevant; and

**WHEREAS**, District staff has identified Board Policy #22, Drug Free Workplace Policy and Procedure, and the Family and Medical Leave Act, Pregnancy Disability Act, and Kin Care Leave Human Resources Policy, as requiring revisions as per the attached strike-through copies.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Otay Water District amends the Board Policies indicated above in the form presented to the Board at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Otay Water District at a regular meeting held this 6<sup>th</sup> of June, 2012.

---

President

ATTEST:

---

Secretary

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

**A. Policy**

The Otay Water District ("District") has zero tolerance for the use of controlled substances or the abuse of alcohol. Employees who are under the influence of a drug or alcohol on the job compromise the District's interests and endanger their own health and safety as well as the health and safety of others. The District prohibits the use, possession, manufacture, distribution, or being under the influence of alcohol or controlled substances by any District employee while on District property or while on duty, except as specified herein. Violation of this policy is an act of misconduct meriting dismissal without prior warning or disciplinary action in accordance with the District's Discipline Policy and Procedures (Note: this is not new language, it was moved from Section I, to the beginning of the policy).

**B. Exceptions**

The following exceptions apply to this policy:

1. Events - Authorized Use of Alcohol  
The General Manager or his/her designee, at his/her discretion, may authorize the use of alcohol at a District event, subject to any conditions he/she elects to impose.
2. Customary Use of Over-the Counter or Prescription Drugs  
The exceptions set forth in this section do not extend to the use of marijuana, or any product made or derived from marijuana, regardless of whether the employee's doctor prescribes, recommends, or authorizes its use. With respect to an employee, use of an over-the-counter drug, or a prescription-only drug under a prescription for the employee, in the manner prescribed, will not be treated as a violation of this policy unless the drug has potential side effects which impair the employee's ability to perform any safety-sensitive duty and/or the core duties of his/her position and the employee has failed to notify his/her supervisor or Human Resources of such side effects before performing duties while under the influence of the drug. The District may require a note from the employee's doctor concerning authorization for a prescription and/or the possible side effects of the prescribed drugs. The District shall comply with all applicable laws concerning the privacy of employees' medical information.

With respect to an applicant, use of an over-the-counter drug, or a prescription-only drug under a prescription for the

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

applicant, in the manner prescribed, will not disqualify the applicant for employment if he/she satisfactorily explains such use upon being informed of a positive test for controlled substances. The District may require a note from the applicant's doctor concerning authorization for a prescription and/or the possible side effects of the prescribed drugs.

**C. Definitions**

1. Accident:

- a. Any accident, in which an employee is driving ~~a~~on District ~~business vehicle while on duty, and is at fault or suspected of having significantly contributed to an accident. that, had the vehicle been a commercial vehicle, would have required post accident testing of the driver under the Department of Transportation (DOT) Drug and Alcohol Testing Policy.~~ This shall apply to employees covered by the Department of Transportation ("DOT") policy only if the accident is not subject to the DOT policy.
- b. Any accident, not involving the driving of a District vehicle, that is reasonably believed by management or credibly reported by another person ~~a manager~~ to have been caused by an on-duty employee and which results in serious physical injury.

2. Controlled ~~S~~substance:

- ~~a. Any drug or substance identified by section 40.85 of title 49 of the Code of Federal Regulations or sections 11054-11058 of the California Health and Safety Code.~~
- b. Any drug or substance.

3. Dilute Specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine or a specimen that is adulterated in any way.

~~4. DOT Policy: The District's Drug and Alcohol Testing Policy, enacted pursuant to Part 382 of title 49 of the Code of Federal Regulations.~~

~~45.~~ Drug Paraphernalia: This term has the same definition as is used in section 11364.5(d) of the California Health and Safety Code and applies only to paraphernalia deemed unlawful under section 11364.5(d).

~~56.~~ Manager/Management: A District employee who is designated as a supervisor, manager, or executive.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>9/5/07</del> 6/6/12

67. Medical Review Officer: A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results for substance tests and evaluating medical explanations for certain test results.

78. Negative: A person is considered to have tested negative for a substance if his/her substance test does not produce a positive result.

89. Positive: A person is considered positive for alcohol if he/she has a blood alcohol concentration of 0.04 or greater at the time he/she submits to testing. A person is considered positive for a controlled substance if he/she has any amount of a controlled substance at or above a "cutoff concentration" specified in section 40.87 of title 49 of the Code of Federal Regulations at the time he/she submits to testing.

910. Reasonable ~~s~~Suspicion: A reasonable suspicion exists that a person is under the influence of a substance if a trained observer reasonably comes to the conclusion that the person is under the influence of a substance due to having personally observed, with respect to the person, some or all of the effects specified in Appendix A of this policy.

Additionally, a reasonable suspicion exists that a person is under the influence of a substance if an observer has seen the person use a substance.

No one factor is sufficient to create a reasonable suspicion, but an observer may make a reasonable assessment based on the quantity, degree, and/or severity of applicable factors.

101. Refusale to ~~s~~Submit to ~~t~~Testing: Each of the following constitutes a refusal to submit to testing:

- a. ~~FA~~ failingure to immediately report for substance testing when directed to do so;~~i~~;
- b. ~~Fa~~ failingure to complete the testing process (including signing any forms necessary to authenticate or identify a specimen);~~;~~ ~~or~~
- c. ~~a~~ failingure to provide an adequate amount of breath, saliva, or urine for a test;
- d. Failing to cooperate with any aspect of the testing process, including but not limited to refusing to wash hands when directed, being confrontational with testing

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>6/6/12</del> 9/5/07

personnel, or failing to comply with instructions in a "direct observation," as that term is used in section 40.197 of title 49 of the Code of Federal Regulations;  
e. Using or wearing a prosthetic device to interfere with the collection process;  
f. Admitting to adulterating or diluting the specimen; or  
g. Anything act or failure to act that is intended to interfere with the results.

112. Safety-~~s~~Sensitive ~~d~~Duties: ~~Any duties identified as "safety-sensitive duties" by DOT regulations, or~~ ~~d~~Duties which consist of any of the following:

- Operating any assigned District vehicle or equipment (includes management and non-management employees);
- High-voltage electrical work (600 volts or greater);
- Work in "confined spaces," as that term is defined in District regulations or OSHA regulations;
- Performing maintenance on any vehicle;
- Loading and unloading any vehicle; or
- Access to sensitive/classified information related to safety or security duties.

123. Serious ~~p~~Physical ~~±~~Injury: An injury to an employee that causes the employee to be absent from work ~~on either of the two working days~~ following an accident or which requires hospitalization of the employee.

134. Substance: Any substance containing alcohol or any controlled substance.

145. Under the ~~±~~Influence: With respect to alcohol, a person is under the influence at the time he/she is ordered to submit to testing if he/she tests positive for alcohol at the time he/she submits to testing. With respect to controlled substances, a person is under the influence at the time he/she is ordered to submit to testing if he/she tests positive for a controlled substance at the time he/she submits to testing.

**D. Conflicts with DOT Policy**

As to applicants or employees to whom the DOT Policy applies, to the extent this policy imposes a requirement that is less stringent than the DOT Policy the more stringent requirements of the DOT Policy will control.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

### E. Testing Procedures

When an employee or applicant is to be tested, the District shall use the same testing procedures that are used for testing under the ~~Department of Transportation~~ DOT Drug and Alcohol Testing Policy (DOT) policy, including the procedures for testing a "split specimen," as that term is defined in section 40.3 of title 49 of the Code of Federal Regulations. The service providers shall comply with section 40.47 of title 49 of the Code of Federal Regulations except they shall use a by using the Federal Drug Testing Custody and Control Form for applicants/employees subject to the DOT Policy and a non-federal custody and control form for applicants and employees~~all other persons~~.

#### 1. Alcohol Testing

Alcohol testing will be conducted using evidential breath testing devices ("EBT") approved by the National Highway Traffic Safety Administration. A screening test must be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test must be conducted. Alcohol testing shall be accomplished by a laboratory certified by the U.S. Department of Health and Human Services.

#### 2. Controlled Substance Testing

- a. The test must be conducted by analyzing the employee's urine.
- b. The urinalysis shall be done at a laboratory certified by the U.S. Department of Health and Human Services.
- c. The urine specimen must be split into two bottles labeled as "primary" and "split" specimen. Both bottles must be sent to the laboratory.
- d. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours from time of notification to request that the split specimen be analyzed by a different certified laboratory.
- e. The urine sample shall be tested for the following: marijuana metabolites, cocaine metabolites, opiates, amphetamines and phencyclidine ("PCP");
- f. If the test is positive for one or more of the drugs listed in subsection "e" above, a confirmation test must be

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

performed using gas chromatography/mass spectrometry analysis.

g. All drug test results will be reviewed and interpreted by the Medical Review Officer before they are reported to the District.

h. With all positive drug tests, the Medical Review Officer will contact the employee to determine if there is a medical explanation for the positive test result. If documentation is provided and the Medical Review Officer determines that there is a legitimate medical use for the prohibited drug, the test result may be reported to the District as negative.

## F. Testing

### 1. Persons Subject to Substance Screening

- All applicants for employment, in conjunction with pre-employment physical examination;
- All employees reasonably suspected of using substances while on duty or on District property or while working while under the influence of substances;
- All employees reasonably suspected of possessing, manufacturing, or distributing substances while on duty or on District property;
- Any employee at fault~~involved in~~ or reasonably suspected of having significantly contributed to ~~have caused~~ an accident while on duty;
- Any employee who performs safety-sensitive duties whose name is selected for testing pursuant to the District's random testing policy; or
- Any District employee who applies for and is selected for a position that will require the performance of safety-sensitive duties.

### 2. Pre-employment, Promotions and Transfer ~~P~~physicals

All applicants for employment shall, as part of their pre-employment physical examination, submit to a urine analysis or other legally authorized testing methods as selected by the ~~employer~~ District for substances.

Any District employee who applies for a position that will require the performance of safety-sensitive duties shall, as a precondition to appointment to such position, submit to a urine analysis or other legally authorized testing methods as selected by the ~~employer~~ District for substances.

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>6/6/12</del> 9/5/07

3. Random ~~t~~Testing of ~~m~~Managers and ~~s~~Safety-~~S~~sensitive ~~d~~Duty ~~e~~Employees

Each year the District shall randomly conduct substance tests of employees who perform safety-sensitive duties. Based on the number of such employees employed by the District on January 1, the District shall conduct by the following December 31 a number of tests for controlled substances equal to 50 percent of the total number of employees who perform safety-sensitive duties. Within the same time period, the District shall conduct a number of tests for alcohol equal to 10 percent of the same number of safety-sensitive employees.

Each year the District shall randomly conduct substance tests of managers who are not randomly tested as employees performing safety-sensitive duties. Based on the number of managers employed by the District on January 1, the District shall conduct by the following December 31 a number of tests for controlled substances equal to 10 percent of the total number of such managers. Within the same time period, the District shall conduct a number of tests for alcohol equal to 10 percent of the same number of such managers. Managers who perform safety-sensitive duties and who are included in the pool of safety-sensitive duty employees selected for random testing shall not be included in the pool of non-safety-sensitive duty managers who are selected for random testing.

The General Manager will contract with a service provider to perform the random selection of employee names for substance testing and select the dates upon which the employees will be tested. The service provider must ensure that every safety-sensitive employee has an equal chance of being selected each time a name is randomly drawn and that any employee whose name is selected is not exempt from having his/her name selected in any subsequent drawing in the same year.

The service provider shall provide the selected names and dates to the Safety and ~~SecurityRisk~~ Administrator and/or Human Resources Manager, who shall not disclose this information to any other person except to the employee selected for testing and the employee's supervisor at the time that the employee is required to submit to testing. If the employee is absent from duty on a date that he/she has been randomly selected for testing, an alternate name may be selected or he/she ~~shall~~may be required to submit to a test immediately upon returning to work, without prior notice.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

Upon being informed that he/she is required to submit to a random test, the employee must report to the testing location, as quickly as possible but no greater than one hour from being informed, and complete the test as directed by personnel at the testing location. Upon completing testing, the employee shall report back to duty if his/her duty day has not yet concluded.

Random testing is separate from the other forms of testing described in this policy. An employee who submits to a reasonable suspicion or post-accident test does not satisfy the requirement that he/she submit to a random test when ordered.

4. Post-accident ~~t~~Testing

If an employee is involved in an accident that under this policy requires that the employee submit to substance testing, the employee's supervisor shall immediately contact Human Resources and the Safety and Security Administrator to report the accident and the necessity of testing. After consultation with Human Resources, if it is determined that the employee should be tested, then ~~Thereafter,~~ the supervisor shall direct the employee to report to the testing location and complete the test as directed by personnel at the testing location. The supervisor shall arrange to transport the employee to the testing location. Upon completing testing, the employee shall report back to duty if his/her duty day has not yet concluded, unless a reasonable suspicion exists, based on the observation of the employee's supervisor and in consultation with Human Resources, that the employee was under the influence of a substance at the time or shortly after the accident. If such a reasonable suspicion exists, the employee shall be released from duty for the remainder of the day. The supervisor, in consultation with Human Resources, thereafter shall determine on a day-to-day basis whether to permit the employee to return to duty, until the results of the test have returned. If an employee has been ordered to submit to substance testing for post-accident testing, and reasonable suspicion exists, the District may place the employee on leave without pay pending the test results. If the employee's test results are negative, the District shall restore any salary lost by the employee for the days he/she was on leave, as though the employee had reported for duty. ~~the supervisor's discretion under the return to duty provisions of Section F(5) shall apply.~~

If the employee requires immediate medical assistance due to the accident, such that he/she is unable to report to the testing location, the supervisor shall coordinate with the hospital to

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

conduct the test or require the employee to report to the testing location as soon as is practicable.

The determination as to whether an employee is involved in an accident shall be made by the employee's supervisor in consultation with the Safety and ~~Security~~<sup>Risk</sup> Administrator and Human Resources, based on the information available to him/her. If ~~it the supervisor~~ cannot be immediately determined whether the employee was involved in an accident, the supervisor shall not order the employee to testing until a determination can be made~~the supervisor makes such determination~~.

The following criteria apply when conducting drug and alcohol tests due to an accident:

- a. A breath alcohol test must be administered as soon as possible. Every effort should be made to ensure that a breath alcohol test is performed within eight hours following the accident. If testing has not occurred within eight hours, attempts to test should be discontinued. However, if testing did not occur within eight hours, and reasonable suspicion existed at the time or shortly after the accident the employee may resume duties with his/her next shift that begins after the eight hours have passed. Prior to the employee's return, management shall observe the employee's condition before the employee is allowed to resume duties to ensure that there is no longer reasonable suspicion.
- b. A drug screening test should be initiated prior to the 32nd hour following an accident.
- c. The employee must remain readily available for testing or he or she will be deemed to have refused the test (see Refusal to Submit to Testing). This rule does not require the delay of necessary medical attention for injured persons following the accident nor prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.
- d. An employee subject to post-accident testing may not use alcohol within eight hours following the accident or before an alcohol test, whichever comes first.
- e. Testing will not be conducted on any deceased employee.
- f. The results of a breath or blood test for the use of alcohol or a urine test for controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this policy provided such results are obtained by the employer, and conform to the applicable Federal, State or local requirements.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <u>9/5/07</u>

- g. The potentially affected employee will not be allowed to proceed alone to or from the collection site. Time spent in complying with post-accident testing is compensable.
- h. Documentation of the activity being performed by the employee that supports the determination to conduct post-accident testing should be prepared and signed by the supervisor requesting the test within 24 hours of the accident or before the results of the drug test are released, if possible.

5. Reasonable ~~s~~Ssuspicion ~~t~~Testing

If an ~~employee's~~ supervisor, ~~or any~~ manager, the Safety and Security Administrator, or other personnel has a reasonable suspicion that the employee is under the influence of a substance while on District property or on duty, he/she shall ~~advise~~ consult with Human Resources of this observation to determine if testing is appropriate. After consultation with Human Resources, if it is determined that the employee should be tested, a supervisor shall direct the employee to immediately report for testing and complete the test as directed by personnel at the testing location. The supervisor shall arrange to transport the employee to the testing location. If the person who advises Human Resources of the observation is not the employee's supervisor, Human Resources must immediately notify the supervisor that the employee is reporting to Human Resources and why, and the supervisor shall arrange to transport the employee to the testing location. The supervisor(s) witnessing the impairment must document the specific observations upon which the reasonable suspicion is based.

Upon completing testing, the employee shall be released from duty for the remainder of the day. The supervisor, in consultation with Human Resources, thereafter, shall determine on a day-to-day basis whether to permit the employee to return to duty, until the results of the test have returned. If an employee has been ordered to submit to substance testing for reasonable suspicion, the District may place the employee on leave without pay pending the test results. If the employee's test results are negative, the District shall restore any salary lost by the employee for the days he/she was on leave, as though the employee had reported for duty.

The following criteria apply when conducting drug and alcohol tests due to reasonable suspicion:

a. Alcohol

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <u>9/5/07</u>

A breath alcohol test must be administered as soon as possible. Every effort should be made to ensure that a breath alcohol test is performed within eight hours. If testing has not occurred within eight hours, attempts to test should be discontinued and the employee may resume duties with his/her next shift that begins after the eight hours have passed. However, prior to the employee's return, management shall observe the employee's condition before the employee is allowed to resume duties to ensure that there is no longer reasonable suspicion.

b. Controlled Substances

A urinalysis test for controlled substances must be administered as soon as possible. Every effort should be made to ensure the urinalysis is performed within 32 hours of the observation.

c. The employee may not proceed alone to or from the collection site. The supervisor or other appropriate person making the observation shall arrange to transport the employee to the testing site.

d. Documentation to support the determination to conduct reasonable suspicion testing should be prepared and signed by the person who made the determination within 24 hours of the determination or before the results of the test are released, whichever is earlier, if possible.

6. Acknowledgment and Consent

Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or controlled substances, and (2) the release to the District of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

7. Refusal to ~~s~~Submit to ~~t~~Testing

If an applicant refuses to submit to testing for any substance, the applicant is disqualified for employment. If a District employee who has applied for a position that requires the performance of safety-sensitive duties refuses to submit to testing for any substance, the employee is disqualified for such position.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

If an employee refuses to submit to testing for any substance, the District may treat such refusal as an act of insubordination. The District shall also impose the same disciplinary action of dismissal for a refusal to test that it would impose for a positive test result, so as not to encourage employees to refuse to test in the hope of avoiding more severe disciplinary action. The District may immediately place an employee on leave without pay if the employee refuses to submit for testing.

87. Refusal to ~~a~~Authorize ~~d~~Disclosure of ~~r~~Results of ~~t~~Testing

If an applicant refuses to authorize the disclosure of the testing results to the District, the applicant is disqualified for employment. If a District employee who has applied for a position that requires the performance of safety-sensitive duties refuses to authorize the disclosure of the test results to the District, the employee is disqualified for such position.

If an employee refuses to authorize the disclosure of results of testing to the District, the District will impose the same disciplinary action of dismissal for a refusal to authorize the disclosure of results of testing, that it would impose for a positive test result, so as not to encourage employees to refuse to authorize the disclosure of test results in the hope of avoiding more severe disciplinary action. ~~treat it in the same manner as a refusal to submit to testing.~~

98. Positive ~~t~~Test

If an applicant tests positive for a controlled substance, he/she shall be disqualified for employment unless he/she meets the requirements for the over-the-counter/prescription drug exception set forth in Section B(2) of this policy. If a District employee who has applied for a position that requires the performance of safety-sensitive duties tests positive for a substance, the employee is disqualified for such position.

If an employee tests positive for a substance, the employee shall not be returned to duty and shall not receive pay during his/her absence until the employee requests that the split urine specimen be tested and the test of that specimen is not positive for a substance.

This unpaid absence shall not be considered a disciplinary or punitive action against the employee and any record of such absence shall be maintained separately from the employee's personnel file.

**OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>6/6/12</del> 9/5/07

The absence is for the administrative and safety interests of the District. This unpaid absence has no effect on the District's decision or ability to discipline an employee for violating this policy.

If the Medical Review Officer determines that an employee's specimen is a dilute specimen and the specimen is positive for a substance, the employee shall be considered to have tested positive for that substance. If a dilute specimen produces a negative result then the employee shall be required to submit to a second substance test, in the manner prescribed in section 40.197 of title 49 of the Code of Federal Regulations. All such second tests shall be with "direct observation," as that term is used in section 40.197.

109. Request for ~~Retest~~

If an employee tests positive for any substance, the employee may, within 72 hours of being notified of the positive test result, request of the Medical Review Officer that the split specimen be tested. If the employee does not timely submit a request, the employee shall be considered to have waived his/her right to have the split specimen tested. The employee shall pay for the cost of testing the split specimen. If the employee is unable to pay this cost at the time of the request, the District must ensure that the split specimen is tested even if it means that the District may have to initially bear the cost. The District may recover the cost from the employee at a later time.

If a split specimen does not produce a positive result for a substance, the District shall restore any salary lost by the employee as a result of an absence imposed because of the positive result on the first specimen. The employee shall be considered to have not tested positive for a substance. The District shall also reimburse the employee for the cost of the retest if the employee paid for the retest.

The District may not request that the split specimen be tested.

**G. Employee Assistance Programs**

The District may refer any employee, including an employee who is dismissed because of a positive test for a substance, to its employee assistance program. If in any instance the District is required to lawfully accommodate an employee's disability related

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>6/6/12</del> 9/5/07

to substance abuse, the District shall refer the employee to a substance abuse professional.

**H. Suspicion of Possession/Distribution/Manufacture of Controlled Substances**

If ~~an employee's~~ a supervisor has a reasonable suspicion that ~~the~~ an employee unlawfully possesses or is distributing or manufacturing a controlled substance or drug paraphernalia on or in District property, or while on duty, the supervisor must report this suspicion to Human Resources.

1. For purposes of Section H only, "reasonable suspicion" means the following:
  - a. As to possession, the supervisor or a reporting credible source must have seen a substance or item on the person of the employee, in the employee's work area, or in or on District property assigned to the use of the employee that a reasonable person would believe is a controlled substance or drug paraphernalia, or have seen in any of the same areas a container that a reasonable person would believe contains a controlled substance or drug paraphernalia.
  - b. As to distribution, the supervisor must have seen the employee convey to another person a substance or item that a reasonable person would believe is a controlled substance or drug paraphernalia, or have seen the employee convey a container to another person that a reasonable person would believe contains a controlled substance or drug paraphernalia, or have received a report of observation of the same from a credible source.
  - c. As to manufacture, the supervisor must have observed conditions that a reasonable person would equate to the manufacture of a controlled substance or drug paraphernalia, which may include the observation of smell, appearance, or sound. The supervisor must also have observed conditions that would attribute suspected manufacture to the employee, such as observing these conditions in the employee's work area or in or on District property assigned to the use of the employee. If the conditions are observed on the person of the employee, the supervisor must consider whether the employee reported to duty in such condition instead of changing to such condition while on duty, or have received a report of observation of the same from a credible source.

OTAY WATER DISTRICT  
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>6/6/12</del> 9/5/07

2. After a report of supervisor has reported a reasonable suspicion has been made to Human Resources, the ~~supervisor, the~~ Human Resources Manager, ~~the General Manager, Assistant General Manager and the employee's Department Chief~~ must confer with management representatives to, consider whether the ~~supervisor's reported~~ observation constituted reasonable suspicion, and decide what steps to take in response to the ~~supervisor's reported~~ observation. ~~The unavailability of any one of these individuals should not be permitted to interfere with the making of this decision.~~
- a. If the decision is to take no further action, the matter will be dismissed.
  - b. If the decision is to discuss the observation with the employee, Human Resources and the supervisor will meet with the employee to discuss the observation. If as a result of the discussion, Human Resources and/or the supervisor believe that a search is necessary, they will confer with management representatives ~~the General Manager, Assistant General Manager, and Department Chief~~ to determine whether to conduct a search.
  - c. If the decision is to conduct a search, the search must be limited to a search of District property, such as the employee's work area (including desk drawers and file cabinets), District vehicle or equipment, and District facilities. ~~The employee's supervisor and a representative of Human Resources must be present for the search.~~ The search may be performed by the Human Resources representative or another person designated by the Human Resources representative, which may include the supervisor. The employee does not need to be present during the search. ~~Human Resources should advise the employee that he/she has the right to have a representative or witness present during the search.~~ If any material is retrieved that appears to bear out the supervisor's reasonable suspicion, the Human Resources representative must take possession of the material.
  - d. If the decision is to conduct a search and the distribution of controlled substances or drug paraphernalia is reasonably suspected, the search may include not only the work area/equipment of the employee suspected of distributing controlled substances or drug paraphernalia, but the work area/equipment of any employee whom was observed receiving the item from the employee suspected of distributing controlled substances or drug paraphernalia. The receiving employee is entitled to the same rights as the distributing employee.
  - e. Any search of the person of the employee or personally-held possessions of the employee, such as a briefcase, purse, pocketbook, ~~or~~ backpack or personal vehicle, must be conducted

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<u>6/6/12</u> <del>9/5/07</del>

by a law enforcement officer. If the decision to conduct a search extends to these areas, Human Resources should contact law enforcement to request such a search.

3. If the Human Resources representative takes possession of any material as a result of the search, and the employee does not confirm that it is a controlled substance or drug paraphernalia, the District shall contact the local law enforcement agency and will forward the substance to have the item tested/analyzed to determine if it is a controlled substance or drug paraphernalia. If a law enforcement officer takes possession of an item as a result of a search, and the employee does not confirm that it is a controlled substance or drug paraphernalia, the District shall follow up with the law enforcement agency to verify the item is a controlled substance or drug paraphernalia. The employee shall not return to duty and shall not receive pay during his/her absence until the law enforcement agency has verified that the tested/analyzed item is not positive for a controlled substance or drug paraphernalia. If the tested/analyzed item does not produce a positive result for a controlled substance or drug paraphernalia, the District shall restore any salary lost by the employee as a result of the absence.

**I. Disciplinary Action**

Disciplinary action for violations of this policy will be taken in accordance with the District's Discipline Policy and Procedures.

~~The District considers using, possessing, manufacturing, distributing, being under the influence of a controlled substance while on duty or while on District property, unless otherwise excused under this policy, or refusing to submit to testing for any substance, to be an act of misconduct meriting dismissal without prior warning or disciplinary action.~~ (NOTE: this language was moved to Section A)

**J. Accommodation of Individuals with Disabilities**

Nothing in this policy shall be construed so as to relieve the District of its lawful obligation to accommodate individuals with disabilities.

**K. Confidentiality**

All alcohol and drug-testing records will be treated as confidential.

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
DRUG FREE WORKPLACE POLICY AND PROCEDURE	22	9/19/90	<del>9/5/07</del> <a href="#">6/6/12</a>

**APPENDIX A**

INDICATION OF DRUG USE

**REMEMBER THAT THESE SYMPTOMS ARE ONLY INDICATIONS. THEY MAY BE A SIGN OF SOMETHING OTHER THAN DRUG OR ALCOHOL USE.**

PHYSICAL

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Increased pulse rate</li> <li>2. Weak and rapid pulse</li> <li>3. Increased blood pressure</li> <li>4. Increased body temperature</li> <li>5. Constricted pupils</li> <li>6. Dilated pupils</li> <li>7. Bloodshot eyes</li> <li>8. Water eyes</li> <li>9. Runny nose</li> </ol> | <ol style="list-style-type: none"> <li>10. Nasal sores</li> <li>11. Slowed respirations</li> <li>12. Shallow respiration</li> <li>13. Cold and clammy skin</li> <li>14. Chills and sweats</li> <li>15. Cramps</li> <li>16. Nausea</li> <li>17. Convulsions</li> </ol> |
|---|---|

MENTAL AND EMOTIONAL

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Increased alertness</li> <li>2. Excitation</li> <li>3. Anxiety</li> <li>4. Irritability</li> <li>5. Euphoria</li> <li>6. Increased emotionality</li> <li>7. Impaired attention</li> <li>8. Impaired memory</li> <li>9. Altered perceptions</li> </ol> | <ol style="list-style-type: none"> <li>10. Disorientation</li> <li>11. Visual illusions</li> <li>12. Hallucinations</li> <li>13. Paranoia</li> <li>14. Delirium</li> <li>15. Irrational fears</li> <li>16. Panic</li> <li>17. Depressed mood</li> </ol> |
|---|---|

BEHAVIORAL

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Slurred speech</li> <li>2. Staggered gait</li> <li>3. Fatigue</li> <li>4. Apathy</li> <li>5. Drowsiness</li> <li>6. Loss of appetite</li> <li>7. Increased appetite</li> </ol> | <ol style="list-style-type: none"> <li>8. Hyperactivity</li> <li>9. Agitation</li> <li>10. Argumentative</li> <li>11. Hostility</li> <li>12. Tremors</li> <li>13. Insomnia</li> </ol> |
|--|---|



Otay Water District  
Human Resources  
Policies and  
Procedures

Effective Date:

June 6, 2012  
~~July 1, 2003~~

Page 1

Section Title:

FAMILY MEDICAL LEAVE, AND  
PREGNANCY DISABILITY LEAVE,  
AND KIN CARE LEAVE POLICIES

Of ~~7~~

## POLICY

Otay Water District (District) grants ~~F~~family care, and M~~medical, and military family~~ Lleaves of ~~A~~absence, including "kin care" and pregnancy disability leaves, to eligible employees consistent with the State and Federal laws. It is the employee's responsibility to advise the District of the circumstances of any leave requests that may qualify for such leave. It is the District's responsibility to designate the leave as appropriate.

## FAMILY MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT

### A. Definition

Family Medical Leave is unpaid time off which may be granted to an eligible employee for certain qualifying events. Family Medical Leave shall be granted and used in accordance with the federal Family and Medical Leave Act of 1993, as amended (FMLA), and/or as well as the California Family Rights Act ~~of 1991~~ (CFRA).

### B. Eligibility

An employee is eligible to take Family Medical Leave if he/she:

~~An employee who has 12 months (not necessarily consecutive months) of service with the District and worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave would begin and who meet all the eligibity requirements of the FMLA or the CFRA shall be eligible to take up to twelve (12) weeks in a twelve-month period for the following reasons:~~

- 1) Has worked for the District for a total of at least 12 months prior to the date on which the leave is to commence;
- 2) Has actually worked at least 1,250 hours during the 12 months immediately preceding the date when the leave would begin; and
- 3) Is taking leave for one of the following reasons:

- 4) ~~a) For an~~ The employee's own serious health condition that makes the employee unable to perform the functions of ~~their~~ his/her job;
- b) Bonding with a newborn, adopted child or child placed for foster care;
- c) Caring for a family member (spouse, child, parent, or registered domestic partner) with a serious health condition. A child must be either under 18 years of age or an adult dependent child incapable of self-care because of a mental or physical disability;
- d) For "military caregiver" leave, to care for an ill or injured family servicemember (a spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness while on active military duty);
- e) For "military exigency" leave when there is a qualifying military exigency as defined by the U.S. Department of Labor arising out of the fact that an employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation as defined by law.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

In the case of a pregnancy or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all of the above requirements. In such circumstances, the employee should contact Human Resources for clarification about his or her rights for other types of leave.

- ~~2) To care for a new born child;~~
- ~~3) The placement of an adopted child;~~
- ~~4) To care for a seriously ill child;~~
- ~~5) To care for a parent or spouse who has a serious health condition, or~~
- ~~6) The placement of a child for foster care.~~

#### C. Permissible Amount of Leave ~~Calculating the 12-Month Period~~

Provided all the conditions of this policy are met, an employee may take up to 12 weeks of Family Medical Leave within a 12-month period; however, an employee who takes leave for military caregiver purposes may take up to a total 26 weeks Family Medical Leave in a single 12-month period, only 12 weeks of which may be for purposes other than to serve as a military caregiver.

In determining whether an employee has exhausted his/her Family Medical Leave entitlement, the District ~~will measure the twelve (12) month period as~~ shall use a "rolling" 12-month period measured backward from the date ~~an~~ the employee's ~~uses the~~ leave commences. When calculating 26 weeks of military caregiver leave, however, the District shall measure the 12-month period by looking to the 12-month period following the date upon which leave is first taken for such purpose. The single 12-month period for military caregiver leave is not a rolling period; it is a one-time event, per illness/injury per family servicemember.

#### D. Leave Conditions

1) Request/Approval Procedures Medical Certification

a) An employee shall notify the District of his/her request for Family Medical Leave as soon as he/she is aware of the need for such leave. For foreseeable events, if possible, the employee must provide ~~thirty (30)~~ calendar days advance written notice accompanied by a certification issued by the health care provider of the individual requiring the care. For events that are unforeseeable ~~thirty (30)~~ days in advance, but are not emergencies, the employee must notify the District in writing, as soon as he/she learns of the need for the leave, ordinarily ~~within no later than two to three~~ one or two working days ~~after when~~ the need for leave becomes known to the employee ~~learn of the need for the leave~~.

b) If the reason for the requested leave is based on the serious health condition of the employee, or for military caregiver purposes, the employee shall arrange for the health care provider to complete a medical certification on a District-provided form. ~~The completed leave request form and the medical certification shall be submitted to Human Resources for action.~~

i. With regard to leave due to the employee's own serious health condition:

a. The District may require, at the District's expense, that the employee obtain a second medical opinion from a health care provider designated by the District and who is not regularly used by the District; and

b. ~~If the Where~~ second opinion differs from the first, the District may require that the employee obtain a third and binding medical opinion, again at the District's expense, from a health care provider designated or approved jointly by the District and the employee.

c. The District may require recertification of the employee's serious health condition ~~if only where~~ additional leave is requested.

~~An employee's request for leave due to a serious health condition affecting the employee, or the employee's child, parent or spouse, must be supported by a medical certification issued by the health care provider of the individual requiring care.~~

~~a) For leave to care for the employee's own serious health condition, the medical certification need not, but may, at the employee's option, identify the serious health condition involved. It shall contain:~~

~~i) The date on which the serious health condition commenced;~~

~~ii) The probable duration of the condition; and~~

~~iii) A statement that the leave is due to the serious health condition of the employee.~~

ii. For leave to care for the employee's child, parent, or spouse, the medical certification need not identify the serious health condition involved, but must provide certification from the healthcare provider of the individual requiring care and must include answers to all the information requested in the form in order to be considered for eligibility. The District may require recertification of the child's, parent's, or spouse's serious health condition if additional leave is requested.

~~j) The date on which the serious health condition commenced;~~

~~ii) The probable duration of the condition;~~

~~iii) An estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent or spouse; and~~

~~iv) A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.~~

iii. For military caregiver leave, the medical certification concerning the family servicemember may be provided by a U.S. Department of Defense (DOD) health care provider, a U.S. Department of Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider. The certification, which must be made on U.S. Department of Labor Form No. WH-385, must include answers to all the information requested in the form in order to be considered for eligibility. The District may also require the employee to provide any additional information that it would require of an employee pursuant to section D(1)(b)(ii) of this Policy.

iv. For military exigency leave, the employee shall submit answers to all the information requested in U.S. Department of Labor Form No. WH-384, including a copy of his/her active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. The employee need only submit this the first time he/she requests leave for a qualifying exigency, unless the later request arises from a different active duty or call to active duty of the same or different qualifying military member.

e)c) The employee shall submit the completed leave request form and, when applicable, the completed medical certification form to Human Resources. The employee must submit the Mmedical certification form ~~must be provided~~ within 15 calendar days of the District's request and generally prior to the commencement of a foreseeable leave of absence. If certification is not received within 15 calendar days, ~~the District leave may deny the leave request~~ be denied.

d)d) Human Resources shall ~~either approve or deny~~ the leave request ~~unless the request does not comply with the provisions set forth in this Policy, the FMLA, the CFRA, or other applicable law~~. If the request is denied, Human Resources shall explain the reason(s) for such denial to the employee, ~~it shall be returned to the employee with an explanation. The request may be denied only to the extent that it does not comply with the provisions set forth in this Family Care and Medical Leave Policy and State and Federal Laws.~~

~~Medical certification is not required where the leave is requested for the birth, adoption or placement of a child in foster care with the employee.~~

## 2) Intermittent Leave or Reduced Work Schedule

Human Resources may grant intermittent leave or reduce an employee's work schedule based on a need for periodic or sporadic time off work for Family Medical Leave purposes, such as medical appointments, treatments or procedures, or the birth or placement of a child.

~~1) Intermittent or reduced work schedule refers to the need for periodic time off work, for purposes such as medical appointments, treatments or procedures, or the birth or placement of a child.~~

2)a) With approval, and minimum impact to the District, A ~~an~~ employee may take leave ~~an approved Family Medical Leave~~ intermittently or, under certain

circumstances, use the leave to reduce the workweek or workday.

- 3)b) The Employee must submit written proof that intermittent leave or a reduced work schedule is a medical necessity.
- 4)c) The aggregate amount of intermittent leave or reduction in work schedule  
Leave may not exceed the amount of leave the employee could permissibly use  
if he/she was not using intermittent leave or a reduced work schedule~~a total of~~  
~~twelve (12) weeks over a twelve (12) month period.~~
- 5)d) If intermittent or reduced work schedule leave is required for medical treatment, the District may temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the schedule for medical treatments where such transfer can be reasonably accommodated.
- 5)e) Where the Family Medical Leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except the employee may request leave of less than two weeks duration on any two occasions.
- 5)f) Military exigency leave also may be taken intermittently or on a reduced schedule.

### 3) Concurrent Running with Other Leaves

To the extent permitted by law, FMLA leave, CFRA leave, and PDL shall run concurrently with each other and with every other form of leave provided by the District.

### 4) Sick Leave and Vacation Accrual

An employee may is-not accrue sick leave or vacation entitled to benefit accrual during periods of unpaid leave, but will not lose vacation or sick leave that he/she anything accrued prior to ~~the~~ leave unless and until he/she uses such accruals. The employee shall accrue vacation and sick leave hours in accordance with ~~for~~ actual hours paid in the pay period. The substitution of paid leave does not extend the total duration of the leave to which an employee is entitled.

### 5) Military Caregiver Leave

Military caregiver leave must be used to care for the employee's spouse, child, parent (excluding in-laws), or next of kin, who is a covered military servicemember and incurred a serious injury or illness in the line of military duty or who aggravated an existing or pre-existing condition in the line of active duty. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves. A serious injury or illness is one that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Covered servicemembers include veterans who began treatment, recuperation, or therapy for a serious injury or illness within five years after leaving the service, as long as the veteran was a member of the Armed Forces, National Guard or Reserves. The serious injury or illness may have manifested before or after the individual became a veteran.

### 6) Military Qualifying Exigency Leave

A qualifying exigency must relate to the covered active duty (or notification of an impending call or order to active duty) of the employee's spouse, child, or parent (excluding in-laws) in the Armed Forces, including a member of the National Guard or Reserves. "Active duty" and "call to active duty" are as defined in Section 825.126(b)(2) of Title 29 of the Code of Federal Regulations. Qualifying exigencies may include short-notice deployment, attending certain military events, arranging for alternative childcare and child activities, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings, and any other qualifying exigency described in section 825.126 of Title 29 of the code of Federal Regulations.

#### 7) Spouses Employed by District

If two District employees are married and each spouse is eligible for FMLA/CFRA leave, they are required to share the combined total of 12 weeks of FMLA/CFRA leave between them if the purpose for leave is for the birth and care of a child; for the placement of a child for adoption or foster care and to care for a newly placed child; and to care for an employee's parent who has a serious health condition. Each employee may use the balance of his/her FMLA/CFRA leave, if any, for any other purpose for which leave is authorized under the FMLA/CFRA (such as to take time off for his/her own serious health condition). However, a husband and wife can each take up to 12 weeks of FMLA/CFRA leave, if eligible, to care for a child with a serious health condition.

#### 8) Exempt Employees

The District shall deduct salary for any hours or days on which an exempt employee uses unpaid FMLA, CFRA, or PDL leave; however, the employee may use accrued sick leave or vacation in order to receive pay for such time in accordance with section D(4) of this policy. If the employee chooses not to use accruals during this time period, the District shall pay the employee only for actual hours or days worked.

### E. Benefits

- 1) While an employee is on Family Medical Leave, ~~T~~the District shall continue to pay the employee's medical, dental, life, accidental death and dismemberment and long term disability insurance coverage, for both the employee and employee's eligible dependents under any group health plan, to the same extent and on~~under~~ the same terms and conditions as ~~coverage~~ would have been provided had~~if~~ the employee ~~had~~ been continuously ~~employed~~ working during the entire leave period.
- 2) If the employee chooses to continue optional life insurance and/or the flexible benefits program, his/her premium contributions will be required either through payroll deduction or by direct payment to the District. The District shall advise the employee ~~will be advised~~ in writing, at the beginning of the leave period, of~~as to~~ the amount and options of either payroll deduction or direct payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- 3) The District shall extend the employee's in-range salary adjustment ~~merit review~~ date ~~will be extended~~ by the ~~the~~ number of days of leave taken by the employee after his/her ~~following the first sixty (60)~~ calendar days of leave ~~taken by the employee~~.

- 4) The employee may be ~~liable~~ required to repay to the District for payment of health insurance premiums, dental, life, accidental death and dismemberment and long term disability insurance paid by the District during the employee's Family Leave, FMLA/CFRA leave if the employee does not return to work when his/her leave has expired or returns from leave but fails to work for at least 30 calendar days after returning from taking Family Leave FMLA/CFRA. However, if the ~~reason for the~~ failure to return to work ~~is either~~ beyond the employee's control or the result of the employee, or because of the continuation, recurrence or onset of a serious health condition, the employee will not be liable for repayment.

#### F. Reinstatement ~~Fitness for Duty Certification~~

If the employee returns to work before or immediately upon exhaustion of his/her Family Leave, the District shall ~~within twelve (12) weeks from the beginning of the leave, he/she will be~~ reinstated him/her to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. ~~However, if~~ the employee returns to duty at a later time, the employee may not be entitled to return to the employee's ~~exhausts their FMLA/CFRA leave and continues on some other form of District unpaid leave, he/she may not be entitled to return to his/her~~ former position. The District in its discretion may assign the employee to any position and/or alter his/her pay, benefits, status and/or authority consistent with District policy and regulations; however, the District shall make such assignment based on the needs of the District and not because the employee used his/her Family Leave.

If the employee took Family Leave because of his/her own serious health condition, the District ~~employee will be~~ may ~~required~~ the employee to provide a fitness-for-duty certification ~~before~~ prior to returning to work, ~~stating~~ certifying that the employee is able to resume his/her original job duties. The District may delay restoring the employee to employment without certification.

The District will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an approved leave. However, an employee has no greater right to reinstatement or continued employment than if he or she had been continuously working a full or part-time schedule rather than on leave.

## **PREGNANCY DISABILITY LEAVE (PDL)**

### A. Definition

A ~~female~~ employee may request Pregnancy Disability Leave (PDL) under the California Pregnancy Disability Leave Act (including a temporary transfer to available, less strenuous or hazardous positions or duties for which the employee is qualified) based on her health care provider's advice and if the transfer can be reasonably accommodated. An employee is entitled to up to four months of unpaid PDL per pregnancy. "Four months" is the number of days the employee would normally work in four months. For a full time employee working 80 hours in the pay period, four months means 88 working days. PDL may be taken intermittently, or on a reduced-hours

schedule, as medically necessary.

~~This is separate and distinct from the California Family Rights Act (CFRA). An employee is entitled to four months of unpaid PDL in addition to her twelve (12) weeks of CFRA. Family Medical Leave (FMLA) runs concurrently with PDL.~~

## B. Eligibility

- 1) A woman is entitled to PDL from her first day on the job; ~~There is no minimum prior length-of-service requirement before an employee disabled by pregnancy is entitled to a pregnancy disability leave. A woman is entitled to PDL from her first day on the job.~~
- 2) A woman is “disabled by pregnancy” if, in the opinion of her health care provider, she is unable to work at all, or is unable to perform one or more essential functions of her job, or to perform these without undue risk to herself or other persons, through ~~to~~ the successful completion of her pregnancy, ~~or to other persons.~~ This includes severe morning sickness and time needed for prenatal care.
- 3) ~~PDL Pregnancy Disability Leave~~ is for one or more any ~~any~~ period(s) of actual disability caused by pregnancy, childbirth, or related medical condition. ~~This includes severe morning sickness and for prenatal care.~~
- 4) ~~PDL Pregnancy Disability Leave shall~~ can not be used for childcare, child rearing, or preparation for child bearing.
- 5) ~~Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four (4) months per pregnancy.~~

## C. Medical Certification

- 1) An employee’s request for PDL leave must be supported by a medical certification issued by the her ~~of the employee.~~ health care provider. The certification should include:
  - a) The date on which the employee became disabled due to pregnancy;
  - b) The probable duration of the period or periods of disability; and
  - c) An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- 2) If the employee’s health care provider is medically advising a transfer to a position for which the employee is qualified as a form of PDL, and if the transfer can be reasonably accommodated, the medical certification should include:
  - a) The date on which the need to transfer became medically advisable;
  - b) The probable duration of the period or periods of the need to transfer; and
  - 2)c) An explanatory statement that, due to the woman's pregnancy, the transfer is medically advisable. ~~Medical certification must be provided within 15 calendar days of the District’s request and generally prior to the commencement of a foreseeable leave of absence. If certification is not received within 15 calendar days, leave may be denied.~~
- 3) Upon expiration of the time for which the health care provider originally estimated the employee needed PDL, the District may require recertification if the employee additional leave is requested additional leave and has not exhausted her four-month entitlement.

## D. Procedure

- 1) An employee shall notify the District of her request for ~~PDL Pregnancy Disability Leave~~ as soon as she is aware of the need for such leave or transfer. For foreseeable events, where practicable if possible, the employee must provide ~~thirty (30) calendar days'~~ advance written notice accompanied by medical ~~a~~ certification ~~issued by from her~~ the health care provider ~~of the individual requiring the care~~. For ~~events that are unforeseeable thirty (30) days in advance, but are not non-emergencies,~~ events that are not foreseeable 30 days in advance and emergencies, the employee must ~~notify~~ provide the ~~District in written~~ ing, notice and ~~submit a medical~~ certification as soon as practicable ~~she learns of the need for the leave, ordinarily no later than two to three working days after the employee learns of the need for the leave due to pregnancy, childbirth or related medical condition.~~
- 2) The employee shall submit the completed leave request form and the medical certification ~~shall be submitted to Human Resources for action.~~
- 3) Human Resources shall ~~either approve or deny~~ the leave request as soon as practicable and within 10 calendar days, unless the request does not comply with provisions set forth in this Policy or the PDL statute and regulations or other applicable law. If the request is denied, Human Resources it shall explain the reason(s) for such denial to the employee. ~~be returned to the employee with an explanation. The request may be denied only to the extent that it does not comply with the provisions set forth in this Pregnancy Disability Leave Policy and State Laws. If the request is granted after the need for PDL commenced, the District shall make it effective retroactively.~~

## E. Duration and Timing of Leave

An eligible employee may take up to four months of PDL, per pregnancy. Such leave may be taken in one continuous block of time, intermittently, through a reduced work schedule, or through transfer to a vacant available and less strenuous and/or hazardous position or set of duties for which the employee is qualified for the duration of the pregnancy, depending on the employee's health care provider's advice and if the transfer can be reasonably accommodated. In any event, the employee must provide medical documentation pertaining to the duration and timing of her PDL.

~~1) An employee who is pregnant may take up to four months of leave when she is disabled by her pregnancy.~~

~~2) The four-month leave is allowed for each pregnancy, and is not an annual limit.~~  
Intermittent Leave or Reduced Work Schedule

~~1) Pregnancy Disability Leave need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule when medically advisable as determined by the health care provider of the employee. Medical documentation of the need for intermittent or reduced work schedule is required.~~

~~2) If intermittent or reduced work schedule leave is required for medical treatment, the District may temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the schedule for medical treatments where~~

~~such transfer can be reasonably accommodated.~~

#### F. Relationship to Other Leaves

PDL runs concurrently with an employee's FMLA leave entitlement and all other forms of leave except for CFRA leave. PDL and CFRA cannot run concurrently because they are mutually exclusive; leave for pregnancy-related disability is not protected by CFRA and PDL may not be used for health-related conditions or other leaves (such as baby bonding) that are protected by CFRA. Thus, in some circumstances an employee may use four months of PDL, during which FMLA entitlement will be exhausted, but remain eligible to use up to 12 weeks of CFRA entitlement.

#### California Family Rights Act

~~The California Family Rights Act (CFRA) entitles an eligible employee to an additional twelve (12) weeks of leave in a twelve (12) month period after the birth of a child for baby bonding. If an employee who has taken FMLA concurrently with PDL uses her full 12-week entitlement to benefits during the FMLA/PDL leave, and then takes CFRA after the birth of her child for baby bonding purposes, health benefits will continue.~~

#### G. Sick Leave and Vacation Accrual

An employee may not accrue sick leave or vacation ~~is not entitled to benefit accrual~~ during periods of unpaid leave, but will not lose vacation or sick leave ~~anything that she~~ accrued prior to the leave unless and until she uses such accruals. The employee shall accrue vacation and sick leave hours in accordance with ~~for~~ actual hours paid in ~~the a~~ pay period. An employee taking PDL may substitute any available sick leave for her leave and may, at her option, substitute any accrued vacation for her leave. The substitution of paid leave for PDL does not extend the total duration of the leave to which the employee is entitled.

#### H. Benefits

1) ~~If PDL is run concurrently with Family Medical Leave (FMLA), then the~~ While an employee is on PDL the District shall continue to pay the employee's medical, dental, life and accidental and dismemberment, and short term and long term disability premiums for both the employee and employee's eligible dependents under any group health plan, to the same extent and on ~~under~~ the same terms and conditions as ~~coverage~~ would have been provided if had the employee ~~had~~ been continuously employed working during the entire leave period, not to exceed 4 (four) months in a twelve month period. ~~for a maximum of twelve (12) weeks.~~ If an employee who has taken FMLA concurrently with PDL uses her full entitlement to benefits during the FMLA/PDL leave, and is eligible and takes CFRA after the birth of her child, health benefits will continue.

~~2) However, if PDL is not run concurrently with FMLA (i.e., employee does not qualify for FMLA) then health benefit will not continue and arrangements must be made by the employee to pay the monthly premium for group health, dental, life and long term disability insurance. If the employee does not pay premiums then coverage will be cancelled and the employee (and eligible dependents) may continue group~~

~~coverage for a limited period at her own expense, in accordance with COBRA guidelines.~~

3)2) If the employee chooses to continue optional life insurance and/or the flexible benefits program, her premium contributions will be required either through payroll deduction or by direct payment to the District. The District shall advise the employee ~~will be advised~~ in writing, at the beginning of the leave period, ~~of as to~~ the amount and options of either payroll deduction or direct payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

3) The District shall extend the employee's in-range salary adjustment merit review date ~~will be extended~~ by the number of days of leave taken by the employee after her following the first sixty (60) calendar days of leave ~~taken by the employee~~.

4) The employee may be required to repay to the District health insurance premiums, dental, life, accidental death and dismemberment and long term disability insurance paid by the District during the employee's PDL leave, if the employee fails to return from leave after the designated leave period expires. However, if the failure to return to work is beyond the employee's control or the result of the continuation, recurrence or onset of a serious health condition, or the continuation of the leave under CFRA, the employee will not be liable for repayment.

#### I. Reinstatement ~~Fitness for Duty Certification~~

If the employee returns to work on or before the date her PDL ~~Pregnancy Disability Leave~~ is exhausted, the District shall ~~she will be~~ reinstated to her to her former position or to an equivalent position with equivalent pay, benefits, status and authority. However, the District may ~~the employee will be~~ required the employee to provide a fitness-for-duty certification, before returning to work ~~stating~~, which states that she is able to resume her original job duties.

The District will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an approved leave. However, an employee has no greater right to reinstatement or continued employment than if she had been continuously working a full or part-time schedule rather than on leave.

### KIN CARE LEAVE

#### A. Definition

"Kin care" is the use of paid sick leave by an employee to attend to the illness of the employee's child, spouse, domestic partner, or parent, in accordance with Section 233 of the Labor Code.

#### B. Eligibility

An employee is eligible to use sick leave for kin care upon hire but must have available unused sick leave in order to do so.

### C. Conditions of Leave

- 1) Within a calendar year, an employee may use an amount of sick leave, equal to or less than that which he/she accrues in six months (i.e. one-half of his/her annual sick allotment), for kin care. Unused kin care time will not carry over to the next calendar year.
- 2) “Child” includes a biological child, foster child, stepchild, adopted child, child of a domestic partner, legal ward, or child of a person standing in loco parentis. The child is not required to be a minor.
- 3) “Parent” includes a biological parent, stepparent, foster parent, adoptive parent, or legal guardian. Mothers-in-law, fathers-in-law and grandparents are not considered parents for purposes of this law.
- 4) Spouse includes legally married individuals and registered Domestic Partners as defined in California Family Code section 297.
- 4) The District may enforce the use of kin care leave to the same conditions and restrictions it imposes on the use of sick leave for other purposes, including verification of illness, except that the District shall not consider any time used for kin care (within the annual limit permitted by law) in evaluating or disciplining the employee based on excessive use of sick leave.

### D. Relationship to Other Leaves

To the extent that the illness of the child, parent, spouse, or domestic partner provides a basis for the use of leave under the FMLA or CFRA, or any other form of leave, the use of kin care shall run concurrently with each such leave (even if accruals are not used by the employee during FMLA/CFRA leave).