

SAN LORENZO VALLEY WATER DISTRICT

**ORDINANCE NO. 99 (00-01)**

SUBJECT: ESTABLISHMENT OF PERSONNEL SYSTEM

WHEREAS, the Board of Directors of the San Lorenzo Valley Water District desires to establish a personnel system; and

WHEREAS, the purpose of said personnel system is to facilitate and provide for an efficient, fair and equitable system of personnel administration and management within the District organization;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the San Lorenzo Valley Water District as follows:

Section 1. Adoption of Personnel System: The following personnel system is hereby adopted in order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process,

Section 2. Definitions: The terms used to administer the personnel system shall be defined in the personnel rules and regulations.

Section 3. Administration: The District Manager shall administer the District's personnel system and may delegate any or all of the powers and duties granted herein to his/her duly authorized representative(s) or designee(s), or may recommend that such powers and duties be performed under contract as provided in Section 13 of this ordinance. The District Manager shall:

- (a) Have the authority to appoint all employees of the District except those specifically excluded, to remove same and have general control and supervision over same.
- (b) Have the authority to administer all the provisions of this ordinance and of the personnel rules and regulation not specifically reserved to the Board of Directors.
- (c) Prepare or cause to be prepared personnel rules and regulations and revisions and amendments to such personnel rules and regulations.

- (d) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions and amendments to such position classification plan.
- (e) Prepare or cause to be prepared a salary compensation schedule and revisions and amendments to such salary compensation schedule.
- (f) Have the authority to discipline employees in accordance with this ordinance and the personnel rules and regulations of the District.
- (g) Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications thereof; the conducting and grading of tests; and the certification of lists of persons eligible for appointment to the appropriate positions in the competitive service.
- (h) Have the authority to contract for the performance of technical services in connection with the establishment or administration of the personnel system.
- (i) Have the authority to perform any other duties that may be required to administer the personnel system.

Section 4. Competitive Service: The provisions of this ordinance shall apply to all appointments in the competitive service. The competitive service shall comprise all officers, positions and employments in the service of the District except the following:

- (a) All Elective Officers.
- (b) District Manager.
- (c) District Legal Council.
- (d) Members of appointive boards, commissions, and committees.
- (e) Persons engaged under contract to supply expert, professional, technical or any other services.
- (f) Volunteer personnel.
- (g) All Board of Directors appointed District Officers.
- (h) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extra ordinary fire, flood, or earthquake which threatens life or property.
- (i) Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand forty (1040) hours per year, and has successfully completed the probationary period and been

retained as provided in this ordinance and the personnel rules and regulations of the District.

- (j) Employees with temporary appointments.
- (k) Any position primarily funded under a state or federal employment program.
- (l) Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority.

Section 5. Adoption and Amendment of Rules: Personnel rules and regulation and amendments or revision thereof shall be adopted by resolution of the Board of Directors. The personnel rules and regulations may establish regulations governing the personnel system, including, but not limited to the following:

- (a) Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.
- (b) Appropriate announcement of the selection process and acceptance of applications for employment.
- (c) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- (d) Certification and appointment of persons from employment lists.
- (e) Establishment of probationary testing periods.
- (f) Evaluation of employees during the probationary testing period and thereafter.
- (g) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.
- (h) The making of provisional and temporary appointments.
- (i) Separation of employees from District service.
- (j) The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements.
- (k) Training of employees.

Section 6. Appointments: Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules and regulations. Appointments and promotions in the competitive service shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations which test fairly the job related qualifications of candidates may be used and conducted to aid the selection of qualified employees. Examinations may consist of selection techniques such as

achievement tests, written tests, performance tests, oral tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. In any examination the District Manager or his/her duly authorized representative(s) or other designee(s) may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefore. The probationary period shall be considered an extension of the examination process. Physical and medical examinations may be given as a part of any appointment process.

The appointing authority of employees in the competitive service is the District Manger. All appointments to positions in the competitive service shall be made by and at the discretion of the District Manager. The District Manager may delegate the appointing authority to any other duly authorized officer or employee of the District.

Section 7: Status of Present Employees: Any person holding a position in the competitive service who, on the effective date of this ordinance, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules and regulations, shall assume regular employee status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this ordinance and the personnel rules and regulations adopted pursuant to this ordinance.

Any other persons holding positions in the competitive service shall be regarded as probationary employees who are serving out the balance of their probationary periods as prescribed in the personnel rules and regulations before obtaining regular employee status. The probationary period shall be computed from the date of appointment or employment.

Section 8: Demotion, Discharge, Reduction in Pay, Reprimand, Suspension: The District Manger shall have the authority to demote, discharge, reduce in pay, reprimand or suspend any regular employee for just cause in accordance with procedures included in the personnel rules and regulations.

Section 9. Right of Appeal: Any employee in the competitive service shall have the right to appeal a demotion, discharge, reduction in pay, reprimand or suspension for disciplinary reasons except in those instances where the right of appeal is specifically prohibited by the personnel rules and regulations adopted

pursuant to this ordinance. All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules and regulations adopted pursuant to this ordinance.

Section 10. Lay-Off and Re-Employment: Lay-off and re-employment actions shall follow the procedures outlined in the personnel rules and regulations adopted pursuant to this ordinance.

Section 11: Political Activity: The political activities of District employees shall conform to pertinent provisions of applicable state law and any local provisions adopted pursuant to state law.

Section 12. Fair Employment Practices: No person in the employment of the District, or seeking admission thereto, shall be employed, promoted, disciplined or discharged, or in anyway favored, harassed or discriminated against because of/or based on race, color, religion, creed, sex, national origin, marital status, age, physical or mental disability, medical condition or sexual orientation.

Section 13. Contracts for Special Services: The District Manager shall have the authority to contract for the performance of technical services in connection with the establishment or operation of the personnel system. The District may contract with any qualified person or public or private agency for the performance of any or all of the following responsibilities and duties imposed by this ordinance.

- (a) The preparation of personnel rules and regulations and subsequent revisions and amendments thereof.
- (b) The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- (c) The preparation of a salary compensation schedule, and subsequent revisions and amendments thereof.
- (d) The preparation, conduct and grading of competitive tests.
- (e) The conduct of employee training programs.
- (f) Special and technical services of advisory or informational character on matters relating to personnel administration.

Section 14. Severability: If any provision, sentence, clause or phrase of this ordinance or the application of said provision, sentence, clause or phrase to any person or circumstance is for any reason held to be invalid or not in accordance with applicable provisions of Federal, State or local laws or regulation, the

remainder of this ordinance, or the application thereof to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 15. Conflict: Whenever the provisions of this ordinance or the provisions of personnel rules and regulations adopted pursuant to this ordinance, conflict with the provisions of a duly authorized collective bargaining agreement, the provisions of the agreement shall prevail.

Section 16. Effective Date: The ordinance shall become effective immediately.

Section 17. Publication: The District Secretary is hereby directed to publish this ordinance within ten (10) days of its adoption, in the manner prescribed by law.

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PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the ~~16<sup>th</sup>~~ <sup>November 2, 2000</sup> day of, by the following votes of the members thereof:

AYES: Rapoza, Nelson, Prather, Ross, Vierra

NOES: None

ABSENT: None

BY: Terry Vierra  
Terry Vierra, President  
Board of Directors  
San Lorenzo Valley Water District

ATTEST: Kelly Stephens  
Kelly Stephens  
District Secretary