



SPECIAL BOARD MEETING AGENDA

10:00 AM Friday December 20, 2024
UPUD Headquarters | 339 Main Street, Murphys, CA 95247

OUR MISSION

Union Public Utility District is dedicated to protecting, enhancing, and developing our water resources to the highest beneficial use for our customers, while maintaining cost-conscious, reliable service and providing gainful employment through responsible management.

The Board Chambers are open to the public

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at 209-728-3651. Notification in advance of the meeting will enable UPUD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at UPUD for review by the public.

ORDER OF BUSINESS

CALL TO ORDER/THE PLEDGE OF ALLEGIANCE

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT:**

(LIMIT 5 MINUTES PER PERSON) Members of the public may address the Board on items not agendaized. The public is encouraged to contact the General Manager or Board of Directors for consideration of items to be placed on the agenda. No action will be taken by the Board unless an item is agendaized.

- 4. NEW BUSINESS**

- a. Discussion/Action: Adoption of Volunteer Personnel Workers' Compensation Insurance
(Jessica Self, General Manager) RES 2024-029
- b. Discussion/Action Regarding District Policy Updates
(Jessica Self, General Manager) RES 2024-030

5. DIRECTORS COMMENTS

6. CLOSED SESSION

- a. Conference with Legal Counsel – Initiation of Litigation (Gov. Code, § 54956.9(d)(4)): One case

7. NEXT BOARD MEETINGS & EVENTS

- December Regular Board Meeting: CANCELED
- Happy Holidays!
- Wednesday, January 22, 2024 at 5:30 PM - Regular Meeting

8. ADJOURNMENT

PROCEDURAL NOTICES

LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS: Applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a Board Member over the past 12 months must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and Board member(s). The disclosure may be made either in writing to the Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration. The foregoing statements do not constitute legal advice, nor a recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.

Agenda Item

DATE: December 20, 2024

TO: UPUD Board of Directors

FROM: Jessica Self, General Manager

SUBJECT: Discussion/Action Adoption of Volunteer Personnel Workers' Compensation Insurance – Resolution No. 2024-029

RECOMMENDED ACTION:

Motion: _____ / _____ adopting Resolution No. 2024-029 – Adoption of Volunteer Personnel Workers' Compensation Insurance

SUMMARY:

Resolution No. 2024-029 seeks to formalize the adoption of Workers' Compensation Insurance benefits for individuals volunteering their time and services to the District. The resolution aims to implement this change by January 2025, aligning with the District's transition to ACWA JPIA's Workers' Compensation program. It establishes that any unpaid individual authorized to perform volunteer services will be considered an employee of the District solely for workers' compensation coverage in the event of injury or illness while engaged in authorized volunteer work.

KEY POINTS:

Volunteers authorized by the District will be covered under the District's workers' compensation insurance while performing approved volunteer services.

This coverage aligns with the provisions outlined in California Labor Code Section 3363.5, allowing the District to extend this protection to volunteers working under its direction and control.

The adoption of this resolution reflects the Board's desire to ensure the safety of all persons contributing to the District's operations.

FINANCIAL CONSIDERATIONS:

None at this time. All proposed updates have been budgeted for during this current fiscal year (FY24).

Attachments:

- *Resolution No. 2024-029 – Adoption of Volunteer Personnel Workers’ Compensation Insurance*

**UNION PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

RESOLUTION NO. 2024-029

**ADOPTION OF VOLUNTEER PERSONNEL
WORKERS' COMPENSATION INSURANCE**

WHEREAS, this board desires to provide Workers' Compensation Insurance benefits for persons authorized by the District to perform volunteer services for the District, and

WHEREAS, the Legislature of the State of California has provided through legislation (Labor Code Section 3363.5) authorization for the inclusion of such coverage in the District's workers' compensation insurance policy.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Union Public Utility District hereby adopts the policy that an unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

PASSED, APPROVED, AND ADOPTED this 20th day of Friday, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Bottomley, President
Union Public Utility District

I hereby certify that the within and foregoing is a full, true, and correct copy of the Resolution which was duly passed and adopted at a regular meeting of the Board of Directors of the Union Public Utility District on the 20th day of Friday, 2024.

Jenna Mayo
Clerk to the Board

Agenda Item

DATE: December 20, 2024
TO: UPUD Board of Directors
FROM: Jessica Self, General Manager
SUBJECT: Discussion/Action Implementing District Policies

RECOMMENDED ACTION:

Motion: _____ / _____ adopting Resolution No. 2024-030 to Establish District Policies 2240 – Return to Work, 2245 – Ergonomics, and 2250 – Anti-Retaliation

SUMMARY:

UPUD staff are actively drafting updates to the District's employee policies in preparation for securing workers' compensation insurance through the ACWA JPIA starting January 2025. To ensure this transition remains on track, staff have prioritized specific sections for immediate review and recommend Board approval at this time. A fully updated and revised Employee Policy Handbook will be presented to the Board for consideration in the coming months.

Following are the new policies that are currently before the Board for implementation:

<u>Policy Name</u>	<u>Number</u>
Return to Work	2240
Ergonomics	2245
Anti-Retaliation	2250

FINANCIAL CONSIDERATIONS:

None at this time.

Attachments:

- *Resolution No. 2024-30 Adoption of New UPUD District Policies*
- *Proposed Policies*

**UNION PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

RESOLUTION NO. 2024-030

ADOPTION OF NEW DISTRICT EMPLOYEE POLICIES

WHEREAS, The Board of Directors of the Union Public Utility District has the authority to change existing policies and implement new policies; and

WHEREAS, the Board of Directors and District staff aim to provide competitive benefits in order to retain and support employees; and

WHEREAS, the Board of Directors and District staff wish to modify the following policies:

<u>Policy Name</u>	<u>Number</u>
Return to Work	2240
Ergonomics	2245
Anti-Retaliation	2250

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Union Public Utility District hereby adopts updated UPUD Employee Policy numbers 2240, 2245, and 2250 for incorporation into the Employee Policy Handbook effective immediately.

PASSED, APPROVED, AND ADOPTED this 20th day of December, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Bottomley, President
Union Public Utility District

I hereby certify that the within and foregoing is a full, true, and correct copy of the Resolution which was duly passed and adopted at a regular meeting of the Board of Directors of the Union Public Utility District on the 20th day of December, 2024.

Jenna Mayo
Clerk to the Board

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UNION PUBLIC UTILITY DISTRICT

DATE APPROVED:	MANUAL	POLICY NO. 2240
APPROVED BY: Board of Directors	POLICY TITLE Return-to-Work	Pages 1-2

PURPOSE OF POLICY

It is the policy of Union Public Utility District to assist employees to return to work at the earliest possible date following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the California Family Rights Act (CFRA) or the Family and Medical Leave Act (FMLA). Inquiries about the ADA, CFRA or FMLA should be directed to the human resource department (HR).

ELIGIBILITY

The policy applies to regular full- and part-time employees who are on leave as a result of injury or illness or who are receiving workers' compensation benefits.

TRANSITIONAL WORK

UPUD defines "transitional work" as temporary, modified or alternate work assignments within the worker's physical abilities, knowledge and skills which should typically not exceed 90 days.

When possible, transitional positions will be made available to injured workers to minimize or eliminate time lost from work. UPUD cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

PROCEDURES

To obtain a transitional work assignment the employee must request a return-to-work form and the employee's job description from HR and provide them to the employee's health care provider for review and completion.

If the health care provider releases the employee to return to work on modified duty and has completed the return-to-work form, the employee should return the form to HR within 24 hours or as soon as practicable. The employee cannot return to work without the release of his or her health care provider.

HR will review the return-to-work form and determine transitional work for the employee if appropriate and if the transitional work falls within business needs.

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Upon completion of the return-to-work form, a written notice will be prepared by UPUD and shared with the employee noting the start date, hours, wage, duration and location of the transitional work assignment. The employee will be asked to sign the notice indicating his or her acceptance or refusal of the transitional work and to return the notice to HR. In the event an employee refuses transitional work and the employee satisfies the restrictions and ability to perform the transitional work, UPUD will notify the worker's compensation insurance carrier of the employee's refusal of the transitional work, if applicable.

UPUD will determine appropriate work hours, shifts, duration and locations of all work assignments. UPUD reserves the right to determine the availability, appropriateness and continuation of all transitional work assignments.

RESPONSIBILITIES

It is the responsibility of the employee to provide HR with a current telephone number and address, so the employee may be contacted. The employee must notify HR immediately of any and all changes in medical conditions.

It is the responsibility of the employee and the employee's supervisor to notify HR immediately of any work-related injuries, if the employee misses time from transitional work or of any changes to transitional work assignments.

Any employee returning to transitional work must not exceed the duties of the position or go beyond the restrictions indicated by the health care provider. If any medical restrictions change, the employee must immediately notify his or her supervisor and provide the supervisor a copy of the new medical release.

Supervisors will monitor work performance to ensure the employee does not exceed the requirements set by the health care provider.

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DATE APPROVED:	MANUAL	POLICY NO. 2245
APPROVED BY: Board of Directors	POLICY TITLE Ergonomics	Pages 1-2

PURPOSE OF POLICY

It is the policy of Union Public Utility District to foster a safe and healthy work environment for all employees. To ensure workplace safety, UPUD encourages proper work practices and requires all employees to follow established safety instructions and guidelines. This includes adhering to ergonomic standards aimed at minimizing the risk of workplace injuries.

The primary goal of this policy is to reduce exposure to ergonomic hazards by implementing appropriate modifications to equipment, work processes, and employee training. Through these efforts, we aim to prevent and mitigate repetitive motion injuries and other work-related musculoskeletal disorders.

POLICY GUIDELINES

The policy applies to regular full- and part-time employees who are on leave as a result of injury or illness or who are receiving workers' compensation benefits.

- Workplace Assessments:**
 - UPUD will conduct regular assessments of workstations and job processes to identify and address potential ergonomic risks.
 - Recommendations for ergonomic improvements will be made based on these assessments.
- Reasonable Adjustments:**
 - Any necessary and reasonable adjustments to equipment or processes to minimize ergonomic risks will be considered and implemented as needed.
 - This may include providing ergonomic tools or equipment, adjusting workstations, or modifying work tasks.
- Employee Training:**
 - Employees will receive training on proper ergonomic practices, including workstation setup, posture, and safe work techniques.
- Reporting Concerns:**
 - Employees are encouraged to report any concerns or questions regarding ergonomic issues to their manager or the Human Resources Manager.
 - Prompt reporting helps ensure timely evaluation and resolution of potential ergonomic risks.
 -
- Collaborative Efforts:**
 - Managers and supervisors are responsible for supporting employees in maintaining ergonomic safety and addressing reported concerns in a timely and constructive manner.

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EMPLOYEE RESPONSIBILITIES

All employees are expected to:

- Participate in training sessions and apply safe work practices in their daily activities.
- Report any discomfort, potential ergonomic hazards, or required adjustments to their manager or the Human Resources Manager immediately.

By working together, we can create a safer and more comfortable workplace that supports the well-being and productivity of all employees.

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DATE APPROVED:	MANUAL	POLICY NO. 2250
APPROVED BY: Board of Directors	POLICY TITLE Anti-Retaliation	Pages 1-3

PURPOSE OF POLICY

Union Public Utility District (UPUD) is committed to maintaining a work environment where employees feel safe reporting workplace concerns, injuries, unethical behavior, or violations of law and policy without fear of retaliation. This Anti-Retaliation Policy establishes UPUD’s commitment to protecting employees from any adverse action in response to lawful and appropriate reporting or participation in investigations.

POLICY STATEMENT

1. Zero Tolerance for Retaliation

UPUD strictly prohibits any form of retaliation against employees who:

- Report workplace injuries or safety concerns.
- Raise concerns about discrimination, harassment, or workplace misconduct.
- Disclose violations of laws, regulations, or UPUD policies.
- Participate in an investigation, hearing, or legal proceeding.
- Refuse to participate in illegal or unethical activity.

Retaliation is defined as any adverse action, including but not limited to termination, demotion, loss of pay, reduction in hours, intimidation, harassment, or other negative employment actions, taken against an employee for engaging in protected activity.

2. Protection for Good Faith Reporting:

Employees are protected under this policy even if the reported concerns are ultimately unfounded, provided the report was made in good faith. However, knowingly making false claims or malicious reports is not protected and may result in disciplinary action.

REPORTING RETALIATION

1. How to Report

Employees who believe they have experienced retaliation or witnessed retaliation against others should report the matter as soon as possible. Reports can be made to:

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- Their immediate supervisor or manager.
- The General Manager of UPUD.
- The Human Resources department (if applicable).
- An anonymous reporting hotline or email (if UPUD provides one).

2. Investigation of Reports

- All retaliation claims will be taken seriously and investigated promptly, fairly, and confidentially to the extent possible.
- The investigation will be conducted by an impartial party, such as HR, management, or an external investigator.

3. Follow-Up

- If retaliation is confirmed, appropriate corrective and disciplinary action will be taken against the responsible party, up to and including termination.
- The reporting employee will be informed of the investigation's outcome, within legal and confidentiality limits.

CONFIDENTIALITY

UPUD will make every effort to maintain confidentiality for individuals involved in retaliation claims. However, some information may need to be disclosed to conduct a thorough investigation or comply with legal obligations.

EMPLOYEE RESPONSIBILITIES

- **All Employees:** Must report retaliation if they witness it and cooperate fully in investigations.
- **Supervisors and Managers:** Are responsible for ensuring a retaliation-free work environment, addressing concerns promptly, and protecting employees from any adverse action related to lawful reporting.

CONSEQUENCES FOR RETALIATION

Retaliation is a serious violation of UPUD's values and policies. Employees found to have engaged in retaliatory behavior will be subject to disciplinary action, up to and including termination.

POLICY REVIEW AND UPDATES

This Anti-Retaliation Policy will be reviewed annually to ensure compliance with applicable laws and

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regulations and to reflect UPUD's commitment to a safe and fair workplace.

For questions or additional information about this policy, please contact UPUD's General Manager.