

## 6.10 Discipline (Water Agency) – Notice And Hearing

### 6.10.1 Discipline (Water Agency) – Disciplinary Action

The General Manager may take disciplinary action against any employee.

### 6.10.2 Discipline (Water Agency) – Definitions Full-Time/Part-Time Employee

For purposes of this Section (6.10), full-time employee means a full-time employee as defined in this Memorandum who has completed six (6) months of satisfactory full-time service (1,040 hours) in an allocated position. For purposes of this Section (6.10), a part-time employee means a part-time employee defined in this Memorandum who, in addition has completed 1040 hours of satisfactory service in an allocated position.

### 6.10.3 Discipline (Water Agency) – Other Than Full/Part-Time Employee

All employees of the Water Agency, other than full-time or part-time employees as defined in Subsection 6.10.2, serve at the pleasure of the General Manager.

### 6.10.4 Discipline (Water Agency) – Discipline Process

The General Manager may dismiss, suspend, or involuntarily demote a full-time or part-time employee only for cause:

- a) If the General Manager proposes to dismiss, suspend, or involuntarily demote a full-time or part-time employee, he/she shall provide the employee with written notice of the charge, or charges and materials upon which the proposed action is based, prior to any final disciplinary action being taken. The employee may waive the right to respond. If made, responses may be oral or written and shall be communicated to the General Manager within three (3) working days following the date notice is served. If no response, or request for extension of time to respond, is received by the General Manager within such three (3) days, the right to respond will be deemed waived. The General Manager may place the affected employee on leave of absence with pay during the three-day response period. Upon receipt of employee's written request within such three (3) days showing good cause therefore, the General Manager may extend the time for response for a reasonable period which shall not exceed ten

(10) days from the time of service of the notice. The General Manager shall consider the response, if any, of the employee in determining the propriety and nature of disciplinary action.

- b) If the General Manager determines to dismiss, suspend, or involuntarily demote a full-time or part-time employee, the order of the General Manager shall be in writing and shall state specifically the reason for the action. The employee may appeal a decision of the General Manager to dismiss, suspend, or involuntarily demote the employee by filing a petition for hearing with the Board of Directors within ten (10) working days of receipt of the order. The petition shall state whether the employee requests an open or closed hearing.
- c) Within thirty (30) days of receipt of a petition, the matter shall be placed on the agenda of the Board of Directors for purposes of setting a hearing date.
- d) The Board of Directors may, in its discretion, appoint a hearing officer to hear the appeal. The hearing officer shall be an employee of the State Office of Administrative Hearings or a member of the State Bar of California. A hearing before the hearing officer shall be conducted in the manner of hearings conducted under the Administrative Procedure Act. The hearing officer may affirm, modify, or revoke a decision of the General Manager. The decision of the hearing officer shall be final.
- e) At a hearing before the Board of Directors, witnesses shall testify under oath and there shall be a right to cross-examination. There shall be no right to discovery. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and the manner of producing evidence shall be those rules set forth in Section 11513 of the Government Code for the conduct of hearings under the Administration Procedure Act. The decision of the Board shall be final.
- f) At either a hearing before a hearing officer or before the Board of Directors, the appointing authority shall have the burden of proving the charges by a preponderance of the evidence. The appointing authority shall open the case and present his evidence. The employee shall then present his defense. Thereafter, each side may present rebuttal evidence.

- g) Any decision made by the Board of Directors pursuant to this Section (6.10) is a personnel matter and the Board may hear and consider the matter in closed session.
- h) Costs of a hearing officer shall be shared by the parties. If a party requests a court reporter, the requesting party shall bear the costs associated therewith, and shall provide a copy of the transcript to the other party and the hearing officer without charge.
- i) This Section (6.10) shall not be construed to create any property right that would give rise to procedural due process beyond that specifically described herein.
- j) This Section (6.10) is not subject to grievance or arbitration under the procedures in this Memorandum or pursuant to any other procedure or policy of the County.

#### 6.11 Reassignment – Employee Rights Upon

Whenever an employee is reassigned from one County agency to another without a break in pay status of greater than two working days, service with one agency shall be counted as service with the other entity for purposes of accrual, accumulation, and use of paid vacation, sick leave, and entitlement to salary step placement. Each such employee shall also retain the same benefits to which he/she was entitled immediately prior to the reassignment. Upon each reassignment, the employee shall be paid for unused overtime credits in the same manner as provided by this agreement upon separation, and such unused overtime credits shall not be transferred from one entity to another.

#### 6.12 Discipline (Community Development Commission) – Notice And Hearing

##### 6.12.1 Discipline (Community Development Commission) – Disciplinary Action

The Executive Director may take disciplinary action against any employee.

##### 6.12.2 Discipline (Community Development Commission) – Definitions Full-Time/Part-Time Employee

For purposes of this Section (6.12), full-time employee means a full-time employee as defined in this Memorandum who has completed six (6) months of satisfactory full-time service (1,040 hours) in an allocated