

**EASTERN MUNICIPAL WATER DISTRICT
HUMAN RESOURCE MANAGEMENT
POLICIES AND PROCEDURES**



SECTION: Ethics Policy for District Officers & Employees Policy	DATE: June 21, 2006	PREPARED BY: Human Resources
PAGE: 1	REVISION DATE: April 19, 2006	APPROVED BY: Angela Carman

I. Purpose and Scope

It is the policy of Eastern Municipal Water District (District) to require the highest standards of ethics from its officers and employees. The operation of the District requires decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that all individuals associated with the District remain impartial and responsible towards the public. Accordingly, it is the policy of the District that officers and employees shall maintain the highest standard of personal honesty and fairness in carrying out their duties. This policy sets forth the guidelines for ethical conduct to be followed by the officers and employees of the District. For purposes of this policy District officers are defined as Deputy General Manager, Assistant General Managers, and Chief Financial Officer. Ordinance 70, as amended, contains the Ethics Policy for members of the Board of Directors, Metropolitan Water District Representative (MWD Rep), District Treasurer, and General Manager.

II. Core Values and Beliefs

The District operates around a series of core values that are reflected in this Ethics Policy. The first and greatest concern of officers and employees must be the promotion of the District's mission to provide safe and reliable water and wastewater management services to our community in an economical, efficient, and responsible manner, now and in the future. This cannot be achieved without adhering to the highest ethical standards. As officers and employees of the District we value:

- Honesty – Be fair, straightforward, and adhere to facts
- Integrity – Firmly and completely adhere to the values, beliefs, and ethics of the District.
- Public Trust – Cherish public confidence through assured reliance on character, ability, and strength.
- Responsibility – Be able to answer for one's conduct and obligation.
- Loyalty – Be faithful to your colleagues, supervisors, and the District.
- Courtesy – Be considerate, cooperative, and generous.

In applying these values, we practice a broad code of beliefs. We believe in:

- providing superior services to the community in a safe, reliable and cost effective manner;
- assuming a pro-active leadership role in creative water management, active participation legislative and regulatory processes, and the development of innovative technologies for improving efficiency;

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- providing a meaningful work environment by ensuring a safe and ethical work place; promoting creativity and opportunity for self development; providing fair compensation; and recognizing excellence;
- treating each and every individual with dignity and respect by promoting openness, trust, cooperation and unity among employees, and by eliminating all forms of harassment and discrimination in the work place;
- endorsing and supporting the principles of equal opportunity for all individuals in any decision regarding hiring, promotion, discipline and training;
- a strong work ethic embracing productivity, efficiency, self-motivation, innovation, competition, accountability, responsibility and teamwork;
- maintaining a safe and healthy work environment through the elimination of all harmful substances in the work place and the promotion of a healthy lifestyle;
- being a good neighbor and participating in the life of the communities we serve.

III. Fair and Equal Treatment

Officers and employees in the performance of their official duties and responsibilities, will neither harass any person nor discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. No officer or employee shall grant any unfair or inappropriate consideration, treatment, or advantage to any person or group beyond that which is available to every other person or group in the same circumstances. *[Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102.1; the District Equal Employment Opportunity Policy.]*

IV. Proper Use and Safeguarding of the District Property and Resources

Except where specifically authorized, no officer or employee shall knowingly use or permit the use of the District-owned vehicles, equipment, telephones, materials or property for personal convenience or profit. No officer or employee shall require a District employee to perform services for the personal convenience or profit of an officer or employee. Each officer and employee must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Using the District assets for personal profit is forbidden. Officers and employees shall safeguard the District's property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

Officers and employees are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District's behalf. Creating a document with misleading or false information is prohibited and may result in disciplinary action pursuant to Ordinance 30, as amended. *[Article XVI. Section 6 of the California Constitution; the District Ordinance 30, as amended, Section 7. A. and B.; the District Travel Authorization Policy, as amended.]*

V. Post Employment Relationships

A. For a period of 24 months after leaving employment with the District, officers and employees of the District who have completed their initial probationary period and separate from District employment to accept employment with any non governmental employer having any kind of

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working relationship with the District may not represent that employer in any capacity before the District.

B. For purposes of this Section, “represent” shall mean for compensation to actively support or oppose a particular decision in a proceeding by lobbying in person the officers or employees of the District, testifying in person before the District, or otherwise acting to influence the officers of the District.

C. These restrictions shall not apply to representation of not-for-profit charitable entities before the District or government entities before the District.

[EMWD Ordinance 30, as amended, Section 5.G.]

VI. Gifts

A. No officer, or employee, shall receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except from his or her appointing authority or employer, for any action related to the conduct of the District’s business, except as set forth below:

1. Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting or other meeting or on an inspection tour where the arrangements are consistent with the transaction of official business. Nominal value will be determined based on the meal involved using the District’s established guidelines for reimbursement contained in the Travel Policy and Procedure as a standard.

2. Acceptance of transportation, lodging, meals or refreshment, in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by non-governmental sources where the officer’s or employee’s participation on behalf of the District is the result of an invitation addressed to him or her in his or her official capacity, and the transportation, lodging, meals or refreshment accepted is related to, and is in keeping with, his or her official participation.

3. Purchase of articles or admissions at advantageous rates where such rates are offered to the District personnel as a class.

4. Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value.

5. Acceptance of incidental transportation from a private organization, provided it is furnished in connection with the performance of the officer’s or employee’s official duties and is of a type customarily provided by the private organization.

6. Acceptance of commendations, certificates or plaques for outstanding individual service or work on the District projects.

B. In no event shall any officer or employee, required to file an annual Conflict or Interest Statement of Economic Interest, accept gifts from any single source the cumulative value of

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which exceeds the current applicable gift limit under California law. (*California Code of Regulations, Section 18940.2*).

C. A gift or gratuity, the receipt of which is prohibited under this section shall be returned to the donor within 30 days. If return is not possible, the gift shall be turned over to a public or charitable institution without being claimed as a charitable deduction and a report of such action, and the reasons why return was not feasible shall be made on the records of the District. When possible, the donor also shall be informed of this action.

[California Government Code Sections 89504, 89506; California Penal Code Section 70; Federal Hobbs Act (18 U.S.C. 1951).]

All items received in response to an action performed as part of normal duties of the District or its employees shall be returned regardless of value or if impractical, donated to the District's Union or charitable institution.

D. Officers and employees may accept items won in a raffle or contest at community and industry functions even while in an "official" status provided all persons present had an equal chance to participate and any funds required to enter the raffle or contest were provided by the individual.

VII. Contracts with the District

Officers and employees are prohibited from offering inducements to a potential vendor, contractor, consultant, or other party to the exclusion of similar persons or firms, in hopes of obtaining reciprocal favors. The District policies pertaining to the procurement of goods, services, and contractors, as well as the hiring of personnel must be followed to ensure fairness to the participants. An officer or employee shall not exercise any decision-making power with respect to any transaction, contract, or sale to which the District is a party and in which the officer or employee (or a member of his/her immediate family) has a financial or personal interest. Proposed relationships with former Board members or District employees subject to Board approval must be evaluated carefully in advance of completing any agreement with such persons to ensure that no unfair advantage is given them and that the District interests are fully protected in such situations.

VIII. Use of Confidential Information

Confidential information must not be released to unauthorized persons unless the disclosure is approved by the General Manager, the Board of Directors or Legal Counsel. Officers and employees are prohibited from using any confidential information for personal advantage or profit. *[Ralph M. Brown (California Government Code Sections 54950 et seq.); California Government Code Section 1098;]*

IX. Soliciting Political Contributions

Officers and employees are prohibited from soliciting political funds or contributions at the District facilities.

No officer or employee of the District shall accept, solicit, or direct a political contribution from any person or entity which has a financial interest in a contract or other matter while that contract or other matter is pending before the District and for three months after the District

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renders a final decision on that contract. This prohibition shall apply regardless of whether the solicitation is made for oneself or on behalf of a candidate or political committee.

No officer or employee of the District shall use the District's seal, trademark, stationary, or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.

X. Protection of "Whistleblowers"

A. No officer or employee shall use or threaten to use any official authority or influence to discharge, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of an appropriate outside agency, District office or department any information which, if true, would constitute a work-related violation by a District Board member, officer, or employee such as:

- Violation of any law or regulation,
- Gross waste of agency funds,
- Gross abuse of authority,
- A specified and substantial danger to public health or safety due to an act or omission of a District official or employee,
- Use of a District office or position or of District resources for personal gain, or
- A conflict of interest of a District Board member, officer or employee.

B. No officer or employee shall use or threaten to use any official authority or influence to retaliate against District Board member, official, or employee who reports or otherwise brings to the attention of an appropriate outside agency, District office or department any information regarding the subjects described in Paragraph A of this Section.

C. Any person who believes that he or she has been subjected to any action prohibited by this section may file a confidential complaint with the Department of Human Resources & Risk Management. The Department of Human Resources & Risk Management shall thereupon investigate the complaint. Upon the conclusion of its investigation, the Department of Human Resources & Risk Management shall report its findings to the General Manager, or in the event the complaint involves the General Manager, the District's Board of Directors. The General Manager or the District's Board of Directors will take appropriate action as provided by Ordinance 30, as amended, or as provided by law.

D. In the event the Office of Human Resources & Risk Management has a conflict of interest in an investigation of the retaliation complaint, the Director of Human Resources & Risk Management shall refer the investigation of the retaliation complaint to the office of the District's Legal Counsel which shall take appropriate action as otherwise provided under the District rules and procedures and applicable law.

XI. Limitation on Associations

The District shall not participate in any association structure or identification that is likely to mislead the public as to the association's true identity, its source of funding, or its purpose.

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XII. Training and Education. All officers and employee shall receive ethics training and training on appropriate District polices (i.e., gifts, retaliation, discrimination, harassment, etc.) during the first year of hire and refresher training every two years thereafter.

XIII. Severability. If any section, subsection, subdivision, sentence, clause or phrase of this policy is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the entire Policy or any of the remaining portions thereof. The District hereby declares that it would have adopted this Policy, and each section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases are declared unconstitutional or otherwise invalid.

XIV. Development of Policies and Procedures. The General Manager is hereby authorized to develop policies and procedures necessary to administer this Policy.

XV. Violation of Ethics Policy

If a District officer is reported to have violated the District's ethic standards, the matter shall be referred to the General Manager for investigation and consideration of any appropriate action warranted. Violations of the ethics policy by employees will be handled pursuant to the District Ordinance 30, as amended. For purposes of this section the District officers are defined as Deputy General Manager, Assistant General Managers and Chief Financial Officer.

ATHORIZED SIGNATURE ON FILE