

Memorandum

Date: 12/21/2021

To: DWR Consultant and Contractor Staff

From: **Department of Water Resources**

Subject: Key Policies – 2021 Release

Attached are the 2021 Department of Water Resources (Department) Key Policies (Policies), which communicate the Department's expectations of conduct for consultants' and contractors' while working under contract on State property and working side by side with Department employees.

For reference purposes only, the use of the term "employee" refers to all individuals who work for or with the Department (i.e., employees, retired annuitants, student assistants, volunteers, consultants, and contractors). The use of the term "employee" is used conveniently to identify all the individuals to whom the Policies apply, and is no way intended to change an individual's employment status or relationship with the Department.

These Policies are available via the Department's public portal at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Library/Files/Public-Forms/9524.pdf> or on the Department's intranet site (Blue) through the following link: <https://blue.water.ca.gov/Work-Resources/Policies/Key-Policies>. Consultants and contractors are expected to read and understand these Policies. Contract Managers are responsible to ensure that their consultant and contractor staff is aware of and adheres to the Department's Policies.

The following summary highlights key elements of each policy:

- **Standards of Conduct Policy**
Individuals shall conduct Department business in a safe, professional, courteous, and ethical manner.
- **Workplace Violence Prevention and Security Policy**
The Department will strive to provide a safe and secure work environment for its employees and safe premises for its visitors and invitees. Violent acts or threats of violence are prohibited.

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- **Discrimination Prevention Policy**

All individuals are to be treated with respect and professionalism. Employees, consultants, and contractors have the right to work in an environment free from discrimination, and the Department provides employees with a means to express allegations of discrimination based on job-related issues.

The Office of Workforce Equality (OWE) is the point of contact for the discrimination and complaint process and may be reached at (916) 653-6952, or toll free at (877) 851-2448.

- **Sexual Harassment Prevention Policy**

Sexual Harassment is illegal and will not be tolerated. OWE is the point of contact for the prevention of sexual harassment.

- **Drug-Free Workplace Policy**

The Department is committed to providing a drug-free workplace. No individual while performing work on State property under a contract shall possess, or be under the influence of illegal or unauthorized drugs. In addition, while performing any such work, no individual may use, or be under the influence of, alcohol to any extent that would impede their ability to perform the work safely and effectively.

- **Responsible Use of Information Technology Policy**

The use of computers, network equipment, programs, supplies, or data must be directly related to the employee's work assignment and shall not be used in an illegal, illicit, or offensive manner. Personal use of the Department's e-mail system, internet connection, or mobile communication devices must be held to a minimum and must not interfere with State operations, adversely affect performance, incur cost to the State, or violate government laws, rules, or Department policy.

- **Safety Policy**

The Department is committed to the safety of our employees, partners, consultants, contractors, and the public. All individuals have a right to a safe work environment and that all incidents are preventable.

Contract Managers should discuss these Policies with their consultant and contractor staff and address any questions they may have. This will help to ensure that the Department maintains a safe, positive, and productive work environment to which everyone is entitled.

All consultants and contractors are to acknowledge that they have received these Policies, electronic or hardcopy, by signing the Key Policies for Consultant and Contractor Staff Notice Acknowledgement (DWR 9524a), and return it to their Contract Manager via e-mail or hardcopy. The signed form will be kept for retention in the contract file.

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If you have any questions or require additional information on any of these Policies, please contact your Contract Manager or refer to the resources cited in the Policies.

Karla Nemeth

Karla A. Nemeth
Director

Attachments

*Department of Water Resources
Key Policies*

Prepared by the Management Analysis
Under the direction of
Manager, Division of Business Services
Manager, Division of Human Resources
Labor Relations
Employee Health Services
Office of Workforce Equality
Office of the General Counsel
Internal Audit Office
Division of Technology Services
Information Security Officer
Safety Office

STANDARDS OF CONDUCT POLICY

Employees shall conduct business in a professional, courteous, ethical, and safe manner by demonstrating integrity, honesty, good judgment, courtesy, and respect at all times.

Refer to the Standards of Conduct General Information for further details. For additional information, contact the Division of Human Resources.

Point of Contact: Division of Human Resources
Phone: (916) 902-7179

Departmental Reference: Department Administrative Manual Section [3004](#)

STANDARDS OF CONDUCT

GENERAL INFORMATION

As State employees, we have a responsibility to the public, to our partners and colleagues, and to ourselves to conduct all facets of our business operations in a professional, courteous, ethical, and safe manner. This covers a variety of subjects and tasks including: treating co-workers and customers with courtesy and respect, accurately and honestly completing travel claims or timesheets, not misusing State equipment or supplies, and simply showing up for work in a reliable and timely manner. These subjects, and more, are governed by law, regulation, and State policy and are discussed in detail in the Department Administrative Manual.

Each of us has a personal responsibility to ensure we are thoroughly familiar with the policies and practices governing our business operations, as well as the rationale supporting them, and to conduct ourselves accordingly. Professional, ethical, and safe behavior is not only good business practice it also protects us from disciplinary action, legal liability, and accidents.

Departmental References:

[Department Administrative Manual Section 3004](#) – Standards of Conduct Policy
Key Policy – [Standards of Conduct Policy](#)
Division of Human Resources

WORKPLACE VIOLENCE PREVENTION AND SECURITY POLICY

The Department of Water Resources (Department) will strive to provide a safe and secure work environment for its employees and safe premises for its visitors and invitees. Violent acts or threats of violence are prohibited.

Any threats to Department staff or visitors should be reported immediately to Employee Health Services. Any threats to the security of facilities, infrastructure, or cybersecurity should be reported immediately to the Security and Emergency Management Program.

Refer to Workplace Violence Prevention and Security Policy General Information for further details.

NOTE: In a life-threatening situation or emergency dial 9-1-1 from any landline or cellular phone.

Point of Contact: Workplace Violence or Threats to DWR Staff or Visitors
Employee Health Services
Phone: (916) 654-0533
Email: ehs@water.ca.gov

Security Threats to DWR Facilities, Physical or Cyber
Assets and Infrastructure
Security and Emergency Management Program
24-hr Line: (916) 653-5466
Email: SEMP@water.ca.gov

Departmental References: Department Administrative Manual Section [3860](#)

External References: [Penal Code Section 171b](#)
[Penal Code Section 16590](#)

WORKPLACE VIOLENCE PREVENTION AND SECURITY POLICY GENERAL INFORMATION

It is not necessary that a person intend to carry out the threat to violate the policy. Prohibited threats of violence include, but are not limited to: statements, intimidation, bullying, coercion, or any act threatening violence. Employees should immediately report violent acts or threats of violence to supervisory or management staff. Supervisors shall treat all reports seriously, immediately notify the appropriate supervisory or management staff, and take appropriate intervention and corrective action. Supervisors must inform Employee Health Services (EHS) in the Division of Human Resources (DHR) of all incidents of workplace violence or threats involving Department of Water Resources (Department) staff or visitors.

Security issues require immediate attention, and in certain cases warrant the employee contacting 9-1-1. If a Department employee has first contacted 9-1-1, the employee must then contact the Security and Emergency Management Program (SEMP) and inform their Supervisor of the incident or threat as soon as it is safe and practical to do so. If a Department employee has first notified either EHS or SEMP, the employee must also inform their Supervisor of the incident or threat as soon as it is safe and practical to do so.

Unless the person is a sworn peace officer or falls under one of the other statutory exceptions contained in [Penal Code Section 171b](#), it is a felony/misdemeanor for a person to bring into or possess any firearms or other specified “deadly weapon” in a State building. This includes, but is not limited to: a switchblade knife, a knife with a blade length in excess of four inches, a tear gas weapon, any taser or stun gun, any instrument which dispels a metallic projectile, a spot marker or paint gun, and any of the “generally prohibited weapons” referenced in Penal Code Section 16590. Any employee violating this law may be arrested and criminally prosecuted, as well as disciplined by the Department.

For further information or questions, contact EHS in DHR or contact SEMP.

Departmental References:

[Department Administrative Manual Section 3860](#) – Workplace Violence Prevention and Security Policy

Key Policy – [Workplace Violence Prevention and Security Policy](#)

Division of Human Resources

[Security and Emergency Management Program](#)

DISCRIMINATION PREVENTION POLICY

The Department of Water Resources (Department) is committed to providing a workplace in which all individuals are treated with respect and professionalism. The Department has a “zero-tolerance” policy which means discrimination will not be tolerated in the work environment. An employee may be disciplined for a violation of this zero-tolerance policy even if their action(s) would not make them legally liable for discrimination. The Department complies with all State and federal laws that give employees the right to work in an environment free from discrimination and provide employees with a means to express allegations of discrimination and/or retaliation based on job-related issues involving age, ancestry, color, physical or mental disability (including related accommodations), genetic information, marital status, medical condition, national origin, race, religion (including related accommodations), sex (including pregnancy and sexual harassment), sexual orientation, gender, gender identity, gender expression, veteran status, and military status. This includes perceptions that a person has any of these characteristics or is associated with a person who has or is perceived to have any of these characteristics. The Department also prohibits discrimination or retaliation for the use of protected leave rights and the right to be free from discrimination or retaliation for political opinions or affiliation.

All employees are responsible for ensuring that our workplace is free of discrimination and are expected to avoid any behavior or conduct that could reasonably be interpreted as such. Managers and Supervisors who know or should have known of discrimination and/or retaliation must take immediate and appropriate corrective action. The Department will strictly enforce this policy because all forms of discrimination are unlawful, unprofessional, and disrespectful, and may damage an individual’s career and well-being.

PROHIBITED CONDUCT

Prohibited conduct under this policy that may also rise to the level of discrimination include, but is not limited to:

- Making derogatory comments, slurs, jokes, remarks, rumors, or epithets.
- Displaying objects, cartoons, pictures, or posters of a derogatory or discriminatory nature.

- Treating any individual differently (i.e., exclusion, preferential treatment to others) based on the individual's perceived membership in one of the protected classes described above or engaging in protected conduct.
- Hazing of employees (i.e., to coerce humiliating performances from, or play rough practical jokes on employees).
- Implying or withholding support for appointment, promotion, transfer, or change of assignment; initiating a rejection during probation or adverse action without a business-related reason.
- Engaging in reprisals or threats.
- Displaying, transmitting, or forwarding digital materials including, but not limited to, images, videos, emails, or text messages of a discriminatory and/or offensive nature unless authorized in connection with an investigation or other official Department action by a member of senior management, the Manager of the Office of Workforce Equality (OWE), and/or legal counsel.
- Transmitting, forwarding, or displaying hard copies of, but not limited to, images, emails, or text messages of a discriminatory and/or offensive nature unless authorized in connection with an investigation or other official Department action by a member of senior management, the Manager of the OWE, and/or legal counsel.

CONSEQUENCES

Managers and Supervisors who know or should have known of discrimination and/or retaliation and do not take immediate and appropriate corrective action will be held accountable. Managers and Supervisors do not need to receive a complaint from an employee before taking action. Failure to adhere to the above responsibilities will result in appropriate corrective and/or disciplinary action, up to and including dismissal from State service, regardless of job level or classification. In addition, individuals may be held personally liable for their conduct. Any employee who engages in harassment or retaliation towards someone who reports discrimination may be held personally liable for their conduct.

Individuals, including Managers and Supervisors, found in violation of the Department's Discrimination Prevention Policy will face formal adverse action up to and including dismissal, regardless of job level or classification.

SPECIAL ASSISTANCE

Refer to Enterprise Process Guide, [Equal Employment Opportunity 1: Discrimination Prevention and Complaint](#), for detailed procedures. Questions regarding the policy or procedure should be referred to the Department's OWE Manager or the Office of the General Counsel.

Refer to the [Discrimination Prevention General Information](#) document for further details. For additional information contact OWE.

Point of Contact: Office of Workforce Equality
Phone: (916) 653-6952
Toll Free: (877) 851-2448
Dial 711 for [California Relay Service](#)

Email: weo@water.ca.gov

Departmental References: Department Administrative Manual Sections [3091](#); [3212](#) and [3212.50](#)
Enterprise Process Guide, [Equal Employment Opportunity 1](#)

External References: Government Code Sections [12920-12921](#); [12925-12926.1](#); [12940 -12950.2](#), [12951-12952](#); [18500\(c\)\(5\)](#); [19230 -19237](#)
(Hiring Persons with Disabilities); [19700 et seq.](#); [19775 et seq.](#); [19780 et seq.](#); [19790 et seq.](#)
California Code of Regulations [Title 2 Sections 10; 51.2; 58.3; 64.1-64.6; 11008 – 11098](#)
[California Constitution Article 1](#)
[Labor Code Section 1102](#)
[Civil Rights Act, Title VII](#)
[Uniformed Services Employment and Reemployment Rights Act of 1994](#)
[Genetic Information Nondiscrimination Act of 2008](#)
[Americans with Disabilities Act](#)

DISCRIMINATION PREVENTION GENERAL INFORMATION

RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

- Managers and Supervisors, who are aware of the occurrence of discrimination, even if the occurrence is not directly within their line of supervision or responsibility, are legally required to immediately and concurrently report the discriminatory conduct to the Department of Water Resources' (Department) Office of Workforce Equality (OWE) and their Division/Office/Region/Field Division Manager. This reporting requirement also applies to any occurrence or event that may appear to be discriminatory.
- Managers and Supervisors are responsible for acts of discriminatory conduct in the workplace where the Managers and Supervisors know or should have known of the conduct, unless they can show that they took immediate and appropriate corrective action. Managers and Supervisors do not need to receive a complaint in order to take action. Ignorance is not a defense when a Manager or Supervisor does not take immediate and corrective action about discriminatory activity if, through reasonable care, they should have known of the conduct.
- Managers and Supervisors may also be responsible for discriminatory acts by non-employees in the workplace where the Managers and Supervisors know or should have known of the conduct and fail to take immediate and appropriate corrective action. In reviewing these cases, the extent of the Managers' and Supervisors' control and any other legal responsibility which they may have with respect to the conduct of such non-employees will be taken into consideration.
- Managers and Supervisors, under current law, who engage in discriminatory or retaliatory conduct, may be held personally responsible/liable for such conduct.

Managers and Supervisors must:

- Provide a discrimination-free work environment and take proactive steps to communicate to their subordinates that discrimination in the workplace will not be tolerated.
- Set an example through their own behavior and let others know that they support the discrimination prevention policy and will take immediate and appropriate corrective action if discrimination or a policy violation occurs, is alleged, or observed.

- Set an example through their own behavior and let others know that they support the discrimination prevention policy and will take immediate and appropriate corrective action if discrimination or a policy violation is substantiated.
- Monitor the workplace to identify subtle discriminatory conduct or behavior.
- Ensure that all of their subordinate employees are informed of the Department's Discrimination Prevention Policy.
- Ensure that all employees timely attend mandated Discrimination Prevention training to make them aware of conduct that constitutes discrimination and the consequences of such conduct.
- Ensure that their subordinate employees are not discouraged from filing complaints (formal or informal) so that OWE may investigate complaints in a timely, thorough, and confidential manner.
- Take all complaints seriously. Do not ignore or minimize the complaint, determine the legitimacy of the complaint based upon personal opinions, or otherwise discourage employees from reporting such complaints.
- Immediately report all discrimination complaints or instances to OWE as soon as possible and preferably within 48 hours of an alleged incident. A report about the alleged discrimination needs to be provided to OWE directly or through chain of command to OWE even if the complainant does not want you to proceed.
- Immediately inform and consult with OWE prior to taking any action in order to determine what corrective action(s) should be taken. This consultation will determine whether this is the type of incident that the hiring authority would address or whether OWE would need to conduct an investigation.
- Record and document the facts of possible discrimination when it has been determined by OWE that the hiring authority will address the complaint. Provide a copy of the documentation to OWE, regardless of the findings. The written document must include the immediate corrective action taken to prevent discrimination from occurring in the future. OWE retains a case file on all reported incidents.
- Promptly initiate appropriate action to prevent further discriminatory acts from occurring.
- Protect the employee(s) complaining of discrimination from any form of reprisal or retaliation. Contact OWE prior to removing or relocating the complainant from their worksite.

- Promptly initiate appropriate action to remedy a discriminatory situation in a manner that will protect the complainant, respondent, and other employees.

PROTECTED CLASSES

For the definitions and examples for bases of discrimination click the link for the [Protected Group Categories](#).

EMPLOYEE/JOB APPLICANT OBLIGATION AND RIGHTS

Any employee who believes that the Discrimination Prevention Policy or their rights under State or federal laws have been violated may file a discrimination complaint with any Department Manager, Supervisor, or Equal Employment Opportunity (EEO) Counselor, or file a formal discrimination complaint with OWE. They may also file directly with the California Department of Fair Employment and Housing (DFEH), or the United States Equal Employment Opportunity Commission (EEOC). For complaints related to the bases of medical condition, mental disability, physical disability, and failure to accommodate, employees may file a complaint or appeal with the State Personnel Board (SPB).

Employees filing a complaint or responding to allegations made against them have an obligation to provide accurate and factual information during all phases of the complaint process. They are assured of the following rights:

1. A reasonable amount of State work time to prepare and present their discrimination complaints. Such use of time should be approved in advance by the employees' Managers or Supervisors or higher-level Managers or Supervisors, as appropriate. OWE staff will help resolve issues regarding the use of State time to prepare complaints. Employees should not be discouraged from contacting OWE.
2. Their choice of representative to assist them throughout the resolution process.
3. Freedom from influence that would discourage them from filing a complaint, and freedom from reprisal for filing a complaint.
4. A full, objective investigation by a trained investigator.
5. A decision from the Department after full consideration of all relevant facts and circumstances regarding the complaint, including a written explanation of the Department's decision.

6. For complaints of discrimination based on medical condition, mental disability, physical disability, or failure to accommodate, the ability to submit a complaint to SPB if (a) the Department has not rendered a decision to an internal complaint within 90 days, or (b) the employee wishes to appeal OWE's issued decision to SPB.

COMPLAINTS OUTSIDE OF OWE (INFORMAL)

To facilitate early resolution of a complaint, employees who believe they have experienced conduct that is prohibited by the Department's Discrimination Prevention Policy are encouraged to inform their Managers or Supervisors, unless the employees' Managers or Supervisors are named in the complaint or directly involved in the discriminatory conduct. In this case, the employees should inform their second-level Managers or Supervisors.

Alternatively, employees are encouraged to contact OWE directly, an EEO Counselor, and/or the appropriate Division/Office/Region/Field Division Manager, or any Department Manager or Supervisor, who will report to OWE.

FORMAL COMPLAINTS

If the complainant is not satisfied with the results of the informal inquiry, or decides to bypass the informal process, they have the option of filing a formal complaint directly with OWE. A formal complaint must be made within one year of the alleged act or awareness of the act. **[Exception:** An additional 90 days immediately following the one-year expiration date may be granted in some cases if the complainant just obtained knowledge of the conduct. The complainant must justify the need for the additional 90 days. **(Example:** The employee did not become aware that the action was discrimination until the one-year limit expired.)] Notwithstanding the time limitation on filing a formal discrimination complaint, employees are encouraged to make a formal complaint as close as possible to the alleged conduct or act to afford the Department an opportunity to respond and to stop the conduct or act.

Once a formal complaint is filed, confidentiality cannot be guaranteed. In the event of an administrative or other legal proceeding, all investigative materials may legally be required to be disclosed to others involved in such proceedings.

APPEALS

For internal formal complaints of discrimination to OWE based on medical condition, mental disability, physical disability, or failure to accommodate, if (a) the Department has not rendered a decision to an internal complaint within 90 days, or (b) the employee wishes to appeal OWE's issued decision, they may file their complaint with SPB's Appeals Division. A complaint/appeal to the SPB must be made within 120 days of the initial internal complaint if there was no Department response/decision, or within 30 days from the written date of the Department's decision.

OTHER FILING OPTIONS

Employees also have the option of filing concurrent complaints with EEOC and/or DFEH and may be able to file a complaint through the grievance process. Refer to the appropriate [Bargaining Unit Contract](#) for further information.

RECORD ACCESS

The OWE Manager and OWE Investigators are authorized to access all Department files and records that may contain information necessary to the thorough investigation of a discrimination complaint.

This authorization is granted only as it pertains to the needs of specific complaints. OWE staff preserve and maintain the confidentiality of all personal information.

RETALIATION

Retaliation is an adverse employment action taken as a result of an employee participating in a protected activity. The Department forbids retaliation against anyone for reporting discriminatory activity, registering a complaint pursuant to this policy, assisting in making a discrimination complaint, or cooperating in an EEO investigation (known as EEO-protected activity). Anyone experiencing or witnessing any conduct they believe to be retaliation under this policy should immediately contact OWE. A complaint relating to retaliation for the filing of a discrimination complaint may be filed directly with OWE, DFEH, or EEOC.

Departmental References:

[Department Administrative Manual 3091](#) – Discrimination Prevention Policy

[Department Administrative Manual 3212](#) – Equal Employment Opportunity Policy

[Department Administrative Manual 3212.50](#) – Reasonable Accommodation Policy

Key Policy – [Discrimination Prevention Policy](#)

Enterprise Process Guide, [Equal Employment Opportunity 1: Discrimination Prevention and Complaint](#)

SEXUAL HARASSMENT PREVENTION POLICY

The Department of Water Resources (Department) is committed to providing a workplace in which all individuals are treated with respect and professionalism. Sexual harassment is illegal. The Department has a “zero-tolerance” policy which means sexual harassment will not be tolerated in the work environment. An employee may be disciplined for a violation of this zero-tolerance policy even if their actions would not make them legally liable for sexual harassment.

The Department complies with all State and federal laws that give employees the right to work in an environment free from sexual harassment and provides individuals with a means to express allegations of sexual harassment and/or retaliation. All employees are responsible for ensuring that our workplace is free from sexual harassment and is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited sexual harassment. Managers and Supervisors who know or should have known of sexual harassment and/or retaliation for making a complaint of sexual harassment must take immediate and appropriate corrective action. An employee found in violation of the Sexual Harassment Prevention Policy is subject to adverse action up to, and including dismissal, regardless of job level or classification.

DEFINITION

Sexual harassment is generally defined as unsolicited and unwelcome sexual conduct of a severe and/or pervasive nature, be the conduct written, verbal, physical, or visual. The harassment may be repeated or be a one-time only action. It usually occurs when:

- Submission to that conduct or communication is made, either explicitly or implicitly, a term or condition of employment.
- Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee.
- Such conduct or communication has the effect of interfering with an employee’s work performance and creating an intimidating, hostile, or otherwise offensive work environment.

PROHIBITED CONDUCT

Prohibited conduct under this policy that may also rise to the level of sexual harassment include, but is not limited to:

- Issuing sexually suggestive or obscene letters, notes, invitations, or comments.
- Making sexually derogatory comments, slurs, jokes, remarks, rumors, or epithets.
- Leering, making sexual gestures, or displaying sexually suggestive objects, images, magazines, books, cartoons, or posters.
- Winking, throwing kisses, impeding, or blocking another's movement, physical assault, sexual groping, fondling, hugging, or other unwanted touching.
- Making unwanted sexual advances, even if the advances in the past have been wanted and reciprocal.
- Uttering derogatory comments or jokes regarding an individual's sexual preference or asking questions about a person's sexual behavior.
- Hazing of employees (e.g., to coerce humiliating performances from, or play demeaning, including physical, practical jokes on employees).
- Implying or withholding support for appointment, promotion, transfer, funding, or change of assignment, initiating a rejection during probation or adverse action, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.
- Engaging in reprisals or threats after negative response to sexual advances.
- Displaying, transmitting, or forwarding digital materials including, but not limited to, images, videos, emails, or text messages of a sexually suggestive, obscene, and/or offensive nature unless authorized in connection with an investigation or other official Department action by a member of senior management, the Manager of the Office of Workforce Equality (OWE), and/or legal counsel.
- Transmitting, forwarding, or displaying hard copies of, but not limited to, images, emails, or text messages of a sexually suggestive, obscene, and/or offensive nature unless authorized in connection with an investigation or other official Department action by a member of senior management, the Manager of OWE, and/or legal counsel.

Sexual harassment does not have to be an expression or be motivated by sexual desire or sexuality. In some instances, a person's actions may not be intended as sexual harassment but may be perceived as such by either the recipient of the behavior or a third-party observer.

Sexual harassment can occur between individuals of the same or different sex, regardless of gender identity or expression.

CONSEQUENCES

Managers and Supervisors who know or should have known of sexual harassment and/or retaliation and do not take immediate and appropriate corrective action will be held accountable. This means that a Manager or Supervisor should not wait for and does not need to receive a complaint from an employee before taking action. Failure to adhere to the above responsibilities will result in appropriate corrective and/or disciplinary action, up to and including dismissal from State service, regardless of job level or classification. In addition, individuals may be held personally liable for their conduct. Any employee who engages in harassment and/or retaliation towards someone who reports harassment may be held personally liable for their conduct.

Individuals, including Managers or Supervisors, found in violation of the Department's Sexual Harassment Prevention Policy will face formal adverse action up to and including dismissal, regardless of job level or classification.

SPECIAL ASSISTANCE

Refer to Enterprise Process Guide, [Equal Employment Opportunity 2: Sexual Harassment Prevention and Complaint](#), for detailed procedures. Questions regarding the policy or procedure should be referred to the Department's Manager, OWE, or the Office of the General Counsel.

Refer to the Sexual Harassment Prevention General Information for further details. For additional information contact OWE.

Point of Contact: Office of Workforce Equality
Phone: (916) 653-6952
Toll Free: (877) 851-2448
Dial 711 for [California Relay Service](#)

Email: weo@water.ca.gov

Departmental References: Department Administrative Manual Section [3093](#)
Enterprise Process Guide, [Equal Employment Opportunity 2](#)

External References: Government Code Section [12940](#);
SPB Rules
[Title VII of Civil Rights Act](#)

SEXUAL HARASSMENT PREVENTION GENERAL INFORMATION

RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

- Managers and Supervisors who are aware of the occurrence of sexual harassment, even if the occurrence is not directly within their line of supervision or responsibility, have the obligation to immediately and concurrently report the sexual harassment to the Department of Water Resource's (Department's) Office of Workforce Equality (OWE) and their Division/Office/Region/Field Division Manager. This reporting requirement also includes any occurrence that may appear to be sexual in nature.
- Managers and Supervisors are responsible for acts of sexual harassment in the workplace where the Managers and Supervisors know or should have known of the conduct, unless they can show that they took timely and appropriate corrective action. Managers and Supervisors do not need to receive a complaint in order to take action. Ignorance of sexual harassment is not an acceptable defense for inaction of a Manager or Supervisor if, through reasonable care, they should have been aware of the harassment.
- Managers and Supervisors may also be responsible for the acts of non-employees with respect to sexual harassment of employees in the workplace, where the Managers and Supervisors know or should have known of the conduct and fail to take timely and appropriate corrective action. In reviewing these cases, the extent of the Managers' and Supervisors' control, and any other legal responsibility which they may have with respect to the conduct of such non-employees, will be taken into consideration.
- The employer may be held liable for unlawful sexual discrimination against other persons who are qualified for but denied the employment opportunity or benefit, where employment opportunities or benefits are granted to another employee because of the other employee's submission to the employer's sexual advances or requests for sexual favors.

Managers and Supervisors must:

- Provide a discrimination-free, including sexual harassment-free, work environment and take proactive steps to communicate to their subordinates that sexual harassment in the workplace will not be tolerated.
- Set an example by their own behavior and let others know that they support the Sexual Harassment Prevention Policy and will take immediate and appropriate corrective action if sexual harassment or a policy violation occurs, is alleged, or observed.

- Set an example by their own behavior and let others know that they support the Sexual Harassment Prevention Policy and will take immediate and appropriate corrective action if sexual harassment or a policy violation is substantiated.
- Monitor the workplace to identify subtle sexual harassment situations.
- Ensure that all of their subordinate employees are informed of the Department's Sexual Harassment Prevention Policy and complaint process.
- Ensure that all employees timely attend mandated sexual harassment prevention training to make them aware of conduct that constitutes sexual harassment and the consequences of such conduct.
- Ensure that all Managers and Supervisors attend State mandated sexual harassment prevention training to make them aware of conduct that constitutes sexual harassment and the consequences of such conduct.
- Ensure that their subordinate employees are not discouraged from filing complaints (formal or informal) so that OWE may investigate complaints in a timely, thorough, and confidential manner.
- Take all complaints seriously. Do not ignore or minimize the complaint, determine the legitimacy of the complaint based upon personal opinions, or otherwise discourage employees from reporting such complaints.
- Immediately report all sexual harassment complaints or instances to OWE as soon as possible and preferably within 48 hours of an alleged incident. A report about the alleged sexual harassment needs to be provided to OWE directly or through chain of command to OWE even if the complainant does not want you to proceed.
- Immediately inform and consult with OWE prior to taking any action in order to determine what corrective action(s) should be taken. This consultation will determine whether this is the type of incident that the hiring authority would address or OWE would need to conduct an investigation.
- Record and document the facts of possible sexual harassment when it has been determined by OWE that the hiring authority will address the complaint. Provide a copy of the documentation to OWE, regardless of the findings. The written document includes the immediate corrective action taken to prevent sexual harassment from occurring in the future. OWE retains a case file on all reported incidents.
- Promptly initiate appropriate corrective action to prevent further harassment from occurring.

- Protect the employee(s) complaining of sexual harassment from any form of reprisal or retaliation. Contact OWE prior to removing or relocating the complainant from their worksite.
- Promptly initiate appropriate corrective action to remedy the situation in a manner that will protect the complainant, respondent, and other employees.

EMPLOYEE/JOB APPLICANT OBLIGATIONS AND RIGHTS

Any employee who believes that the Sexual Harassment Prevention Policy or their rights under State or federal laws have been violated, may file a discrimination complaint with any Department Manager or Supervisor or an Equal Employment Opportunity Counselor, or a formal discrimination complaint with OWE. They may also file directly with the California Department of Fair Employment and Housing (DFEH) or the United States Equal Employment Opportunity Commission (EEOC). Employees filing a complaint or responding to allegations made against them have an obligation to provide accurate and factual information during all phases of the complaint process. They are assured of the following rights:

1. A reasonable amount of State work time to prepare and present their sexual harassment complaints. Such use of time should be approved in advance by the employees' Managers or Supervisors or higher-level Managers or Supervisors, as appropriate. OWE staff will help resolve issues regarding the use of State time to prepare complaints. Employees should not be discouraged from contacting OWE.
2. Their choice of representative to assist them throughout the resolution process.
3. Freedom from influence that would discourage them from filing a complaint, and freedom from reprisal for filing a complaint.
4. A full, objective investigation by a trained investigator.
5. A decision from the Department after full consideration of all relevant facts and circumstances regarding the complaint, and a written explanation of the decision.

Note: In sexual harassment cases, the complainant cannot be assured of complete confidentiality because of the legal obligation to take immediate and appropriate corrective action. However, OWE will endeavor to maintain confidentiality to the extent possible.

COMPLAINTS OUTSIDE OF OWE (INFORMAL)

To facilitate early resolution of a complaint, employees who believe they have experienced conduct that is prohibited by the Department's Sexual Harassment Prevention Policy are encouraged to inform their Managers or Supervisors, unless the employees' Managers or Supervisors are named in the complaint or directly involved in the harassing conduct. In this case, the employees should inform their second-level Managers or Supervisors.

Alternatively, employees are encouraged to contact OWE directly and/or the appropriate Division/Office/Region/Field Division Manager, or any Department Manager or Supervisor who will report to OWE.

FORMAL COMPLAINTS

If the complainant is not satisfied with the results of the informal inquiry, or decides to bypass the informal process, they have the option of filing a formal complaint directly with OWE. A formal complaint must be made within one year of the alleged act or awareness of the act. **[Exception:** An additional 90 days immediately following the one-year expiration date may be granted in some cases if the complainant just obtained knowledge of the conduct. The complainant must justify the need for the additional 90 days. **(Example:** The employee did not become aware that the action was sexual harassment until the one-year limit expired.)] Notwithstanding the time limitation on filing a formal sexual harassment complaint, employees are encouraged to make a formal complaint as close as possible to the alleged conduct or act to afford the Department an opportunity to respond and to stop the conduct or act.

Once a formal complaint is filed, confidentiality cannot be guaranteed. In the event of an administrative or other legal proceeding, all investigative materials may legally be required to be disclosed to others involved in such proceedings.

OTHER FILING OPTIONS

Employees also have the option of filing concurrent complaints with EEOC and/or DFEH and may be able to file a complaint through the grievance process. Refer to the appropriate [Bargaining Unit Contract](#) for further information.

RETALIATION

Retaliation is an adverse employment action taken as a result of an employee participating in a protected activity. The Department forbids retaliation against anyone for reporting sexual harassment, registering a complaint pursuant to this policy, assisting in making a sexual harassment complaint, or cooperating in an EEO investigation (known as EEO-protected activity). Anyone experiencing or witnessing any conduct they believe to be retaliation under this policy should immediately contact OWE. A complaint relating to retaliation for the filing of a sexual harassment complaint may be filed directly with OWE, DFEH, or EEOC.

Departmental References:

[Department Administrative Manual 3093](#) – Sexual Harassment Prevention Policy
Key Policy – [Sexual Harassment Prevention Policy](#)
Enterprise Process Guide, [Equal Employment Opportunity 2: Sexual Harassment Prevention and Complaint](#)

DRUG-FREE WORKPLACE POLICY

The Department of Water Resources (Department) shall provide a drug-free workplace per the California Department of Human Resources regulations found in Title 2 of the California Code of Regulations (CCR), Section 599.960. These directives state that:

“[N]o State employee who is on duty or on standby for duty shall:

(1) use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or

(2) use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively.”

These provisions shall be in addition to and shall not be construed as a required prerequisite to, or as affecting any other types of provisions available under law to serve this purpose, including employee assistance, adverse action, and medical examination.

CONSEQUENCES

Violation of this policy is a serious matter for which the Department may impose adverse action up to and including dismissal.

Refer to the Drug-Free Workplace General Information for further details. For additional information, contact the Division of Human Resources.

Point of Contact: Substance Abuse Testing Coordinator
Division of Human Resources
Phone: (916) 902-6651

Departmental References: Department Administrative Manual Sections [3870-3873](#)
Enterprise Process Guide, [Human Resources 28](#)
Enterprise Process Guide, [Human Resources 29](#)

External References: Civil Service Act, Government Code Sections [19253.5](#),
[19570-19593](#)
[California Code of Regulations sections 599.960-](#)
[599.966](#)
U.S. Code Title 49 section 31306
[49 Code of Federal Regulations, Part 40](#) [49 Code](#)
[of Federal Regulations, Sections 382-395](#)

DRUG-FREE WORKPLACE (State Rules)

GENERAL INFORMATION

The Department of Water Resources (Department) is committed to maintaining a drug-free and alcohol-free workplace. Employees covered by the Drug-Free Workplace Policy, who have a problem with controlled substance (drug) use and/or alcohol misuse, are encouraged to contact their Manager, Supervisor, or Employee Health Services for information on the State's Employee Assistance Program (EAP). Refer to Enterprise Process Guide, [Employee Health Services 2: Employee Assistance Program](#), for detailed procedures. The employee may also contact the EAP provider, Magellan Healthcare directly at (866) EAP-4SOC or (866) 327-4762.

Sensitive positions fall under State rules while safety-sensitive positions fall under federal rules. It is imperative to follow the correct set of rules when administering substance abuse testing.

An employee's ability to perform safely and effectively can be impaired by illegal drugs, alcohol, legally prescribed medications, or a combination of these. The employee's Supervisor may initiate the substance testing process when there is reasonable suspicion that an employee in a sensitive position is "under the influence" while on duty or on standby for duty.

DEFINITIONS

"Reasonable Suspicion" - A good faith belief based on articulable facts or evidence that the employee may have violated the State's substance abuse policy [California Code of Regulations (CCR), Title 2, section 599.960(b)] and that substance testing could reveal evidence related to that violation.

"Designated Representative" (Confirmer) - Reasonable suspicion will exist only after the appointing power (the Director) or their designee has considered the facts and/or evidence in the particular case and agrees that they constitute a finding of reasonable suspicion. A designee shall be an individual other than the suspected employee's immediate Supervisor and other than the person who made the initial observation leading to the question of reasonable suspicion. The designee shall be a person who is authorized to act for the appointing power who is thoroughly familiar and trained in the provisions and procedures for carrying out this policy.

"Good Faith" - Determinations of reasonable suspicion are made carefully, honestly, and without improper motives, such as discrimination, reprisal, or personal animosity.

"Articulable Facts or Evidence" - Basis for reasonable suspicion must be specific enough to be clearly documented and readily explained to the employee, their representative, higher level management and, when necessary, hearing offices and courts.

"Sensitive Positions" - Sensitive positions are peace officer positions, as defined by Section 830 of the Penal Code, and other positions in which drug or alcohol affected performance could clearly endanger the health and safety of others. These other positions have the following general characteristics:

1. Their duties involve a greater than normal level of trust, responsibility for impact on the health and safety of others; and
2. Errors in judgment, inattentiveness, or diminished coordination, dexterity, or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; and
3. Employees in these positions work with such independence or perform such tasks that it cannot be safely assumed that mistakes such as those described in 2 could be prevented by a Supervisor or another employee.

Positions are designated as sensitive through a process provided in CCR, Title 2, Section 599.961. Existing practices concerning drug/alcohol testing will not change for employees in these positions until this process (e.g., notification) is completed.

"Under the Influence" - Impaired judgment, behavior, or actions which derive from drug and/or alcohol usage.

EMPLOYEE RIGHTS

Following are employee rights related to "reasonable suspicion" substance abuse testing for sensitive positions:

1. Employees suspected of violating the policy prescribed in CCR, Title 2, Section 599.960 shall be entitled to representation during any interviews with the affected employee that could lead to a decision by the appointing power to take adverse action against the employee, regardless of whether these interviews occur before or after the sample is taken. Employees shall also be entitled to representation in any discussions with the Medical Review Officer pertaining to the drug testing process and results (CCR, Title 2, Section 599.965).
2. The sample collection process shall include the opportunity for the employee to provide information about factors other than illegal drug use, such as taking legally prescribed medication that could cause a positive test result. At the employee's option, this information may be submitted in a sealed envelope to be opened only by the Medical Review Officer if the test result is positive.
3. The employee shall receive a full copy of any test results and related documentation of the testing process.

4. All confirmed positive samples shall be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer. At the employee's request and expense, the sample may be retested by that laboratory or another laboratory of the employee's choice.

EMPLOYEE'S RESPONSIBILITY

All covered employees are expected to comply with the requirements set forth in the Drug-Free Workplace Policy. Failure to provide a breath sample, refusing to take a required drug test, or engaging in any other conduct that obstructs the testing process will be considered willful disobedience. Once the employee has been notified by the Supervisor that they are required to test, they must be available for testing immediately.

An employee who uses prescription medications or over-the-counter medications, which may cause them to be unable to perform regularly assigned duties safely, must report this fact to their Supervisor. In such instances, the State may reassign the employee to non-sensitive duties until they are able to fully perform their normal sensitive duties.

PROHIBITED CONDUCT

A violation of the Drug-Free Workplace Policy will result in the employee's immediate removal from the sensitive position and may result in adverse action up to and including dismissal. If an employee fails to provide a breath sample, refuses to take a required drug test, or engages in any other conduct that obstructs the testing process, it shall be considered willful disobedience and may result in adverse action up to and including dismissal. If an employee refuses to test, any action less than dismissal will require Deputy Director's approval.

It is the State's general policy to respond to an employee's first violation of the State requirements or any other substance-abuse provisions with a "last chance" approach, under which the employee is allowed to retain their job subject to future compliance with these requirements and provisions, successful completion of rehabilitation, follow-up testing, etc. However, each case will be reviewed individually to determine the appropriateness of this approach, realizing that there will be cases in which the severity of the employee's offense, their past history, or the particularly sensitive nature of the required job duties may rule out a "last chance" approach.

Adverse action may be included with the "last chance" agreement consistent with [Bargaining Unit Contracts](#).

Departmental References:

[Department Administrative Manual Section 3870](#) – Drug-Free Workplace Policy

[Department Administrative Manual Section 3871](#) – Substance Abuse Testing for Sensitive Positions

[Department Administrative Manual Section 3873](#) – Prescription Drugs

Key Policy – [Drug-Free Workplace Policy](#)

Enterprise Process Guide, [Human Resources 28: Substance Abuse Testing for Sensitive Positions \(State Rules\)](#)

Enterprise Process Guide, [Human Resources 29: Drug and Alcohol Testing for Employees Who may Utilize a Commercial driver’s License or Permit \(Federal Rules\)](#)

Division of Human Resources

DRUG-FREE WORKPLACE (Federal Rules) GENERAL INFORMATION

The Department of Water Resources (Department) is committed to maintaining a drug-free and alcohol-free workplace. Employees covered by Drug-Free Workplace Policy, who have a problem with controlled substance (drug) use and/or alcohol misuse, are encouraged to contact their Manager, Supervisor, or Employee Health Services for information on the State's Employee Assistance Program (EAP). Refer to Enterprise Process Guide, [Employee Health Services 2: Employee Assistance Program](#), for detailed procedures. The employee may also contact the EAP provider, Magellan Healthcare directly at (866) EAP-4SOC or (866) 327-4762.

Sensitive positions fall under State rules while safety-sensitive positions fall under federal rules. It is imperative to follow the correct set of rules when administering substance abuse testing.

Substance abuse testing under federal rules must be completely separate from substance abuse testing under State rules in all respects. **Substance abuse tests under federal rules must take priority and must be conducted and completed before a State test is begun.** (49 CFR 40.13)

DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE POSITIONS (COMMERCIAL DRIVERS)

Federal regulations require that employees or prospective employees who possess a Commercial Driver's License (CDL) or permit and perform certain safety-sensitive functions associated with a commercial motor vehicle (hereinafter performing safety-sensitive functions) are subject to drug and alcohol testing. Such testing shall be conducted in the following instances: (a) pre-employment, (b) when certain circumstances are met in an accident involving a commercial vehicle, (c) when there is reasonable suspicion that alcohol abuse and/or controlled-substance use is taking place, (d) on a random basis, and (e) upon returning to work or as a follow-up.

SAFETY-SENSITIVE FUNCTIONS

An employee who is considered to be performing a safety-sensitive function during any period in which a CDL (including commercial driver's permit) holder is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:

1. All time at an employer or shipper plant, terminal, facility, other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

2. All time inspecting equipment as required by 49 CFR 392.7 and 392.8, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107 and 395.2)

Federal regulations require that employees performing safety-sensitive functions be removed from duty when certain violations of the regulations occur. These regulations also stipulate minimum conditions that must be met before the employee may return to those duties. Refer to [Department Administrative Manual 3872, Drug and Alcohol Testing for Commercial Drivers](#), for the policy.

Employees shall not perform duties, which because of drugs taken under a legal prescription, the employee cannot perform without posing a threat to the health or safety of the employee or others. Employees whose job performance is so restricted may be subject to reassignment, medical examination, or other actions specified by applicable statutes and regulations.

PRE-EMPLOYMENT DRUG TESTING

All applicants or transfers who possess a commercial driver's license or permit for positions that perform safety-sensitive functions must pass a pre-employment drug test prior to being hired or transferred, unless they meet the exemption criteria detailed in the pre-employment instruction set.

Additionally, employees who acquire a commercial driver's license or permit after the date of hire and employees serving as backup or occasional commercial vehicle drivers are required to pass a pre-employment drug test prior to performing a safety-sensitive function.

RANDOM DRUG AND ALCOHOL TESTING

Employees subject to Drug-Free Workplace Policy will be tested for controlled substances and alcohol on a random basis. The tests will be unannounced.

Federal regulations require that the Department conduct a number of controlled substance tests equal to at least 25 percent of the number of all covered employees and alcohol tests equal to at least 10 percent of the number of all covered employees each calendar year, spread reasonably over a 12-month period. The selection of employees to be tested shall be made by a scientifically valid method as required by U.S. Department of Transportation regulations. (49 CFR 382.305)

REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

An employee shall be required to submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the employee has violated the prohibitions of Drug-Free Workplace Policy and/or Federal Motor Carrier Safety Association Regulations. The determination that reasonable suspicion exists under federal authority must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

If a required alcohol test is not administered within two hours following the determination that reasonable suspicion exists, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination that reasonable suspicion exists, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. (49 CFR 382.307)

POST-ACCIDENT DRUG AND ALCOHOL TESTING

An employee who is in an accident involving a commercial motor vehicle shall be tested for alcohol and controlled substances if the following conditions exist:

- A. The driver was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or
- B. The driver received a citation under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury requiring treatment away from the scene or resulted in damage to any vehicle that required the vehicle to be towed or transported away. (49 CFR 382.303[a])

An employee who is subject to post-accident testing must remain available for such testing or may be deemed by the Department as refusing to submit to testing. An employee must be tested as soon as practicable following an accident. However, this requirement should not delay necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident. (49 CFR 382.303)

If a required alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. (49 CFR 382.303)

If a required drug test is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

RETURN-TO-DUTY TESTING

An employee who has engaged in prohibited conduct under this policy must submit to an evaluation by a Substance Abuse Professional, complete the Substance Abuse Professional's recommended rehabilitation program, be reexamined by the Substance Abuse Professional, and pass a return-to-duty test prior to returning to safety-sensitive duties. (49 CFR 382.605)

The Substance Abuse Professional will, at a minimum, make recommendations on treatment, monitor the employee's rehabilitation progress, re-evaluate the employee prior to returning to work, and direct the minimum number and frequency of the unannounced follow-up tests. The employee shall be subject to follow-up testing as recommended by the Substance Abuse Professional. (49 CFR 382.309)

Any employee entering into a drug or alcohol rehabilitation program prescribed by the Substance Abuse Professional may, if approved by the Department, use their accumulated vacation, compensating time off (CTO), annual leave, or leave without pay if the employee has exhausted their accumulated leave.

FOLLOW-UP TESTING

After passing a return-to-duty test and having the Substance Abuse Professional's approval to return to work, the employee will be subject to at least six unannounced follow-up tests during the first 12 months after returning to duty. The Substance Abuse Professional may determine that the Department may perform follow-up testing for up to 60 months from the date of the employee's return to duty. (49 CFR 382.311 and 382.605)

If an employee refuses to test, any action less than dismissal will require Deputy Director's approval.

EMPLOYEE'S RESPONSIBILITY

All covered employees are expected to comply with the requirements set forth in this policy and/or Federal Motor Carrier Safety Association Regulations.

Failure to provide a breath sample, refusing to take a required drug test, or engaging in any other conduct that obstructs the testing process will be considered willful disobedience. Any violation of the federal requirements, including but not limited to testing positive, may be the basis for adverse action up to and including dismissal. [[Bargaining Unit Contract, Bargaining Unit 12](#), International Union of Operating Engineers ([Bargaining Unit Contracts](#))]

1. Once the employee has been notified by the Supervisor that they have been selected for testing, they must be available for testing immediately.
2. An employee must notify their Supervisor when convicted of violating a State or local law, in any type of vehicle, relating to motor vehicle traffic control (other than parking violations) within **one day** after the date they are convicted. (49 CFR 383.31)
3. When the employee's CDL has been suspended, revoked, restricted, or affected by any other action that would limit or restrict his or her ability to drive a commercial vehicle, the employee shall report such loss to their Supervisor on their first day of work after **notification** of losing the license. (49 CFR 383.33)
4. An employee must notify their Supervisor in writing of violations of the alcohol and controlled substances prohibitions under 49 CFR Part 40 which occur outside of employment of the Department. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first. (49 CFR 382.415)

An employee who uses prescription medications or over-the-counter medications, which may cause them to be unable to perform regularly assigned duties safely, must report it to their Supervisor. In such instances, the State may reassign the employee to non-safety sensitive duties until they are able to fully perform their normal safety-sensitive duties.

PROHIBITED CONDUCT

Any Department employee in a position which requires the possession of a CDL will be prohibited from performing safety-sensitive functions if they violate this policy, California Vehicle Code, and/or Federal Motor Carrier Safety Association Regulations by:

- A. Refusing to submit to a required alcohol or controlled-substance test (49 CFR 382.211);
- B. Using controlled substances or testing positive for the use of specific controlled substances (49 CFR 382.23 and 382.215);
- C. Consuming alcohol on the job (49 CFR 382.205);
- D. Consuming alcohol within four hours of performing safety-sensitive functions (49 CFR 382.207);
- E. Testing positive for alcohol with an alcohol concentration of 0.04 or greater (49 CFR 382.201);
- F. Using alcohol within eight hours following an accident or until a post-accident alcohol test and/or controlled-substance test is conducted, whichever occurs first (49 CFR 382.209 and 382.303); and/or
- G. Operating a commercial vehicle while in the possession of un-manifested alcohol that is not being transferred as part of a shipment or is possessed or used by bus passengers. (49 CFR 392.5(a)(3))

A violation of this policy will result in the employee's immediate removal from the safety-sensitive position and may result in adverse action up to and including dismissal. If an employee fails to provide a breath sample, refuses to take a required drug test, or engages in any other conduct that obstructs the testing process, it shall be considered willful disobedience and may result in adverse action up to and including dismissal. If an employee refuses to test, any action less than dismissal will require Deputy Director's approval.

It is the State's general policy to respond to an employee's first violation of the federal requirements or any other substance-abuse provisions with a "last chance" approach, under which the employee is allowed to retain their job subject to future compliance with these requirements and provisions, successful completion of rehabilitation, follow-up testing, etc. However, each case will be reviewed individually to determine the appropriateness of this approach, realizing that there will be cases in which the severity of the employee's offense, their past history, or the particularly sensitive nature of the required job duties may rule out a "last chance" approach.

Adverse action may be included with the "last chance" agreement consistent with [Bargaining Unit Contracts](#).

Departmental References:

[Department Administrative Manual Section 3870](#) – Drug-Free Workplace Policy
[Department Administrative Manual 3871](#) – Substance Abuse Testing for Sensitive Positions

[Department Administrative Manual Section 3872](#) – Drug and Alcohol Testing for Commercial Drivers

[Department Administrative Manual Section 3873](#) – Prescription Drugs
Key Policy – [Drug-Free Workplace Policy](#)

Enterprise Process Guide, [Human Resources 28: Substance Abuse Testing for Sensitive Positions \(State Rules\)](#)

Enterprise Process Guide, [Human Resources 29: Drug and Alcohol Testing for Employees Who may Utilize a Commercial driver's License or Permit \(Federal Rules\)](#)
Division of Human Resources

RESPONSIBLE USE OF INFORMATION TECHNOLOGY POLICY

The Department of Water Resources' (Department) Information Technology (IT) resources are key strategic assets of the State of California. The use of State and Department IT assets or data by State employees or contract personnel must be directly related to the individual's work assignment. The Department will monitor the use of IT resources to ensure they are being used appropriately.

Refer to the Responsible Use of Information Technology General Information for further details. For additional information contact the [Division of Technology Services](#).

Point of Contact: Division of Technology Services
Department Information Security Officer
Email: ISO@water.ca.gov

Departmental References: Department Administrative Manual Sections [10100-10102](#)
Enterprise Process Guide, [Information Technology Security 4](#)

External References: Government Code Sections [8314](#) and [11545-11548](#)
Penal Code Sections [502](#) and [631](#) California Vehicle Code
Section [23123](#) Civil Code Sections [1798.1](#) et seq.
State Telecommunications Management Manual Chapter
[0203.0](#)
State Administrative Manual Sections [4500-4550](#) and
[5350.1](#)
Statewide Information Management Manual [Section 5360-B](#)
California Natural Resources Agency ITPL 11-02 – Email
Management
California Natural Resources Agency Information Security
Policy 26.0 (CNRA-ISP 26): Responsible Use of
Information Technology

RESPONSIBLE USE OF INFORMATION TECHNOLOGY

GENERAL INFORMATION

Information Technology (IT) resources are key strategic assets of the State of California and the Department of Water Resources (Department) and must be treated and managed as valuable resources.

State and Department IT resources include, but are not limited to:

- Information and data
- Network and internet connections
- Computer workstations, tablets, and laptops
- Printers, scanners, and plotters
- Mobile communication devices
- IT infrastructure components
- Software, applications, and systems
- Digital and cellular devices
- Cloud Based IT, such as TaaS, IaaS, or SaaS

The Responsible Use of Information Technology Policy sets forth the Department's expectations for appropriate use of Department IT resources. The Department provides IT resources to its employees and contracted personnel to assist them in the performance of their job-related duties. The objectives of the Department's Responsible Use of Information Technology Policy, and associated directives and standards, include the following:

- To establish appropriate and acceptable practices regarding the use of IT resources.
- To ensure compliance with applicable State law and other rules and regulations regarding the management of IT resources.
- To educate individuals who may use information resources with respect to their responsibilities associated with departmental IT resource use.

DIRECTIVES

Responsible Use of Information Technology Policy contains four directives:

- Part I – General Directive
- Part II – IT Resources Responsibilities
- Part III – Mobile Communication Device
- Part IV – Security Reporting Responsibilities

Together these directives form the foundation of the Department's Responsible Use of Information Technology Policy.

The Responsible Use of Information Technology Policy applies to Department employees as well as to those non-employees who receive authorization through a contract or other means to access Departmental IT resources.

Each user authorized to use the Department's IT resources becomes responsible for protecting those resources. This includes the protection of physical property and electronic data, regardless of how or where the data is collected or stored. The unauthorized use of the Department's IT resources is prohibited.

Users authorized to use the Department's IT resources shall not engage in activities that are in violation of law, State-wide rule, regulation, or activities inappropriate for the workplace. This includes, but is not limited to: intentional creation, downloading, viewing, storage, copying, or transmission of sexually explicit or sexually-oriented materials; materials related to gambling, illegal weapons, terrorist activities, and any other illegal activities; and materials related to hate speech, or that ridicules others on the basis of Protected Group Categories.

PART I – GENERAL DIRECTIVE

- A. Since the use of State time and property for personal advantage, gain, or profit is inconsistent, incompatible, and in conflict with the duties of employees at any rank within the Department, the use of IT resources must be directly related to the employee's work assignment. All contract personnel use of Department IT resources must be directly related to authorized work assignments.
- B. Electronic files created, sent, received, or stored on IT resources owned, leased, administered, or otherwise under the custody and control of the Department are the property of the Department and employee use of these such files is neither personal nor private. The Department Information Security Office may access all such files, at any time, without the user's knowledge or approval. Department management may monitor and log all employee and contractor use and location of Department IT resources without notice.

- C. Management may monitor the use of all Department IT resources to ensure that Department policies, as well as State and federal laws are being followed, and that resources are being used appropriately. Managers and Supervisors are to report inappropriate IT access or usage restrictions to the Department's Information Security Office.
- D. A Department issued desktop computer, laptop, tablet, storage media, removable media, or a communication device is considered part of the employee's work area. A Manager's or Supervisor's access to the information stored on the computer or backup media should be treated in the same manner as access to the employee's desk and paper files.

PART II – IT RESOURCE RESPONSIBILITIES

Users MUST only use the IT resources for which they have authorization. On a multi-user IT network, each user becomes responsible for more than just their individual computer, IT device, or applications. Each user is a member of a wider community of interdependent users. One user's action, such as selecting an easily guessed password, sending unwanted electronic messages, or introducing a computer virus, could have a negative impact on others and the Department. Therefore, it is crucial that everyone who uses the Department's IT network must be aware of the following:

A. Computer Use

1. Users shall NOT engage in activities that would compromise the security of any State computer. This includes, but is not limited to: avoiding established security procedures and inappropriate sharing or disclosure of a person's digital authentication, that is, log-in identification and passwords.
2. Users shall NOT engage in activities that are in violation of law, State-wide rule, regulation, or activities inappropriate for the workplace. This includes, but is not limited to: intentional creation, downloading, viewing, storage, copying, or transmission of sexually explicit or sexually-oriented materials; materials related to gambling, illegal weapons, terrorist activities, and any other illegal activities; and materials related to hate speech, or that ridicules others on the basis of Protected Group Categories.
3. Users shall NOT disable the anti-virus software installed on the Department's network and computers.
4. Users shall NOT use Department IT resources as a staging ground or platform to gain unauthorized access to other systems.
5. Users MUST lock their computer workstation screen, via screen saver password, when leaving their work area.

6. Users shall NOT use Department IT resources for personal benefit, political activity, unsolicited advertising, unauthorized fundraising, or for the solicitation of performance of any activity that is prohibited by any local, State, or federal law.
7. Users shall NOT attempt to monitor or tamper with another user's electronic communications or read, copy, change, or delete another user's files or software without the explicit agreement of the owner or per management direction.
8. Users MUST follow rules appropriate to any network being used or accessed.
9. Users shall NOT engage in activity that may degrade the performance of IT resources; deprive an authorized user access to Department IT resources; or obtain extra IT resources beyond authorized allocation.
10. Users shall NOT share their account(s), passwords, Personal Identification Number (PIN), Security Tokens/Cards, or similar information or devices used for identification and authorization purposes.
11. Users shall NOT attempt to circumvent any computer security measures or data protection schemes put into place by the Department, California Natural Resources Agency, or the State of California.
12. Users MUST follow all Department, Natural Resources Agency, or State of California user account password practices.

B. Software Use

1. Users shall NOT install non-work-related software on Department's IT resources.
2. Users shall NOT download games or other non-work-related files from the internet. Users shall NOT transfer games or other non-work-related files from other computers or storage media. Files or attachments in the form of games, jokes, or automated greeting cards can hide viruses and other forms of malicious codes.
3. Users shall NOT make unauthorized copies of copyrighted or Department owned software.
4. Users shall NOT use unauthorized software on Department IT resources.
5. User shall NOT use any unauthorized Cloud software-as-a-service option.

6. Users shall NOT download, install, or run security programs or utilities such as password cracking programs, packet sniffers, or port scanners that reveal or exploit weaknesses in the security of the Department's IT resources unless explicitly approved by the Department's Information Security Office.
7. Users MUST return all software and manuals to their immediate Supervisor when the individual terminates employment with the Department.
8. Users shall NOT use unapproved Instant Messaging, and Peer-to-Peer file sharing platforms or applications.
9. Users MUST only utilize approved remote access software products and technologies.
10. The Department requires that all proprietary software or software as a service be purchased and used in accordance with licensing agreements. All software purchased by the Department will remain the property of the Department. The installation of software or use of software as a service that is non-work-related, has not been purchased by the Department, or has not been approved for use on Department equipment by the Department's Technology Director is prohibited.

C. Hardware Use

1. Users shall NOT install or deploy any IT infrastructure components such as servers, data storage devices, backup devices, modems, uninterruptable power supply (UPS), network devices, or wireless hubs without the authorized permission of the Department's Technology Director. Note: Thumb/flash drives can be utilized to store data/information for use when working off-line or transporting data.
2. Users shall ONLY connect personal devices to the Department's networks using portal.office.com. Any other use of personal devices to access Department systems and data requires appropriate IT management authorization.
3. Only Department approved devices can be connected (wired, wireless, or VPN) to our internal network or be hosts on our network. Contractors or visitors may connect non-departmental devices to the wireless Guest environment.
4. Users MUST safely store or secure their Department issued devices (laptop, cellular phone, radio, and tablet) when not in use, both at the workplace and off site.

5. Users MUST return all Department issued devices to their immediate Supervisor if it is determined that they no longer have a demonstrated need for the device(s), or when the individual terminates employment with the Department.
6. Users shall NOT utilize any Infrastructure as a Service (IaaS) or Platform as a Service (PaaS) that have not been authorized by the Division of Technology Services.

D. Data and Information Use

1. Users shall NOT attempt to access any data, documents, email correspondence, and programs contained on Department systems for which they do not have authorization.
2. Users MUST use the appropriate level of encryption and password protection when storing Department confidential or sensitive data.
3. Users MUST store all Department-related business documents, files, and data on an approved enterprise storage system (network or cloud) and not on their individual computer workstation, laptop, or other storage media. Users can use their local computer workstations, laptop drives, and other storage media to work on documents, files, and data in a transit mode, but must direct the information to the enterprise storage system as the approved storage location: Enterprise storage allows files to be backed up on a daily basis. The Department does not back up local computer workstations or laptop drives.
4. Users MUST securely store data and information classified as personal, confidential, or sensitive on approved Department storage devices and must lock access when they leave their work area.
5. Users shall NOT utilize Cloud storage-as-a-service option to store files or data without authorization from the Department Technology Director or designee.
6. Users must not reveal their account passwords or allow other persons to use their account or any other individual's account. Attempts to logon as another user will result in discipline or cancellation of privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access. Users must notify the system administrator of any change in account information. Users may be occasionally required to update registration, password, and account information in order to continue internet access.

7. Users MUST be vigilant to protect personal, sensitive, or confidential information from inappropriate or unauthorized access, use, or disclosure, regardless of media type, or its physical location.
8. Users MUST respect the rights of other IT users. Knowingly accessing or sharing data files without the owner's permission is prohibited, except as required by law or with approval from the Office of the General Counsel.
9. Users MUST report unauthorized use of any systems, files, or accounts to their immediate Supervisor and to the Department's Information Security Office.
10. Users MUST report data corruption or unauthorized manipulation or mutilation to their immediate Supervisor and to the Department's Information Security Office.
11. Users who serve as Systems Administrators or have been issued privilege accounts MUST adhere to all privacy, confidentiality and security policies and practices. System Administrators or privilege account holders who, in the course of their normal assignment, inadvertently view someone else's mail or files may not use this information to their own advantage. They may not reveal the contents except in cases involving the illegal use of State computing resources or the violation of Department or State policy. In these cases, the discovery must be reported to the Information Security Office and, in some cases, revealed to the Department's legal counsel. The System Administrator may not reveal to anyone else, including a member of senior staff not affiliated with the Information Security Office and/or legal counsel.

E. Email

1. Employees must only utilize the State email system to conduct official State business and communications. Private and/or other commercial email systems must not be used for State business or communications.
2. Users shall NOT automatically forward or disseminate Department email messages to non-Department email accounts.
3. Email that is 90 days or older will be automatically deleted from the Department's email system. Email items needing to be retained longer should follow the Department's policy for the retention of Department records. Email retained longer than 90 days should be deleted when there is no longer a business reason for retaining it. The exception to this is those users on "litigation hold." Notification of litigation hold is through the Office of the General Counsel.

4. Some email and attachments may qualify as Department records that must be retained according to the Department's Record Management Policy ([Department Administrative Manual Sections 9300 et seq.](#)) and the Department's Records Retention Schedule. For assistance in determining whether an email or attachment constitutes a Department record, you should consult your Supervisor.
5. Users shall NOT store email messages outside of the Department's network.

F. Incidental Personal Use

[Government Code Section 8314](#) permits incidental and minimal personal use of State resources. At the Department this means:

1. Incidental personal use of Department issued IT equipment, Department approved software, electronic mail (email), internet access, fax machines, printers, and copiers is restricted to Department employees only and does not include use by others not affiliated with the Department.
2. Incidental use must not result in direct costs to the Department, cause legal action against, or cause embarrassment to the Department.
3. Incidental use must not interfere with the normal performance of an employee's work duties.
4. Department management will resolve incidental and minimal use questions and issues using these guidelines in collaboration with the Information Security Office, Human Resources Division Manager, and the Office of the General Counsel.

PART III – MOBILE COMMUNICATION DEVICES

A. General Information

It is the Department's practice to provide the most efficient and economical communication equipment and related services needed to support the functions of the Department. The Division of Technology Services has been delegated the responsibility for all phases of the business communication network and telecommunication network, and for recommending and approving the most appropriate mobile communication devices for use.

1. Mobile communication devices include, but are not limited to: cellular telephones, smartphones, tablets, pagers, laptops, personal digital assistant devices, or any other device that uses cellular or wireless technologies to communicate to the Department's network or remote retrieval of data from the Department.
2. Users shall not store any confidential, personal, or sensitive data on a Department IT device that does not have built in encryption and password protection or cannot run encryption software. This pertains to both State issued/owned as well as privately owned devices approved for use. For those devices that offer built in encryption services based on a personal password that locks the device, those services must be employed. For those devices that do not have built in encryption, data should be encrypted with standard encryption software approved by the Division of Technology Services.
3. Electronic files created, sent, received, or stored on the Department's mobile communication device are the property of the Department. These files include, but are not limited to: the device log files, and such files are neither personal nor private. The Department Information Security Office may access all such files at any time, without the user's knowledge or approval. Department management may monitor and log all use and location of the Department's mobile communication device without notice.

B. Management Responsibilities

Division/Office Managers are responsible for the control and effective use of the various mobile communication devices assigned to employees. Division/Office Managers should use the following criteria to determine if it is appropriate to issue mobile communication devices to a Departmental employee:

1. The nature of work assigned to the employee requires travel or time away from the office that limits the employee's access to stationary office equipment such as desktop computers and office telephones needed to conduct official State business on a regular basis.
2. The employee is required to be reasonably available outside of normal office hours, including but not limited to: early morning, late evening, weekends, holidays, or other regularly scheduled days off.
3. The employee's work is critical to Department operations, and immediate contact with a specified response time from the employee is required, including, but not limited to: employees on 24/7 availability or those who deal with emergency situations.

4. The nature of the work requires the employee to work alone in a remote setting and for safety or other reasons the employee needs communications capability.
5. The employee's job requires immediate direct communication to support critical systems and functions.

C. Employee Responsibilities

The employee should understand that mobile communication devices are issued to support the effective performance of their job with the Department.

1. Personal use of mobile communication devices should be incidental and must not interfere with State operations, adversely affect performance, or violate government laws, rules or Department policy.
2. The employee is responsible for safeguarding mobile communication devices issued to them, controlling its use, and taking appropriate precautions to prevent damage, theft, or vandalism. Any occurrence of loss (misplacement), damage, theft, or vandalism must be reported immediately to the Department's Information Security Office.
3. The employee shall return the device(s) to their immediate Manager or Supervisor if it is determined that they no longer have a demonstrated need for the device(s), or when they terminate employment with the Department.
4. The employee shall not use mobile communication devices in an illegal, illicit, or offensive manner. [California Vehicle Code](#) Section 23123 prohibits text messaging while driving and requires drivers use a hands-free device when using wireless telephones. The employee should plan uses to allow communications either prior to driving or while on rest breaks. Should an employee need to dial, text, or respond to an e-mail, the vehicle must be pulled over, placed in park, and turned off.

PART IV – SECURITY REPORTING RESPONSIBILITIES

- A. In accordance with [State Administrative Manual section 5340.4 and State Information Management Memorandum \(SIMM\) section 5340-A](#), users must report, as soon as possible, when they discover or suspect there has been an IT Security incident. An incident is an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

- B. The user should immediately report the incident to the Department's Information Security Office at ISO@water.ca.gov. The Information Security Office will coordinate with the user to comply with any other reporting requirements mandated by SIMM 5340, regarding the loss of physical or data assets.

Departmental References:

[Department Administrative Manual Section 10100](#) – Responsible Use of Information Technology Policy

[Department Administrative Manual Section 10102](#) – Technology Asset Management

[Department Administration Manual Section 10530](#) – Information Technology Related Projects

Enterprise Process Guide, [Information Technology Security 4: Reporting A Data Breach On The Business Network](#)

Key Policy – [Responsible Use of Technology Division of Technology Services](#)

SAFETY POLICY

The Department of Water Resources (Department) will comply with all applicable federal, State, and local governmental safety laws and regulations, and industry safe work practices to maintain a safe work environment, a high level of efficiency, and morale among employees.

The Department believes that all of our employees and others have a right to a safe work environment and that all incidents are preventable. Safety is a core value of the Department and we are committed to our employees, contractors, cooperating agencies, and the visiting public to preventing occupational injuries and illnesses.

The Department will strive to continually improve safety through engagement from all organizational levels and continue to be a leader in employee safety. Active employee participation in the Department safety process is fundamental to improving workplace safety, key to successful implementation of the Department's Safety System, and strongly encouraged.

Management is responsible for ensuring that all Department safety and health policies and procedures are clearly communicated and understood by all employees. Managers and Supervisors are expected to enforce the rules fairly and uniformly. Employees will be trained to perform their jobs safely. All employees are responsible for following safe work practices, safety related directives, policies and procedures, and for assisting in creating and maintaining a safe work environment.

Employees are empowered to work in a safe manner and intervene to stop unsafe acts or unsafe conditions by using stop work authority.

Refer to the Safety General Information for further details. For additional information, contact the [Safety Office](#).

Point of Contact:

Safety Office
Phone: (916) 902-7431

Division of Engineering
Project Safety
Phone: (916) 376-0283

Employee Health Services
Phone: (916) 654-0533

State Water Project Safety
Engineer Phone: (209) 628-0656

Security and Emergency Management Program
Phone: (916) 653-5466

Departmental References:

Department Administrative Manual Sections [3801](#)
and [3810](#)
Enterprise Process Guide, [Employee Health
Services 1](#)
Enterprise Process Guide, [Employee Health
Services 3](#)
Enterprise Process Guide, [Transportation 6](#)
Water Resources Engineering Memorandum [Stop
Work Authority](#)

SAFETY

GENERAL INFORMATION

Safety within the Department of Water Resources (Department) will be achieved by:

- Advancing our safety culture and preventing incidents, the Department will strive to continually improve safety through engagement from all organizational levels. Active employee participation in the Department safety process is fundamental to improving workplace safety, key to successful implementation of the Department's Safety System, and strongly encouraged.
- Management being responsible for ensuring that all Department safety and health policies, and procedures are clearly communicated and understood by all employees. Managers and Supervisors are expected to enforce the rules fairly and uniformly.
- Employees being trained to perform their jobs safely.
- All employees being responsible for following safe work practices, safety related directives, policies, and procedures, and for assisting in creating and maintaining a safe work environment.
- The Department's commitment to complying with all applicable federal, State, and local governmental safety laws and regulations and industry safe work practices.
- Department employees following a management systems approach to help ensure the sustainability of the Department's Safety System.
- The Department continuing to strive to improve safety performance and to be a leader in employee safety.
- Each employee being responsible for properly using the safety equipment provided.

INJURY AND ILLNESS PREVENTION PROGRAM

All employees shall comply with the Injury and Illness Prevention Program (IIPP). This program represents the minimum foundational safety protocols which organizations within the Department must implement if the work presents an increase in hazards, risks, and potentially dangerous environments. It is meant to be supplemented by individual Division/Office/Region/Field Division health and safety rules. Copies of such rules shall be incorporated into Appendix A - Site Specific Information, of the IIPP.

Implementation of IIPP

IIPP shall include the following eight sections: responsibility, employee compliance, safety communication, hazard assessment and correction, incident investigation, training, and appropriate recordkeeping of safety activities.

Responsibilities

The Director has designated joint responsibility for overall coordination of the IIPP to each Division/Office/Region/Field Manager, as well as the Safety Engineers and the Project Safety Officers.

Each Manager and Supervisor has the primary responsibility for protecting the life, safety, and health of employees, including training in safety practices, and each employee is responsible for properly using the safety devices provided.

Safety Engineers assist in conducting safety programs for the Divisions of Operations and Maintenance (O&M), Engineering, and Flood Management. Safety Engineers have overall responsibility for safety, health, and accident prevention activities. In this capacity, they recommend and develop safety and health protocols to implement the IIPP; review safety and health training needs; coordinate and evaluate the effectiveness of the Department Safety System; compile, summarize and interpret accident statistics; review investigations of accidents resulting in serious injury or death and assist in investigating other accidents upon request; and advise management on the effectiveness of the Department Safety System and on safety rules and regulations.

PROTECTIVE CLOTHING, DEVICES, AND SAFEGUARDS

The Department will furnish safety devices and safeguards reasonably necessary and adequate to protect the life, safety, and health of its employees, in compliance with any applicable Bargaining Unit Contract provisions.

SAFETY COMMUNICATIONS

Open lines of communication between Managers or Supervisors and employees are important. Such safety communications shall include, but not be limited to:

1. A LABOR/MANAGEMENT SAFETY AND HEALTH COMMITTEE which shall, at a minimum,
 - a. meet quarterly,
 - b. keep written records and make them available to employees,
 - c. review results of inspections,

- d. review investigations of occupational accidents and make recommendations,
 - e. review allegations of hazardous conditions and make recommendations,
 - f. submit recommendations to management in response to employee suggestions, and
 - g. upon request of the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), verify actions taken by employer to abate violations.
2. MEETINGS - Managers and Supervisors shall conduct no less than quarterly, meetings with their employees to discuss health and safety issues and to ensure a safe work environment. More frequent meetings may be necessary depending on hazards and risks in the particular work environment.
3. TRAINING - Managers and Supervisors shall ensure that employees attend necessary training during the appropriate time frames. Formal training programs, such as CPR, First Aid, and Hazardous Substance Communications, are available through standard training channels. Informal training sessions, i.e., tailgate meetings and meetings with manufacturers' representatives, should be held on a regular or as-needed basis.
4. POSTINGS - Managers and Supervisors shall post in their work areas, as appropriate, posters which encourage workplace safety. Such posters may be obtained from State Compensation Insurance Fund, Cal/OSHA, National Safety Council, or private companies. Specific information regarding obtaining posters is available through Administrative Officers, Employee Health Services, the Safety Office, or the Project Safety Officer.

The following safety-related informational postings are required by law and must be in a visible place at each worksite:

- a. Cal/OSHA Form(s) 300a (posted annually from February 1 through April 30)
- b. Notice to State Employees (e13913)
- c. Access to Medical and Exposure Records, S-11
- d. Safety and Health Protection on the Job (rev. 10/17)
- e. Operating Rules for Industrial Trucks

5. WRITTEN COMMUNICATIONS - Memos to individuals and groups of employees shall be used to inform employees of special circumstances (i.e., asbestos, hazardous substances and/or environments, special training classes).
6. SUGGESTIONS - Each office shall provide a way to afford employees a means of communicating with management regarding safety issues.

Departmental References:

[Department Administrative Manual Section 3801](#) – Safety Policy

[Department Administrative Manual Section 3810](#) – Injury Illness Prevention Program

Key Policy – Safety Policy

Enterprise Process Guide, [Employee Health Services 1: Occupational Injury, Illness, or Death](#)

Enterprise Process Guide, [Employee Health Services 3: Industrial Injury/Illness Investigation](#)

Enterprise Process Guide, [Transportation 6: Vehicle and Boating Accident Reporting](#)

[DWR Safety System Site](#)

[DWR Code of Safe Work Practices](#)

Water Resources Engineering Memorandum [Stop Work Authority](#)

[Safety Office](#)

[Employee Health Services](#)

[Security and Emergency Management Program](#)