

## **301 EMPLOYMENT PRACTICES**

**301.1 Purpose.** The purpose of this Policy is to provide a framework for TRWD to develop and/or maintain a human resources system that clarifies and protects the rights and privileges of TRWD and all TRWD employees. The human resources system and practices should ensure that all TRWD employees are aware of the rights and responsibilities that accompany employment with the District, should reflect TRWD's mission and objectives, and shall comply with applicable local, state, and federal law, rules, and regulations.

**301.2 Scope.** This Employment Practices Policy applies to all departments, divisions, and offices within TRWD, and to all TRWD employees.

**301.3 Administration of Employment Policies.** The General Manager or designee shall establish and implement administrative procedures consistent with this Policy, which may include an employment handbook or manual, to set forth TRWD's practices and processes that are consistent with and implement this Policy.

**301.4 At-Will Employment.** Employment with TRWD is voluntary. All TRWD employees are employed "at will" and may be dismissed at any time, with or without notice, for any reason not prohibited by law or for no reason, as determined by the needs of the District. An employee may also resign or end his or her employment relationship with TRWD at any time for any reason.

No TRWD employee has a contractual right or property right in continued employment. Nothing in any Board-adopted Policy or administrative procedure shall be interpreted to create or confer to an employee a contractual right or property right in their employment with TRWD.

The General Manager or designee will establish procedures and guidelines to ensure that decisions affecting the continued employment of TRWD employees are made in a non-discriminatory manner and comply with applicable local, state, and federal laws, rules, and regulations.

**301.5 Equal Employment Opportunity.** TRWD is an Equal Opportunity Employer. TRWD values and is committed to seeking a diverse and inclusive workforce. The District provides equal employment opportunity to all employees and applicants for employment without regard to an applicant or employee's race, color, national origin, age, sex, sexual orientation, gender identity or expression, pregnancy status, religion, disability, genetic information, veteran status, or any other status protected by local, state, or federal law. Employment and advancement opportunities at TRWD should be based on qualifications, educational background, and experience and without regard to the individual's race, color, national origin, age, sex, sexual orientation, gender identity or

expression, pregnancy status, religion, disability, genetic information, veteran status, or any other status protected by law.

The General Manager or designee is responsible for formulating, implementing, coordinating, and monitoring all TRWD's efforts to promote and ensure equal employment opportunity. This includes developing administrative procedures and recruitment and retention techniques designed to ensure TRWD's continued commitment to equal employment opportunity and non-discrimination.

**301.6 Americans with Disabilities Act – Title I Policy Statement.** TRWD shall comply with all applicable provisions of the Americans with Disabilities Act (“ADA”) and the disability laws of the State of Texas. TRWD will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. TRWD will provide reasonable accommodations to any qualified individual with a disability, as defined by the ADA, provided that such accommodation does not impose an undue hardship on TRWD, or cause a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation.

The General Manager or designee will establish a process by which employees or applicants for employment with disabilities may request accommodations.

### **301.7 Prohibited Employment Practices.**

**301.7.1 Prohibition on Discrimination and Harassment.** TRWD prohibits discrimination, including harassment, against any employee on the basis of race, color, national origin, age, sex, sexual orientation, gender identity or expression, pregnancy status, religion, disability, genetic information, veteran status, or any other basis prohibited by law.

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, national origin, age, sex, sexual orientation, gender identity or expression, pregnancy status, religion, disability, genetic information, veteran status, or any other basis prohibited by law, that adversely affects the employee's employment, including the terms, conditions, and privileges of employment.

Harassment of an employee is defined as physical, verbal, or non-verbal conduct based on an employee's race, color, national origin, age, sex, sexual orientation, gender identity or expression, pregnancy status, religion, disability, genetic information, veteran status, or any other basis prohibited by law, when the conduct is so severe, pervasive, or objectively offensive that the conduct:

- Has the purpose or effect of unreasonably interfering with the employee's work performance;
- Creates an intimidating, threatening, hostile, or offensive work environment; or
- Otherwise adversely affects the employee's performance, work environment, or employment opportunities.

TRWD's commitment to non-discrimination and this prohibition on discrimination mean the District makes employment decisions without regard to an employee or applicant's race, color, national origin, age, sex, sexual orientation, gender identity or expression, pregnancy status, religion, disability, genetic information, veteran status, or any other basis prohibited by law.

**301.7.2 Prohibition on Sexual Harassment.** TRWD's prohibition on discrimination and harassment also encompasses a prohibition on sexual harassment. Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- Submission to the conduct is either explicitly or implicitly a condition of an employee's employment;
- Submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
- The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Sexual harassment may include conduct between persons of the same gender.

This prohibition on sexual harassment applies equally to sexual harassment that takes place via electronic means.

**301.7.3 Prohibition on Retaliation.** TRWD prohibits retaliation against an employee who reports or complains that he or she has experienced discrimination or harassment in the workplace. The District also prohibits retaliation against an employee who, in good faith, makes a report that another TRWD employee has been subjected to prohibited discrimination or harassment in the workplace, who serves as a witness, or otherwise participates in the complaint process related to a report or complaint of workplace discrimination or harassment. Retaliation against anyone involved in the complaint process is strictly prohibited.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate during TRWD's complaint process regarding prohibited discrimination or harassment is subject to disciplinary action, including termination.

**301.7.4 Prohibition on Bullying.** TRWD is committed to providing a work environment that is free from bullying and cyberbullying and prohibits employees from engaging in workplace bullying or cyberbullying.

For purposes of this Policy, "bullying" is engaging in written, oral, or electronic expression or a physical act or gesture (or any combination of such conduct), that occurs in the workplace and is directed at an employee or group of employees that has, or a reasonable person would expect to have, the effect of:

- Physically harming an employee, or damaging an employee's property;
- Placing an employee in reasonable fear of physical harm or damage to the employee's property; or
- Interfering with the rights of an employee by: (1) creating an intimidating or hostile work environment for the employee; or (2) interfering with the employee's work performance or ability to participate in or benefit from the services, activities, or privileges provided by TRWD.

For purposes of this Policy, "cyberbullying" means bullying through the use of social media, technology, or any electronic communication, including a computer, cell phone, text messaging device, or other work or personal electronic device.

Bullying and cyberbullying do not include the legitimate exercise of employee management, including employment directives, criticism designed to improve an employee's job performance, or work- or performance-related discipline.

**301.7.5 Prohibition on Retaliation Against Whistleblowers.** TRWD will not suspend, terminate, or take any other adverse action against an employee who in good faith reports a violation of law by TRWD or a TRWD employee to an appropriate law enforcement authority.

**301.7.6 Complaint Process.** The General Manager or designee shall establish a process for receiving and responding to complaints of workplace discrimination and harassment, including sexual harassment. An employee who feels he or she has been subjected to, or witnessed, discrimination or harassment prohibited by this Policy should notify the Human Resources Department and his or her department manager immediately in accordance with the process established by TRWD. If the report is about the department manager or the employee believes the department manager is an impairment to the situation, contacting the Human Resources Department is sufficient.

If the report is about the Chief Human Resources Officer or Human Resources Manager or the Chief Human Resources Officer or Human Resources Manager is perceived as contributing to the problem, the employee may make the report to the Deputy General Manager.

The General Manager or designee shall also establish a similar process for receiving and responding to other employment-related complaints, including complaints of bullying and retaliation against an employee for making a good faith report of a violation of law by TRWD or a TRWD employee to an appropriate law enforcement authority.

If an employee's report is about the General Manager, the employee may direct his or her complaint to the President of TRWD's Board of Directors or the Board's Administration and Policy Committee.

**301.7.7 Discipline.** All TRWD employees are responsible for ensuring compliance with this Policy. A violation of TRWD's prohibitions on discrimination, harassment, sexual harassment, bullying, cyberbullying, and retaliation may result in disciplinary action, including termination.

**301.8 Consensual Relationships.** TRWD prohibits romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly to that person) because such relationships may create the appearance of or actual conflicts of interest or favoritism.

TRWD strongly discourages romantic or sexual relationships between a manager or other supervisory employee and another TRWD employee who indirectly reports to the manager or supervisory employee because such relationships may also create the appearance of or actual conflicts of interest or favoritism. If such a relationship exists between a manager or supervisory employee and a TRWD employee who indirectly reports to him or her, it must be reported as soon as possible to the Human Resources Department. TRWD may move the manager or other supervisory employee and/or the staff member to a different department or take other actions at the discretion of TRWD to ensure a manager or supervisor does not serve in an indirect supervisory role with an employee involved in a consensual romantic or sexual relationship with him or her.

Non-consensual relationships of a romantic or sexual nature violate the law and are strictly prohibited.

**301.9 Prohibition on Nepotism.** TRWD is committed to fair and equitable hiring and employment practices. Both the hiring and advancement of employees should be based on qualifications and merit. TRWD does not favor or oppose the employment of relatives of another TRWD employee so long as the employment is not prohibited by law or contrary to the prohibitions set forth in this Policy.

No TRWD employee shall make or be involved in hiring, advancement, or compensation decisions regarding the employment of the employee's relative. Relatives may not work for TRWD in a direct supervisor/subordinate relationship or positions where a TRWD employee influences the employment, compensation, or working conditions of his or her relative. TRWD, likewise, may not hire or transfer individuals who are relatives into a direct supervisor/subordinate relationship.

The General Manager or designee shall establish a process for addressing situations where a relative relationship is established during the course of employment with TRWD.

Nothing in this Policy prohibits or limits the General Manager's discretion to respond with appropriate action, including disciplinary action, where a relative relationship between two employees disrupts TRWD's operations or adversely affects the work environment.

For purposes of this Policy, the term "relative" includes an employee's spouse, domestic partner, parent, sibling, child, cousin, aunt, uncle, in-law, grandparent, grandchild, significant other and the same relations above which derive from foster, step, or adopted relationships.

**301.10 Attendance and Work Schedule** All TRWD employees are expected to demonstrate good work attendance and to work according to their assigned schedules. The General Manager or designee shall establish administrative procedures to ensure non-exempt, hourly employees only work according to their assigned schedules, unless additional work is pre-approved, and that any work performed by non-exempt, hourly employees is recorded as work time, even if not pre-approved by the employee's supervisor.

**301.11 Personnel Classification and Payment of Wages.** All TRWD employment positions are classified as exempt or non-exempt in accordance with federal law. Exempt employees are not entitled to overtime pay. Non-exempt employees are paid on an hourly basis and receive overtime pay at one and one half times the employee's normal rate of pay for each hour worked beyond 40 hours in a workweek.

The General Manager or designee is responsible for formulating, implementing, coordinating, and monitoring TRWD's compliance with federal and state law regarding the classification of employment positions and all wage and hour laws.

**301.12 Drug and Alcohol Free-Workplace.** TRWD prohibits the unlawful possession, use, consumption, sale, purchase, distribution, or manufacture by any employee of any illegal or illegally-obtained drugs within TRWD's facilities, or while performing work off premises. Possession, sale, use, or being under the influence of alcohol, inhalants, or drugs of illegal drugs of any type while on the job is strictly prohibited.

Adopted 1/18/2022

Effective 2/1/2022

This prohibition does not apply to an employee's lawful use and possession of prescribed medications. Employees must consult their health care providers about the medications' effect on the employee's fitness for duty or ability to work safely and promptly report any work restrictions to their supervisor.

TRWD does not permit any employee to report to work or perform their duties while taking lawfully-prescribed drugs which may adversely impair their ability to safely and effectively perform their job functions.

**301.13 Violence in the Workplace.** TRWD prohibits and will not tolerate conduct that threatens, intimidates, or coerces any employee or interferes with the employee's ability to perform their work. An employee who believes he or she has been subject to violent or threatening behavior by a co-worker, customer, constituent, or vendor or knows of threats or actual violence occurring in the workplace, should report such conduct to his or her supervisor and to TRWD's Security Operations immediately.