



<b>Policy:</b> Employee Reporting Arrest or Incarceration		
<b>Date:</b> March 29, 2020	<b>Revision Date:</b>	<b>Approved by:</b> Human Resources

**PURPOSE AND SCOPE**

The District has established the following guidelines to protect the safety risk to its employees, the public and visitors when an employee engages in off duty conduct that leads to their arrest related to their job duties or their access to District resources or facilities.

The District commits to review the circumstances of the pending charge(s), and conduct an individualized assessment of the underlying charge, the circumstances, and connection to the employee’s job duties in consultation with the Union. The final decision will be made by the General Manager, or their designee.

The standards contained in this policy shall apply to pending criminal charge(s) reported directly by the employee or identified independently by the District through any other means.

**RESPONSIBILITY**

District employees must report any arrest for a misdemeanor or felony criminal charge(s) within two employee scheduled days. The employee is required to report this information to the Human Resources Department or may opt to report to his/her supervisor or Department Head. Misrepresentation of the circumstances or nature of the arrest may be grounds for disciplinary action, up to and including termination.

**PROCEDURE**

Supervisors and/or Department Heads who have had such matters reported directly to them, either from the employee or through any other source, must immediately convey this information to Human Resources. The Human Resources Department, in conjunction with the Department Head, will review and assess as described below

- A. The employee must provide to the District written documentation (for example, a written court record of the arrest, conviction or plea) to Human Resources that describes the criminal charge(s) in question, if one is provided to the employee by the arresting authority.
- B. Depending on the nature of the reported pending criminal charge, Human Resources in consultation with the Union, may initiate an updated criminal conviction check for the employee in question both to assist in its risk assessment and also to determine

EASTERN MUNICIPAL WATER DISTRICT  
EMPLOYEE REPORTING ARREST OR INCARCERATION

whether there are other convictions previously unknown to the District that may influence the assessment. In the event an updated criminal convictions check is initiated under this policy, the Human Resources Department will provide the affected employee any required legally disclosures.

Using the standards provided below, the Department Head in coordination with the Human Resources Director and the Union representative, will determine the most appropriate action to be taken by the District, if any. Such action may include but not be limited to modification of duties or work assignment.

In considering whether a pending criminal charge(s) may require the District to take action which may adversely affect an individual's employment, the following factors will be considered:

- The relationship of the pending criminal charge to the specific job duties and responsibilities that would be performed by the covered individual, including the impact of on-going risks with continued contacts with other employees, customers or members of the public.
- The nature, gravity and context of the events surrounding the pending criminal charge.
- The background check results and any supplementary information that can be obtained by the District or that is provided by the employee
- An employee's absence from work while criminal charges are pending may be a violation of the District's attendance policy. If an employee requests a leave of absence, such request will be considered by the General Manager, whose decision will be final and binding.

**EMPLOYEE REPRESENTATION**

In the event an investigation of the employee is conducted by the Human Resources Department, the employee has a right to Union representation if their classification is within the bargaining unit, regardless of their Union membership status. Employee is also entitled to have legal representation during this process.

**AUTHORIZED SIGNATURES ON FILE**