



**CITY OF LA QUINTA**

**PERSONNEL POLICIES  
AND PROCEDURES**

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CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

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## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **SECTION 1 APPLICABILITY AND DEFINITIONS**

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#### **1.1 PURPOSE**

The purpose of these Policies and Procedures ("Policies") is to establish systematic and uniform procedures for administering personnel matters.

#### **1.2 APPLICATION AND EXCEPTIONS**

These Policies shall apply to all Probationary and Regular Full-time and Part-time Employees appointed to allocated Positions in the service of the City with the exception of the following:

A. Direct appointees of the City Council, including the City Manager and City Attorney; and

B. Regular employees who have entered into a written employment agreement with the City, unless otherwise specified in the employment agreement.

#### **1.3 VALIDITY OF POLICIES (SEVERABILITY)**

If any section, subsection, sentence, clause, phrase or portion of these Policies is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Policies.

#### **1.4 VIOLATION OF POLICIES**

Violation of these Policies may be grounds for discharge or other disciplinary action, subject to the applicable due process and appeals procedure provided herein.

#### **1.5 DEFINITION OF TERMS**

All words and terms used in these Policies and in any ordinance or any resolution dealing with these Policies shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, the following words and terms most commonly used are defined.

1.5.1 Appointing Authority: The City Manager who, in their official capacity, has the final authority to appoint a person to a position of employment.

1.5.2 Appointment: The designation of a person to fill an allocated position of employment as authorized by the Appointing Authority.

1.5.3 At-Will Employee: A temporary or Probationary Employee who has no property rights to employment and may be released with or without cause, or an individual who has a written contract specifying the duties and terms of employment.

1.5.4 Call-Back: When an Employee is off-duty and is called back to work.

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- 1.5.5 City: The City of La Quinta, California.
- 1.5.6 City Manager: The City's Chief Executive Officer.
- 1.5.7 Classification: A group of Positions with similar jobs at a similar level of responsibility. This is described by a Classification Specification.
- 1.5.8 Classification Plan: The framework that provides for the organization of the work necessary to achieve the City's Human Resources management objectives. The plan includes Classification Specifications for all City Positions, as recommended by the Employee Relations Officer and adopted by the City Council, and facilitates other human resource functions such as recruitment and selection, pay structuring, training and development, performance evaluation, and workforce/employment planning.
- 1.5.9 Classification Specification: A general description of a class of work, typically including a general summary of the work, distinguishing characteristics of the class, essential duties of the class, the knowledge and skills required at entry to the class, and any licensing, educational or special physical requirements.
- 1.5.10 Compensatory Time Off (CTO): Time off with pay accrued at time and a half in lieu of paid overtime compensation.
- 1.5.11 Competitive Service: The employment system whereby City Employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration of all aspects of employment/promotion.
- 1.5.12 Confidential Employee: An Employee performing the duties of a position which is designated as "confidential" by the City Council.
- 1.5.13 Contractual Employee: An individual hired and paid pursuant to the terms and conditions of a specified written contract between such individual and the City, as approved by the City Council.
- 1.5.14 Days: Calendar days unless otherwise stated.
- 1.5.15 Decision Band Method (DBM): The job evaluation method chosen by the City for classifying Positions, based on the premise that the value of a job depends on its decision-making requirements. Each position is assigned to a Band, Grade and Subgrade, resulting in an alpha-numeric rating which determines the appropriate salary range for that position.
- 1.5.16 Demotion: The voluntary or involuntary transfer of an Employee from one classification to another classification with a lower salary grade or to a lower step in a classification grade or hierarchy of Positions.
- 1.5.17 Department Director: One who functions directly under the authority of the City Manager, has direct responsibility for a particular department, and manages its staff, policies and budget.



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1.5.18 Disciplinary Action: Employment action taken for punitive, corrective or disciplinary reasons, including but not limited to discharge, demotion, reduction of pay, suspension, or the issuance of a written reprimand for punitive, corrective or disciplinary reasons.

1.5.19 Disciplinary Suspension: A disciplinary action that temporarily relieves an Employee from duty without pay.

1.5.20 Dismissal: The discharge of an Employee from City employment.

1.5.21 Eligibility List: A list of all persons eligible for appointment to a particular classification after final testing/interviews as determined by the Employee Relations Officer.

1.5.22 Emergency Appointment: An appointment made to meet immediate requirements of an emergency condition, such as fire, flood or earthquake, which threatens life or property, where such employment is not anticipated to continue beyond the duration of such an emergency period.

1.5.23 Employee: An appointed person occupying a probationary or regular allocated full- or part-time position in City employment, providing services to the City or its residents.

1.5.24 Employee Assistance Program (EAP): A confidential referral service designed to provide temporary assistance to Employees in resolving personal problems.

1.5.25 Employee Relations Officer: Any individual designated by the City Manager, to administer the City's personnel system which includes the duties of equal employment opportunity officer.

1.5.26 Exceptional Performance Award: Exceptional Performance Awards are awarded based solely on performance that exceeds defined standards or expectations for incumbents in the job class. Exceptional Performance Awards are discretionary.

1.5.27 Executive Management: Department Directors and those who perform work and have assigned responsibilities which qualify for executive exemption under the Fair Labor Standards Act.

1.5.28 Fair Labor Standards Act (FLSA): The Federal Law which governs payment of minimum wages and the eligibility for and payment of overtime compensation.

1.5.29 Fiscal Year: A twelve (12)-month period which commences on July 1 and ends on June 30 of the following year in which the City plans, budgets, appropriates, expends, and accounts for its funds.

1.5.30 General Non-Exempt Employee: An Employee who is subject to the overtime provisions set forth in the FLSA.

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1.5.31 Grievance: A job-related complaint by an Employee regarding the terms and conditions of employment which arise out of a specific fact, situation, or transaction, other than discipline, that results in an alleged violation of existing ordinances, rules, regulations or policies.

1.5.32 Hearing Officer: An objective, independent person qualified to conduct an appeal hearing on personnel-related matters, excluding grievances.

1.5.33 In-House Competitive Examination: A competitive employment examination open only to City Employees meeting the minimum qualifications for a particular classification.

1.5.34 Immediate Family Member: A spouse (including a lawfully married same sex spouse), registered domestic partner, child, step-child or child of registered domestic partner, parent, parent-in-law, brother, sister, stepbrother, stepsister, grandparent and grandchild. For purposes of Bereavement Leave only, Immediate Family Member will also include: aunt, uncle, niece, nephew, first cousin, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or any other person or individual related by blood or marriage.

1.5.35 Interim Employee: An Employee who is appointed to a regular allocated position on an acting or temporary basis pending completion of the recruitment process, issuance of an eligibility list, and the filling of the vacancy. Interim appointments shall not exceed six (6) months, unless specifically approved by the City Manager.

1.5.36 Job Audit: A systematic analysis of the duties performed by, and the level and scope of responsibilities assigned to an Employee to determine whether the duties are appropriate for the Employee's current job classification.

1.5.37 Leave of Absence Without Pay: A period of time during which an Employee may take time off without receiving compensation or benefits, unless otherwise specifically provided in these Policies.

1.5.38 Merit Salary Increase: The increase of an Employee's salary within the salary range established for the classification to which the Employee is assigned, based upon successful job performance, as documented by the overall rating received on the annual performance evaluation.

1.5.39 Misconduct: Any act or unsatisfactory conduct or job performance which may be subject to disciplinary action.

1.5.40 Open Competitive Examination: A competitive employment examination open to all persons meeting the minimum qualifications for a particular classification.

1.5.41 Overtime: The time which an Employee is required or permitted to work which is in excess of forty (40) hours in any Workweek. Overtime

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compensation may be in the form of pay or as Compensatory Time Off. All Overtime shall be authorized as provided in Section 7.2.

1.5.42 Part-time Employee: The City has three (3) categories of Part-time Employees:

1.5.42.1 Probationary Part-time Employee: A Part-time Employee during their initial twelve (12) months or promotional six (6) months appointed to an allocated Part-time position with a regular schedule of no more than 29 hours per week.

1.5.42.2 Regular Part-time Employee: An Employee appointed to an allocated Part-time position with a regular schedule of no more than 29 hours per week on a permanent basis, and is covered by the provisions of these Policies.

1.5.42.3 Temporary or Seasonal Employee: A temporary Employee, working in a temporary, at-will position with a specified beginning and ending date. In no instance will a temporary or seasonal Employee work more than 960 hours in a Fiscal Year.

1.5.43 Policies: These Personnel Policies and Procedures, as they may be amended from time to time.

1.5.44 Position: A specific position assigned to an adopted job classification in the City's classification plan.

1.5.45 Probationary Employee: An Employee who is serving a probationary period in the position to which the Employee is currently appointed. A probationary Employee is subject to dismissal without recourse to any appeal procedures and without a showing of cause. A probationary Employee has no property interest in continuing employment.

1.5.46 Probationary Period (for initial hire or promotion): A working test period of not less than twelve (12) months from date of hire, and six (6) months for promotional appointments (unless extended). The probationary period starts the same day as the date of hire or promotion, (i.e., if hired January 15, the probation period expires on January 15 the following year. If promoted January 15, the Probationary Period expires July 15). The Probationary Period is considered an integral part of the examination process during which an Employee is required to demonstrate fitness for the position to which the Employee is appointed by actual performance of the duties of the position.

1.5.47 Professional/Administrative/Management Employee: An Employee who performs assigned work and responsibilities which qualify for the Professional, Administrative, or Management exemption under FLSA.

1.5.48 Promotion: The advancement of an Employee from one classification to another classification having a higher salary range.

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1.5.49 Reclassification: The reassignment from one classification to a different classification in accordance with the procedures set forth in these Policies.

1.5.50 Reduction-In-Force (RIF): A reduction of allocated Positions which generally results in a layoff in the work force.

1.5.51 Regular Employee: A Full or Part-time Employee hired into an allocated position, who has successfully completed the required probationary period, and has been retained as provided in these Policies.

1.5.52 Regular Full-time Employee: An Employee who is appointed to a position allocated by the City Council and who is regularly scheduled and expected to work thirty (30) hours or more during a workweek.

1.5.53 Resignation: The voluntary separation initiated by an Employee to leave City employment, or abandonment of the job by Employee.

1.5.54 Salary Plan or Schedule: The listing of the minimum through maximum salary ranges and steps for all City classifications, as adopted by the City Council.

1.5.55 Salary Range: The approved range of pay an Employee can earn while employed in a particular classification.

1.5.56 Seniority: The length of an Employee's continuous service as a Regular Full- or Part-time Employee with the City based upon date of hire.

1.5.57 Skelly Rights: The right of due process in conjunction with proposed disciplinary action, including provision of: (1) notice of the proposed disciplinary action, (2) a copy of materials on which the proposed action is based, and 3) an opportunity to respond orally or in writing to an impartial reviewer prior to discipline being imposed.

1.5.58 Staffing Plan: The classification titles, salary ranges and/or steps, and number of allocated Positions in each City department and division for a designated fiscal year, as adopted by City Council in the annual budget document.

1.5.59 Stand-By Assignment: A job assignment which requires an Employee to be ready and available to be called back to work during off-duty hours for a specified time period.

1.5.60 Standards of Conduct: Standards as set forth in these Policies and other departmental policies and procedures which are intended to govern the actions of City Employees during their course of employment with the City.

1.5.61 Step: The various increments of a salary range, from minimum to maximum, authorized for the subject classification.

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1.5.62 Supervisor: An Employee assigned responsibility for the work performance of subordinate assigned Employees and for organizing, assigning, providing training for and evaluating the work of assigned subordinate Employees.

1.5.63 Termination: The separation of an Employee from City service because of retirement, resignation, permanent disability, death or dismissal.

1.5.64 Transfer: The transfer of an Employee from one position, department or division to another position, department or division without changing the Employee's salary grade or classification.

1.5.65 Weapons: Firearms of any type; knives with folding blades in excess of 3-1/2 inches in length; sheath knives; any knives prohibited by State law; personal defense chemical weapons, such as (a) Mace (tear gas); (b) Oleoresin Capsicum (pepper spray); any martial arts weapons; electric stun guns (tasers); clubs, bats or other impact weapons.

1.5.66 Workweek: A regularly reoccurring period of seven (7) consecutive twenty-four (24)-hour days beginning at 12:01 a.m. on Saturday and concluding at 12:00 a.m. (Midnight) the following Friday night (or as defined in the Alternate Workweek Policy in Section 7.4 herein for those Employees participating in same).

1.5.67 Y-rate of Pay: The Y-rate of pay shall exist when an Employee's salary is frozen at the then-current salary until such time as subsequent general salary increases, applied to the adopted Salary Range equal or exceed the Employee's salary at the Y-rate. The Employee will not receive merit or performance-based salary increases.

CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

**SECTION 2 ADMINISTRATIVE POLICIES**

---

**2.1 ADMINISTRATION OF THE PERSONNEL SYSTEM**

The Employee Relations Officer shall administer the City personnel system and may delegate any of the powers and duties related thereto to any other officer or Employee of the City. The Employee Relations Officer shall:

2.1.1 Act as the appointing authority for all City Employees, except those officers and Employees directly appointed by the City Council.

2.1.2 Administer all of the provisions of these Policies, except as specifically reserved to the City Council.

2.1.3 Prepare and recommend to the City Council any appropriate Personnel Policies and revisions to such Policies.

2.1.4 Prepare or cause to be prepared, and revise as appropriate, a Position Classification and Compensation Plan, including classification specifications and associated salary ranges.

2.1.5 Have the authority to discharge and discipline City Employees in accordance with these Policies.

2.1.6 Provide for or oversee the publishing or posting of notices of examinations for position in the competitive service; conduct examinations to assess candidate qualifications; establish eligibility lists of all persons eligible for appointment to the appropriate Classification in the competitive service; and the performance of any other duty which may be desirable or required for the effective implementation of these Policies.

**2.2 CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS AND OTHER GRATUITIES**

Employees shall not take part in, or attempt in any manner to influence the consideration of any application, proceeding or other matter involving their own personal property, real estate, investment or other interest, or that of any relative or close personal acquaintance. In all such situations, the Employee must disclose the nature of the relationship to his or her immediate supervisor and request to be relieved of any responsibility or involvement which poses a conflict.

Employees shall not directly or indirectly solicit any gift or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form under circumstances which it could reasonably be inferred the gift was intended to influence them or could be expected to influence them in the performance of their official duties, or was intended as a reward for any official action on their part.

Gifts such as boxes of candy, flowers and food, may be viewed as exceptions provided they are of minimal value and do not exceed limits imposed by law for gifts to public employees. These gifts shall be given to the Human Resources department

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for distribution based on a raffle of all employees. All financial disclosure laws and regulations must be complied with.

### **2.3 OUTSIDE EMPLOYMENT**

Employees shall not engage in any employment, enterprise, or outside activity which is in conflict with their duties, functions, responsibilities, or the department by which they are employed, nor shall Employees engage in any compensatory outside activity which will directly, or indirectly, contribute to the lessening of their effectiveness as Employees.

#### 2.3.1 Authorization

2.3.1.1 Any Employee wishing to engage in outside employment or activity for compensation shall inform the Department Director of such desire, providing information as to the time required and the nature of such activity, and such other information as may be required; and the Department Director shall determine whether or not such activity is compatible with the Employee's City employment.

2.3.1.2 If the Department Director determines such activity is compatible, they may authorize the activity in writing using the "Outside Employment Form" and shall send a copy to the City Manager or designee for approval and authorization.

2.3.1.3 Said authorization shall be valid only for the work and period prescribed therein.

### **2.4 POLITICAL ACTIVITIES**

No Employee shall engage in political activity during working hours (excluding break time) or on City premises where such activity would disrupt the workplace. Employees may engage in activities relating to an employee organization while on duty as agreed to and permitted by the City Manager, and/or as set forth in Federal or State law, a Memorandum of Understanding ("MOU"), or a City Council directive.

### **2.5 EQUAL EMPLOYMENT, DISCRIMINATION, HARASSMENT, AND ANTI-BULLYING POLICY**

The City prohibits any form of discrimination or harassment on the basis of membership in one or more protected categories as defined below, and as may be amended by State and Federal law. The City will NOT tolerate any unlawful harassment or discrimination in employment. Violation of this Policy may result in immediate Termination of employment.

Protected categories include race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other category protected by law.

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The City, elected or appointed officials, officers, Employees, and contractors are prohibited from harassing or discriminating against applicants, officers, officials, Employees, or contractors because of: (1) an individual's membership in a protected category; (2) the perception that an individual is a member of a protected category; or (3) the individual's association with a person who is perceived to be a member of a protected category.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary Action or other appropriate sanctions up to and including Termination shall be instituted for prohibited behavior.

Any form of retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanctions or Disciplinary Action up to and including Termination.

### 2.5.1 Definitions

2.5.1.1 Harassment: Unwelcome conduct based on membership in a protected category that unreasonably interferes with an Employee's job performance, or creates an intimidating, hostile or offensive work environment. Behavior that constitutes harassment may include, but is not limited to:

- a. Unwanted sexual advances, requests for sexual favors and other acts where submission is made a term or condition of employment, or where submission to or rejection of the conduct is used as the basis for employment decisions.
- b. Speech, such as epithets, derogatory comments or slurs, based on a protected category. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- c. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, or leering.
- d. Visual acts, such as displaying derogatory posters or cartoons, or sending emails, pictures or drawings that are derogatory or sexually explicit.

2.5.1.2 Discrimination: Treatment or consideration of, or making a distinction in favor of or against, an applicant or Employee based on membership in a protected category. Discrimination in employment



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applies to all aspects of employment, including hiring, firing, compensation, transfer, promotion or layoff, recruitment and testing, training and apprenticeship programs, fringe benefits, pay, retirement plans, and disability leave, as well as other terms and conditions of employment.

2.5.1.3 Retaliation: Any adverse conduct taken because an applicant, Employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, and is prohibited. "Adverse conduct" includes, but is not limited to: taking sides because an individual has reported harassment or discrimination, shunning and avoiding an individual who reports harassment or discrimination, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination, or taking negative employment action.

### 2.5.2 Policy Dissemination

2.5.2.1 All Employees shall be informed of the City's harassment and discrimination policy and complaint process prior to their need to know, and on a regular biennial basis. Also, said policy and complaint process shall be readily available to all Employees, contractors and members of the general public utilizing the City's facilities and services. All Employees of the City shall receive training on harassment and discrimination prevention in the workplace.

2.5.2.2 All new Employees shall be given a copy of the harassment and discrimination policy and complaint process upon hire.

2.5.2.3 Employees promoted into supervisory Positions shall be given another copy of the City's harassment and discrimination policy, as well as training on the Supervisor's role in preventing harassment and discrimination in the workplace. Such training shall meet the requirements of Assembly Bill No. 1825, as amended.

### 2.5.3 Complaint Process

2.5.3.1 An Employee, job applicant or contractor who believes they are a victim of harassment or discrimination may make a complaint verbally or in writing with an incumbent in any of the following City Positions without fear of reprisal. It is not necessary to follow the chain of command:

Immediate Supervisor;  
Any Supervisor;  
Department Director or designee; or  
City Manager.

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2.5.3.2 Any Supervisor who receives a complaint of harassment or discrimination shall notify the Department Director or designee immediately.

2.5.3.3 Upon receipt of notification of a harassment or discrimination complaint, in conjunction with Human Resources, the Department Director, City Manager or designee shall:

- a. Authorize and supervise the timely investigation of the complaint and/or investigate the complaint. The investigation may include interviews with: (i) the complainant; (ii) the accused harasser, or the individual alleged to have committed discriminatory action(s); and (iii) other persons who have relevant knowledge concerning the allegations in the complaint.
- b. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- c. Report the findings as to whether harassment or discrimination occurred to appropriate persons, including the complainant.
- d. If the allegations are sustained, take appropriate immediate remedial action, including imposition of discipline at a level appropriate to the circumstances, and sufficiently severe to ensure that the behavior does not continue. If discipline is imposed, the level of discipline will not be communicated to the complainant.

2.5.3.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents, or participating in investigatory interviews. Said person shall be advised of this right prior to the commencement of such discussions.

2.5.3.5 The City takes a proactive approach to potential policy violations and will conduct an investigation of its Employees, Supervisors, managers, public officials, or board members if it becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

2.5.3.6 Employees also may file complaints about sexual harassment or other illegal employment discrimination with the California Fair Employment and Housing Commission (San Francisco Office: 1390 Market Street, Suite 410, San Francisco, California 94102; Telephone: 415-557-2325), or with the California Department of Fair Employment and Housing online at <https://ccrs.dfeh.ca.gov/> (San

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Bernardino Office: 1845 S. Business Center Drive, #127, San Bernardino, California 92408-3426; Telephone: 909-383-4711).

### 2.5.4 Confidentiality

2.5.4.1 Every possible effort will be made to ensure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

2.5.4.2 An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the Department Director or the City Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction.

2.5.4.3 The City will not disclose or release a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

2.5.4.4 Anti-Bullying: Every Employee, public official and other individual, such as temporary agency workers, consultants, independent contractors and visitors, have the right to be treated with respect. Bullying is the use of verbal and/or physical aggression with the intention of intimidating or harming another individual. It can include any intentional written, visual, verbal, or physical act, when the act harms the individual or damages his or her property; has the effect of interfering with an Employee's ability to work; is severe or pervasive; and/or creates an intimidating or threatening environment. Bullying occurs in many forms including, but not limited to, tormenting, taunting, making abusive comments, using threatening gestures, pushing, shoving, punching, unwanted physical contact or any use of violence, graffiti, name-calling, sarcasm, spreading rumors, and/or teasing, etc. Such conduct can also occur via use of electronic or telephonic communications, such as the internet, email and chat room misuse, mobile threats by text messaging or calls, or misuse of cameras and video equipment.

2.5.4.5 Any Employee who believes they have been the subject of bullying should bring the matter to the attention of the Employee's Supervisor immediately, and provide a full and accurate report of the underlying facts. Where the Employee's Supervisor is the alleged bully, the Employee should bring the matter to the attention of the Supervisor's Superior. In all cases, Employees are free to report such problems directly to the City Manager or designee. Upon notification of a bullying complaint, the City Manager or designee shall promptly

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conduct an investigation of the complaint and supervise and/or investigate the complaint and take action as deemed appropriate.

### **2.6 SMOKING POLICY**

Smoking is prohibited in all City facilities, all City vehicles and rolling stock.

#### 2.6.1 Definitions

As applicable to this policy:

- a. "City facilities" means any real property (land or structures) owned, leased, or operated by the City. "City facilities" also means any vehicles or equipment owned, leased, or operated by the City.
- b. "Enclosed spaces" means all enclosed and semi-enclosed areas, including: private offices, common work areas, meeting and conference rooms, lobbies, lounges, waiting areas, storage rooms, elevators, hallways, stairwells, rest rooms, lunch and break rooms, and covered parking lots.
- c. "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or form. Smoking includes the use of an electronic smoking device that creates an aerosol or vapor in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

#### 2.6.2 Smoking Prohibitions

2.6.2.1 Consistent with State law, smoking is prohibited for any City Employee and for any member of the public: (a) in any enclosed space of a City facility, or (b) within 20 feet of an entrance to (or exit from), or operable window of, an enclosed space of a City facility.

2.6.2.2 The City will take reasonable steps to prevent smoking by non-City Employees in an enclosed space of a City facility, consistent with State law, by: (a) requesting non-Employees to refrain from smoking, or (b) posting "NO SMOKING" signs at entrances to City facilities where non-Employees are allowed.

### **2.7 DRESS CODE**

All Employees shall dress professionally and in a manner appropriate for the duties performed in their Position.

### **2.8 USE OF ELECTRONIC EQUIPMENT AND SYSTEMS**

These Policies were created to ensure compliance with applicable law including, without limitation, the California Public Records Act ("PRA"); to protect the public

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welfare; to regulate Employees' electronic communications in the course of employment; to identify the circumstances when electronic communications must be preserved; and to support appropriate City business practices.

### 2.8.1 Definitions

As applicable to this policy:

2.8.1.1 "City Accounts and Devices" includes all City owned, maintained, issued, or controlled communication accounts, email addresses, devices, cell phones, computers, media, social media, messaging services, and any other form of communication account or device.

2.8.1.2 "City Business" is to be given a broad interpretation in accordance with the California Public Records Act ("PRA"). Employees should consult the City Clerk's Office or the City Attorney's Office if any clarification is needed regarding whether a record pertains to City Business before deleting the record.

2.8.1.3 "City Records Email" refers to the City's records retention repository email address. The City Records Email address may change over time, but it is currently: [cityclerkmail@laquintaca.gov](mailto:cityclerkmail@laquintaca.gov).

2.8.1.4 "Private Accounts and Devices" includes all communication accounts, email addresses, devices, cell phones, computers, media, social media, messaging services, and any other form of communication account or device not City owned, maintained, issued, or controlled.

### 2.8.2 Public Records

In addition to all applicable Federal, State, and local laws and regulations, the following provisions shall apply to the use of personal accounts, devices, social media, and all other forms of media by Employees for communications regarding matters of City Business:

2.8.2.1 In general, all communications regarding City Business by Employees must be done on official City Accounts and Devices, such as the Employees's assigned email address. In general, all communications regarding City Business by Employees that do not have assigned City Accounts and Devices must be done via a professional Business Account and Device.

2.8.2.2 Except in situations that are beyond the control of an Employee, all communications regarding City Business that are not from or to an official City Account and Device, or not otherwise exempt from disclosure under the PRA, need to carbon copy ("CC") or blind carbon copy ("BCC") the City Records email.

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2.8.2.3 All communications and records regarding City Business—even on private accounts and devices—are public records. The owner of the private account and device containing the public records is the custodian of those records, and is subject to all laws applicable to custodians of public records. Possible forms of these public records include, but are not limited to, emails, text messages, voicemails, call logs, instant messenger communications, social media posts and communications, or any other form of communication.

2.8.2.4 Responsibility for maintaining custodianship of public records on private accounts and devices may be transferred to the City by emailing the record to the City Records email, and including a detailed description of the record in the body of the email. If a particular type of record cannot be easily forwarded to the City Records email, then screen shots adequately capturing the image of the record may be sent to the City Records email address; however, in such circumstances, the images must be clear and complete, and a detailed explanation of the record and the content of the record must be provided in the body of the email so that the record can be found in a relevant search. Failure to comply with these requirements will result in the individual remaining the custodian of the public record.

2.8.2.5 All public records on private accounts and devices must be retained unless custodianship has been transferred to the City in accordance with this Policy and the City's Records Retention Schedule.

2.8.2.6 Upon leaving office or employment termination all Employees must provide a declaration in the form required by the City declaring that they have provided the Clerk's Office with all records regarding City Business under the PRA within three days from employment end-day.

2.8.2.7 Failure to comply with the requirements of this Policy will result in discipline, including possible termination and/or public censorship.

2.8.2.8 These requirements are State law requirements, and they survive the Termination of any individual's employment with the City.

2.8.2.9 Failure to comply with the custodianship requirements for public records in accordance with the PRA may result in personal liability, civil penalties, and criminal prosecution. Destruction of a public record is a felony pursuant to Government Code Section 6200.

### 2.8.3 Personal Use

2.8.3.1 Although limited and incidental personal use of electronic communications may be acceptable, these communication devices remain public property and are to be used for public purposes. Users may use City Business accounts and devices for incidental personal use that does not interfere or conflict with City Business or job performance during regular duty hours. Incidental means infrequent usage.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

Personal use of the City's Information Systems is at the users' own risk and may be accessed, reviewed, copied, deleted or disclosed by the City.

2.8.3.2 Prohibited uses of City-provided communication equipment and software, or personal equipment used on City Business, include, but are not limited to, the following:

- a. Uses that violate any local, State, or Federal law;
- b. Uses violating any part of an MOU or City Policy;
- c. Uses relating to a user's private commercial activities including, without limitation, advertising and consulting;
- d. Accessing and distributing computer games;
- e. Fundraising or public relations activities outside the scope of City Business;
- f. Political activities;
- g. Religious activities;
- h. Unauthorized access to systems, software or data;
- i. Creating or propagating viruses;
- j. Disrupting services;
- k. Intentionally destroying or damaging equipment, software, or data;
- l. Use of non-business software, e.g. entertainment software or applications;
- m. Threats;
- n. Harassment or bullying;
- o. Defamation;
- p. Slander; and
- q. Access to, or communication of, material or graphic images which are pornographic, violent, offensive, threatening, disturbing, obscene or profane.

2.8.3.3 Social networks and related electronic discussion groups are specialized resources on the internet for sharing information with other professionals. Employees are prohibited from publishing official positions or opinions of the City, or publishing statements which could be construed as positions or opinions of the City, via the internet, text or e-mail without prior authorization. All authorized participation in such forums must include the following disclaimer: "Views expressed by the author do not necessarily represent those of the City of La Quinta." Failure to include the required disclaimer may result in revocation of access privileges.

### 2.8.4 Cell Phones

Employees are not prohibited from carrying personal cell phones while at work, but must comply with the following requirements:

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2.8.4.1 Employees should neither send nor receive personal calls, text messages, or e-mails during work hours, excluding break times and lunch periods. However, the City recognizes that at times it may be necessary for Employees to contact or be contacted by family members. The City also recognizes that extraordinary circumstances may require Employees to conduct personal business using their personal cell phone during working hours. Abuse of this privilege shall be considered a violation of this Policy.

2.8.4.2 Supervisors have the authority to restrict or prohibit use of personal cell phones at any time on-the-job when they believe such situations or use may create a distraction or safety hazard to the Employee, co-workers, contractors, and/or the general public.

2.8.4.3 Calls to 911 or other emergency calls on personal cell phones during work hours are permitted under this Policy.

2.8.4.4 The use and/or wearing of "Bluetooth" or "hands-free" personal cell phone devices is strictly prohibited during working hours, excluding break times and lunch periods.

2.8.4.5 Employees are not allowed to talk, email or text on a personal or City-owned cell phone while driving any vehicle, including City vehicles, while engaged in City Business. Use of a cell phone to make a call in other than a hands-free mode and texting or emailing in other than a hands-free mode while driving (including at a stop sign or stoplight) is prohibited by State law (Vehicle Code Section 23123.5).

2.8.4.6 Many personal cell phones have camera features. The camera features may not be used in the workplace unless for City Business. Camera phones can potentially violate the privacy of co-workers or be used to take pictures of confidential or sensitive documents.

### 2.8.5 Employee-Owned Cell Phones – Stipend

Employees who hold Positions that include the need for a cell phone may request a cell phone stipend to compensate for City Business-related costs incurred when using their individually-owned cell phones. The City will not own or provide cell phones for the use of individual Employees except in limited situations (e.g., field services, code enforcement/animal control, on-call employees, select supervision, etc.).

2.8.5.1 Under the stipend program, the Employee is responsible for purchasing a cell phone and establishing a service contract with the cell phone service provider of their choice. The cell phone contract is in the name of the Employee, who is solely responsible for all payments to the service provider.

2.8.5.2 Because the cell phone is owned personally by the Employee the stipend provided is not considered taxable income and the Employee



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may use the phone for both business and personal purposes, as needed. The Employee may, at their own expense, add extra services or equipment features, as desired. If there are problems with service, the Employee is expected to work directly with the carrier for resolution.

2.8.5.3 The City does not accept any liability for claims, charges or disputes between the service provider and the Employee. Use of the phone in any manner contrary to local, State, or Federal laws will constitute misuse, and will result in immediate termination.

2.8.5.4 Any cell phone that has data capabilities must be secured based on current security standards, including password protection and encryption. If a cell phone with data capabilities is stolen or missing, it must be reported to the Employee's supervisor, the wireless device service provider, and to the City's IT Department as soon as possible.

2.8.5.5 Employees are expected to delete all City data from the cell phone when their employment with the City is terminated, except when required to maintain that data in compliance with a litigation hold notice or in accordance with the Public Records Act and Section 2.8.2 of these Policies.

2.8.5.6 Any stipend agreement will be immediately cancelled if:

- a. An Employee receiving a cell phone stipend terminates employment with the City;
- b. The Employee changes to a position within the City which no longer requires the use of a cell phone for City Business reasons;
- c. There is misuse/misconduct with the phone;
- d. A decision by management (unrelated to Employee misconduct) resulting in the need to end the program, or there is a change in the Employee's duties; or
- e. The Employee does not want to retain the current cell phone contract for personal purposes.

### 2.8.6 City-Owned Cell Phones

Employees who are required to be readily available for a variety of City-related communications may be issued City-owned cell phones to conduct City Business. An Employee who believes they should have a City-owned cell phone should fill out a request and submit it to the Department Director, who has the authority to approve or disapprove the request.

2.8.6.1 The City retains the right to: (1) review the bills for City-owned cell phones, and (2) require payment from the Employee for all personal

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

calls in accordance with IRS regulations as they now exist, or as they may be amended in the future.

2.8.6.2 Employees issued a City-owned cell phone are responsible for properly caring for the equipment.

2.8.6.3 Employees are not allowed to install personal or other non-approved software or applications on City-owned cell phones, or to disable any software installed by the City, including virus protection systems.

2.8.6.4 All passwords or security codes must be protected and not given out to others. The City's IT Department must be provided with all current passwords or security codes.

### **2.9 FRAUD IN THE WORKPLACE POLICY**

The City is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the Policy of the City to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the City and, when appropriate, to pursue legal remedies available under the law.

2.9.1 "Fraud" is defined as an intentional deception, misappropriation of resources or the manipulation of data to gain financial or other benefits. Fraud and other similar improprieties include, but are not limited to:

- a. Claim for reimbursement of expenses that are not made for the exclusive benefit of the City;
- b. Forgery or alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.);
- c. Misappropriation of City assets (funds, securities, supplies, furniture, equipment, etc.);
- d. Improprieties in the handling or reporting of money transactions;
- e. Authorizing or receiving payment for goods not received or services not performed;
- f. Misrepresentation of information on documents; or
- g. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of City-owned software.

2.9.2 It is the City's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the Employee's position, title, and length of service or relationship with the City.

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2.9.3 Each department of the City is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance for the prevention and detection of fraud, misappropriation, and other irregularities. Management should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indications of such misconduct.

2.9.4 The City Manager or designee, in conjunction with the City Attorney, has the primary responsibility for the investigation of all Fraud as defined in this Policy.

2.9.5 Employees will be granted whistle-blower protection when reporting any acts of suspected Fraud in accordance with this Policy. When informed of a suspected impropriety, neither the City nor any person acting on behalf of the City shall:

- a. Dismiss or threaten to dismiss the reporting Employee;
- b. Discipline, suspend, or threaten to discipline or suspend the reporting Employee;
- c. Impose any penalty upon the reporting Employee; or
- d. Intimidate or coerce the reporting Employee.

2.9.6 The City will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of City losses from the offender, or other appropriate sources.

### **2.10 PROHIBITED RELATIONSHIPS**

This policy serves to uphold the City's high standards of professional and ethical conduct, specifically with respect to Employee interpersonal relationships. The intent of this policy is to provide assurance that all Employees work in an environment where they can be objectively supervised and evaluated.

2.10.1 This policy defines the types of Employee interpersonal relationships that by their very existence create an inherent conflict of interest that affects an Employee's ability to be objectively supervised or evaluated. This policy also proscribes specified conduct with respect to Employee interpersonal relationships and provides for disciplinary action for violations of this policy.

#### 2.10.2 Definitions

2.10.2.1 Amorous Relationship. An Amorous Relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g., dating or engaged to be married) that may or may not have been consummated sexually.

2.10.2.2 Familial Relationship. A Familial Relationship is a relationship between two related persons. For purposes of this policy, "related persons" includes:

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- a. Grandparent,
- b. Parent,
- c. Spouse (includes domestic partner),
- d. Child,
- e. Aunt or uncle,
- f. First cousin by marriage, adoption or blood,
- g. Anyone living in the same household or whose relationship is so closely identified with another as to suggest a conflict, or
- h. Ex-, Step-, Half-, and In-Law relationships as appropriate based on the above list.

2.10.2.3 The prohibitions in this policy applicable to Familial Relationships or Amorous Relationships shall continue after the termination of the relationship (i.e., divorce) until such time as there is no effect upon impartiality.

2.10.2.4 Employment Decision. A decision that includes, but is not limited to, one relating to:

- a. Establishing the terms and conditions of employment,
- b. Determining compensation,
- c. Evaluating work performance,
- d. Considering assignments, appointments, promotions,
- e. Issuing disciplinary action,
- f. Instructing or advising,
- g. Any other action that assesses, determines, or influences work performance, career progress, or other employment status.

2.10.2.5 Undue Influence. A situation in which an individual is able to persuade another's decisions due to the relationship between the two parties.

### 2.10.3 Prohibited Conduct - Employment Decisions

A City Employee shall not have or share authority for employment decisions or exert undue influence on employment decisions for an Employee with whom the individual has or has had an Amorous or Familial Relationship.

### 2.10.4 Duty to Disclose

All actual or potential conflicts of interest created by an Amorous or Familial Relationship as defined in this policy shall be disclosed to the Employee Relations Officer, or to the City Manager when a Department Manager is involved, in order to avoid a potential violation of this policy. A potential conflict of interest for the City Manager under these circumstances shall be disclosed to the City Attorney.

#### 2.10.4.1 New Employee

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Upon hire, all new Employees have a duty to disclose any actual or potential conflicts of interest created by an Amorous or Familial Relationship as defined in this policy by contacting the Department of Human Resources and/or the City Manager when a Department Manager is involved.

### 2.10.4.2 Change in Status

A change in an Employee's status (e.g., employment, or personal relationship) that would establish an actual or potential violation of this policy (where one did not exist previously) creates a duty to disclose the actual or potential conflict of interest by contacting the Department of Human Resources and City Manager when a Department Manager is involved. For example, an employment action (e.g., new hire, promotion, position reclassification, reassignment of job responsibilities) or a decision of two Employees to begin dating may result in a potential violation of policy as described in section 2.10.3.

2.10.4.3 Failure to disclose an actual or potential conflict of interest or failure to disclose in a timely manner shall constitute a violation of this policy.

### 2.10.5 Conflict Management Plan

Upon appropriate disclosure pursuant to section 2.10.4 and where determined to be appropriate, Human Resources, or the City Manager when a Department Head is involved, will oversee the development, approval and monitoring of a conflict management plan to avoid a violation of this Policy. Conflict management plans will be reviewed and approved by the above-mentioned offices as well as the City Attorney. Failure to adhere to an approved conflict management plan shall constitute a violation of this Policy.

### 2.10.6 Disciplinary Action

Employees who violate this Policy will be subject to disciplinary action up to and including dismissal. Such disciplinary action shall be conducted in accordance with existing City policies and procedures.

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### **SECTION 3 CLASSIFICATION AND COMPENSATION**

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The purpose of the City's Classification Plan is to provide an orderly inventory and appraisal of Positions in the City service.

The Classification Plan shall be used in determining lines of promotion and in developing Employee training programs. Additionally, the Plan shall be used in conducting wage surveys and as a basis for determining the pay range for each Classification.

The City desires to recruit and retain individuals who are customer service oriented, demonstrate initiative, are team players, and accept responsibility, authority and accountability for work performance. Once employed, the City believes that incentives are critical if the Employees are to be successful in achieving the mission, goals and objectives of the City.

#### **3.1 PREPARATION AND AMENDMENT OF CLASSIFICATION PLAN**

3.1.1 The Classification Plan defines the general scope and complexity of the work required and facilitates internal equity across all jobs within all departments of the City. The goal is to establish a classification structure with broadly defined classes that reflect meaningful and measurable differences in the level of work within each classification but maintains the flexibility necessary for Employee growth and efficient management.

3.1.2 The Employee Relations Officer shall determine the duties and responsibilities of all City Positions for inclusion in the Classification Plan. The Classification Plan shall be developed and maintained so as to ensure to the fullest extent possible that all Positions which are substantially similar with respect to duties, responsibilities, authority and character of work, are included within the same classification, and the same schedules of compensation shall apply to all Positions in the same classification. Classification specifications are explanatory, but not restrictive. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills. The Classification Plan shall be adopted by a resolution of the City Council.

#### **3.2 ALLOCATED POSITIONS**

3.2.1 The City Manager or designee shall approve the appointment of Employees to Positions in the Classification Plan.

3.2.2 Only allocated Positions which have been approved by City Council may be filled, provided that the following Positions can be approved by the City Manager without prior City Council approval: (1) temporary/interim; and (2) emergency.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **3.3 APPOINTMENT TO NEW POSITIONS**

No person shall be appointed or employed to fill a new position prior to the position's assignment to the City's Classification Plan, unless otherwise provided by these Policies. The City Manager, or designee, shall amend existing working titles and duties in the Classification Plan without changing the classification itself. City Council approval shall be required to establish and assign a new classification to the Classification Plan, and when there is a rating change of any established classification. This section does not allow, and shall not be construed as allowing, the City Manager, or designee, to approve reclassifications without City Council approval.

### **3.4 CLASSIFICATION SPECIFICATIONS**

Classification Specifications shall describe the knowledge, skills, abilities, education, experience, sample duties and other minimum qualifications required for successful performance of the duties assigned to incumbents in the Classification. The Employee Relations Officer shall maintain a list of all City Council-approved Classification Specifications. All Classification Specifications shall be open for inspection in Human Resources by an Employee or the public under reasonable conditions during business hours subject to the availability of the Employee Relations Officer.

### **3.5 PREPARATION AND ADOPTION OF COMPENSATION PLAN**

The goal of the compensation plan is to attract and retain qualified candidates for City employment. The compensation plan reflects both internal equity and external parity within the various relevant labor markets in which the City competes. The system also recognizes and rewards Employee performance within an established framework. The Employee Relations Officer shall prepare a Salary Plan that establishes the minimum through maximum Salary Range for all City Classifications and shall submit the Salary Plan to the City Council for its approval. The Employee Relations Officer shall also establish a competitive Employee benefit plan, subject to the meet and confer process. The Salary and Benefit Plans shall be adopted by a resolution of the City Council. Following the meet and confer process with the La Quinta City Employee' Association, the Salary Plan shall be amended or revised by adoption of a resolution of the City Council.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **SECTION 4 TYPES OF APPOINTMENTS**

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#### **4.1 PROBATIONARY APPOINTMENTS**

All initial appointments made to a vacant Regular Full- or Part-time Position shall be probationary for twelve (12) months from the effective date of the appointment. Promotional appointments shall be probationary for six (6) months from the effective date of the promotional appointment. As necessary, the Probationary Period for both initial and promotional appointments can be extended for a period of up to six (6) months if the Department Director or designee determines that there were circumstances that prevented the evaluation of the Employee's performance during the initial probationary period. In the case of such an extension, the Probationary Employee shall be given notice in writing prior to the expiration of the original Probationary Period.

4.1.1 Initial Probationary Employees are eligible to use accrued paid leave (sick leave, vacation and bereavement leave) after the first (3) months. A promotional probation does not impact an Employee's eligibility for leave.

4.1.2 The Probationary Period shall be regarded as part of the testing process and shall be utilized for closely observing the Employee's work to determine the Employee's fitness for the position. A Probationary Employee must demonstrate satisfactory performance in order to achieve regular status.

4.1.3 Periods of time on paid or unpaid leave shall automatically extend the Probationary Period by that number of days the Employee is on leave.

4.1.4 Probationary Employees are at-will, and may be released without cause and without right of appeal.

#### **4.2 REGULAR FULL-TIME AND REGULAR PART-TIME APPOINTMENT**

Upon successful completion of the Probationary Period, Employees shall move to regular status with the City, and shall be eligible for the benefits and protections of that designation.

#### **4.3 EMERGENCY APPOINTMENTS**

4.3.1 To meet immediate requirements of an emergency condition which threatens life or property, the City Manager may create temporary Positions and employ such persons as temporary Employees as may be needed for the duration of the emergency. Temporary Employees are at-will.

4.3.2 The salary established for temporary Emergency Positions shall be compensated at an appropriate hourly rate as approved by the City Manager.

#### **4.4 INTERIM APPOINTMENTS**

If deemed to be in the best interests of the City, the City Manager or designee may authorize and approve an interim appointment in order to fill either a temporary (i.e.



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a maternity or military leave) or regular (i.e. an Employee's long-term absence, resignation or termination) vacancy. If the position being filled on an interim basis would normally require City Council approval (i.e. City Manager), the City Council shall authorize the interim appointment.

4.4.1 An interim appointment may be authorized for a period not to exceed six (6) months from the date of that appointment. Under unusual circumstances, the City Manager may authorize an additional (6) months extension for an interim appointment. In no instance shall an interim appointment exceed twelve (12) months. All Interim employees must meet the minimum qualifications of the vacant position.

4.4.2 A Regular Employee may be assigned to a classification which is equal to or higher than the Employee's regular classification on a temporary interim basis as long as the Employee meets the minimum requirements for such assignment. During the interim appointment period, the Employee will be assigned the title of the interim classification, at a salary that is at least five percent (5%) higher than the current salary of the Employee's regular classification, for the duration of the interim appointment if the interim Classification is a higher grade. A Regular Employee assigned to an interim classification which is not represented by the La Quinta City Employees' Association will have their membership suspended during the term of the interim appointment.

4.4.3 While serving in an interim capacity, a Regular Employee shall receive any benefits of the interim classification which are over and above the Employee's regular benefits. If an Employee receiving overtime benefits is assigned to an interim classification and performs work which is exempt from the FLSA, the Employee shall not receive overtime pay for the duration of the interim period. The Employee shall receive the prorated Administrative Leave benefits of the interim classification. A Regular Employee, in an interim Classification, shall continue to accrue Seniority in their regular Classification and shall be eligible to receive merit increases in the regular position.

4.4.4 Interim appointments shall not be construed to create or imply any right of any Employee to be permanently appointed to the job classification position that the Employee is filling on an interim basis. At the expiration of any interim appointment, the Employee shall return to their regular job classification and shall also return to the rate of pay which corresponds to the regular classification as if the Employee never left the classification.

### **4.5 "WORKING OUT OF CLASS"**

When an Employee is assigned to significant duties and responsibilities of an authorized job Classification with a higher Salary Range on a full-time basis for more than twenty-five (25) consecutive working days (which includes each "regular day off" for Employees participating in the Alternate Workweek Schedule) or more than fifty (50) working days in a twelve (12)-month period, a temporary salary adjustment shall be made to the higher Salary Range at a salary step within that range that

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achieves a 5% increase until the Employee ceases to perform such out-of-class work. It is the City's intent to avoid working an Employee on an out-of-class assignment for a prolonged period.

4.5.1 An Employee who believes that they have worked out-of-class for more than twenty five (25) consecutive working days or more than fifty (50) working days in a twelve (12) month period may submit a written request for an out-of-class pay adjustment to the Department Director within ten (10) working days after the Employee has allegedly qualified for the out-of-class pay adjustment. The Department Director shall review the request and forward a recommendation thereon to the Employee Relations Officer within five (5) working days after completing a review of the request. The Employee Relations Officer shall render a decision thereon within five (5) working days after receipt of the Department Director's recommendation.

4.5.2 If the Employee Relations Officer determines that the Employee has been working out-of-class for more than twenty-five (25) consecutive working days, the Employee will be paid out-of-class pay effective on the 26th day and for each successive day the Employee works out-of-class.

4.5.3 If the Employee Relations Officer determines that the Employee has been working out-of-class for more than fifty (50) working days within any twelve (12)-month period, the Employee will be paid out-of-class pay effective on the 51st day during the twelve (12) month period in which the Employee works out-of-class and for each successive day.

4.5.4 Nothing herein shall be construed as limiting management's authority to assign City Employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies. Temporary assignment, while responding to an emergency, will be for no more than three (3) months' duration, but may be extended for an additional three (3) months with Employee Relations Officer approval.

### **4.6 TRANSFER**

An Employee may seek a voluntary Transfer from the present Position to a vacant Position in the same Classification within the same department or in another department. For purposes of this Section, a comparable Classification is defined as one with the same Salary Range which involves the performance of similar duties that require substantially the same general qualifications. A transferred Employee shall retain their rate of pay and anniversary date for purposes of leave accruals.

4.6.1 The Employee Relations Officer is under no obligation to notify Employees of each potential Transfer opportunity. Once the Transfer request is received by the Employee Relations Officer, the Employee Relations Officer shall inform the Department Director of the request. The transfer must be approved, in writing, by the Department Director and Employee Relations Officer.

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4.6.2 Unless otherwise provided for in these Policies, an Employee must be employed with the City for at least twelve (12) months, or until the Employee has completed their probationary period, before applying for a transfer. The implementation of the transfer may be delayed until the Position being vacated is filled. Generally, a two-week notice will be given to the Employee's current department.

4.6.3 A request for transfer to a vacant Position may be initiated by an Employee or the Employee's Department Director. The Employee Relations Officer may order a transfer for the purposes of economy, efficiency, or for reasons related to the best interests of the City. Such a determination by the Employee Relations Officer shall not require the consent of the Employee or the Department Director.

4.6.4 No Employee shall be transferred to a Position for which the Employee does not possess the minimum qualifications. A transfer shall not be used to effect a promotion, advancement, a non-disciplinary demotion, or reduction in pay. An Employee who transfers to a lower position may be Y-rated.

### **4.7 PROMOTION**

When it has been determined by the City that a vacant Position will be filled by promotional appointment, the Employee Relations Officer shall authorize a competitive promotional examination in order to fill the Position, as set forth in these Policies.

4.7.1 When an Employee is appointed to a promotional position, that Employee shall be paid the salary in the higher Salary Range which is at least five percent (5%) higher than the salary they received in the lower range. Any Employee who is promoted within City service shall be required to successfully complete a six (6) month Probationary Period in the new position. If the Employee does not successfully complete the probationary period and the Employee's former Position is still vacant, the Department Director may recommend that the Employee be reinstated to the former position. This reinstatement must be approved by the Employee Relations Officer. If the Employee's former position is not vacant, the Employee may be appointed to a position of the same classification in a different department with the recommendation of the Department Director and approval by the Employee Relations Officer. If no vacancy exists, the Employee will be released from City employment.

4.7.2 In the event a position is eliminated and replaced with a higher range position, the City agrees to first consider Employees in the lower range positions. However, if after due consideration of existing Employees, the City determines that no Employee is qualified for promotion, the City retains the right to conduct outside recruitment.

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### **4.8 DEMOTION**

An Employee may be demoted because the Employee's ability to perform the required duties of their Position falls below standard, for disciplinary purposes, or for any other reasons as outlined in these Policies. No Employee shall be demoted to a Position for which the Employee does not possess the minimum qualifications.

4.8.1 An Employee shall not be required to serve a Probationary Period in the Position to which the Employee is demoted unless the Employee has not completed the Probationary Period in the higher Position. In such cases, the Employee shall be required to complete their unfinished Probationary Period in the lower Position.

4.8.2 Involuntary Demotion. An involuntarily demoted Employee, who is placed in a Position at a lower salary than the Position the Employee formerly occupied, shall be placed at the salary which is closest to, but lower than, the Employee's salary rate in the Employee's former Position. A Demotion which is effected for disciplinary reasons, pursuant to Section 10 of these Policies, shall be subject to the disciplinary appeals process.

4.8.3 Voluntary Demotion: A voluntary Demotion to a lower position and lower salary may be requested by an Employee for any reason. Such a voluntary Demotion shall require the approval of the City Manager or designee, Employee's present Department Director, and the Department Director under whom the Employee will serve, if applicable.

4.8.4 The voluntarily demoted Employee shall be placed in the salary which is closest to, but not lower than, the Employee's salary rate in the Employee's former Position. In lieu of a reduction in salary, the City Manager or designee may approve a Y-rated salary for a voluntarily demoted Employee.

### **4.9 RECLASSIFICATION**

An Employee who believes that they have been assigned duties and responsibilities which fall outside of the classification to which they are appointed may request a Classification audit. The audit shall ascertain, using the Decision Banding Method, whether the level and scope of assigned responsibilities are of sufficient duration and significant variance from the currently assigned Classification to warrant a Reclassification to a higher Classification within the Classification Plan. Regardless of the circumstances, the Employee must demonstrate possession of the minimum qualifications of the higher Classification prior to being reclassified. Additionally, the City Manager or designee may require a competitive examination prior to approving a Reclassification. No Employee shall be reclassified unless the said proposed reclassified Position has been incorporated in the Classification Plan and approved by City Council, as provided by these Policies.

4.9.1 The Employee or Department Director may submit a request for a job classification audit. The Employee's supervisor may submit a request for a Classification audit for the Employee, with the approval of the Department

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Director. All such classification audit requests shall be submitted to the City Manager or designee, who shall determine if the Classification audit is justified.

4.9.2 The Employee Relations Officer will respond to requests for a Classification audit, and will assist with the revision of Classification Specifications and/or development of new Classification Specifications, as necessary to meet the ongoing operational requirements of the City.

4.9.3 Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, or unit modifications, or to accomplish staffing plan changes outside of the formal budgetary process.

4.9.4 Upon Reclassification, the salary of an Employee shall be determined as follows:

a. **Reclassification with Lower Salary Range:** If the Employee is reclassified to a Classification with a lower salary range than the previous Classification, the Employee Relations Officer may approve a Y-rate salary for the Employee if the Employee is at or above the job rate of the salary range. If a salary Y-rate is not approved, the Employee's new salary at the lower salary range shall be placed at a salary rate which yields a salary closest to the current salary, but in no case shall such salary exceed the top of the lower salary range.

b. **Reclassification with Same Salary Range:** If the Employee is reclassified to a Classification with the same salary range as the previous Classification, the salary rate of the Employee shall not change. This provision shall also apply to the change of Classification title, provided there is no change in the basic duties of the Classification.

c. **Reclassification with Higher Salary Range:** If the position is reclassified to a Classification with a higher Salary Range than the previous Classification, the Employee shall be compensated at the salary in the new Salary Range which is at least equivalent to an advancement of a full Step over the Step the Employee held in the previous Salary Range, but in no case shall such salary exceed the top salary Step of the higher Classification.

4.9.5 The effective date of reclassification shall coincide with the first working day of a pay period after the reclassification is approved by the Employee Relations Officer and the new Classification is adopted by City Council.

### **4.10 TEMPORARY ASSIGNMENT PAY**

Temporary Assignment Pay allows for temporary increases in pay beyond an Employee's base rate of pay when duties performed by the Employee support such additional pay for specific periods of time.

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4.10.1 Increases in pay may be granted to recognize the temporary assignment requiring a greater level of skill and/or responsibility. "Temporary assignment" shall mean a period of six months or less. Requests for temporary assignment compensation may be initiated by the Department Director or designee. Employees directed to temporarily perform higher level duties shall be entitled to a salary rate increase equivalent to one Step within their existing range. Eligibility for Temporary Assignment Pay includes:

- a. The recommendation of the Department Director that the Employee is temporarily performing duties requiring a higher level of skill and/or responsibility outside the scope of their current classification. Such recommendation shall document the reason(s) the assignment of these duties is necessary to departmental operations and the proposed timeframe for such assignment, and is to be submitted to the Employee Relations Officer in writing;
- b. The approval of the City Manager or designee is required prior to awarding Temporary Assignment Pay; and
- c. Such assignment shall be temporary and will not exceed six (6) months in duration.

4.10.2 Temporary Assignment pay will not affect an Employee's merit increases pursuant to Section 6.5 of these Policies.

### **4.11 LAYOFFS/REDUCTION-IN-FORCE/RECALL**

Subject to City Council approval, the Employee Relations Officer may lay off City Employees at any time based upon: (1) lack of work; (2) budgetary reasons; (3) elimination of programs; or (4) elimination of services, following the procedures set forth below.

4.11.1 Reduction-in-Force (RIF). When it becomes necessary to reduce the work force in the City, the Employee Relations Officer shall designate the Classification, division, department, or other organizational unit to be reduced in order to effect a reduction in the work force. Part-time or Probationary Employees in the same Classification as ones proposed to be reduced within the City shall be laid off first. Although the Employee Relations Officer may elect to do so, they are not required to allow laid off Employees to "bump" Employees in other City Classifications in which the Employee has previously successfully held a position in accordance with the "Order of Layoff" set forth below.

4.11.2 At least two (2) weeks written notice shall be given to any Employee who is to be laid off. If less than two weeks' notice is provided, the Employee will be paid for the difference between the date of layoff and two weeks.

4.11.3 Order of Layoff. The order of layoff of regular Employees shall be made in accordance with a system which favors retention of the more

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meritorious Employees, based upon evaluation of the following factors in the listed order of importance:

- a. The two most recent annual performance evaluation records as finalized and/or filed in Human Resources, except when an Employee has less than two years of service with the City. In that case, only one performance evaluation will be used;
- b. Documents of Disciplinary Actions during the preceding twenty-four (24) months; and
- c. Seniority (length of service in a career Position):
  - i. in the City; and
  - ii. in the Classification; and
  - iii. in the department.

### 4.11.4 Order of Layoff Protocol

#### 4.11.4.1 Performance

- a. Comparisons will be based on the overall performance rating for each Employee;
- b. Rating order (i.e., better in 2017 than 2018) will carry no significance or weight;
- c. If two Employees are rated by different Supervisors in different departments, their evaluations will be deemed equivalent; and
- d. For purposes of determining layoffs, any Disciplinary Action in an Employee's file will then become the primary determinant, followed by seniority, if necessary.

#### 4.11.4.2 Seniority

- a. Seniority is determined from the date of hire.
- b. Seniority shall include periods of vacation, sick leave, layoff not exceeding two (2) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not include any other break in continuous service, unless required by law.

#### 4.11.4.3 Bumping Rights

- a. Employees in Classifications identified for elimination will be laid off based on the application of the criteria outlined in the Order of Layoff.

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b. Any probationary promotional Employee subject to lay off shall, if applicable, be allowed to return to their former classification in lieu of layoff. Employees who accept lower Positions or transfers in lieu of layoff shall be placed at a salary range and step which yields a salary closest to existing salary at the time of the giving of notice of layoff.

### 4.11.4.4 Recall List

a. The name of every regular Employee who is laid off, transferred or demoted to a Classification due to a Reduction-in-Force shall be placed on a Recall List maintained by the Employee Relations Officer. Vacancies to be filled shall be offered, first in order of performance, to individuals named on the Recall List who, at the time of the Reduction-in-Force, held a Position in the same job Classification within the department as the vacancy to be filled.

b. Individual names may be removed from the Recall List by the Employee Relations Officer for any of the following reasons:

i. The expiration of two (2) years from the date of placement on the list;

ii. Reemployment with the City in a Regular Full-time Position in a department other than that from which the Employee was laid off;

iii. Failure to respond within fourteen (14) calendar days of mailing of a certified letter to the last known address regarding availability for employment;

iv. Failure to report to work within fourteen (14) calendar days of mailing of a certified letter containing a notice of reinstatement to a Position, absent mitigating circumstances;

v. Notice in writing to the Employee Relations Officer that the individual does not wish to be reemployed by the City; or

vi. If the eligible person does not accept an offered Position.

4.11.5 Status on Reemployment. A regular Employee who has been laid off or terminates in lieu of reassignment and is reemployed in a regular Position within two (2) years from the date of their layoff or Termination shall be entitled to:



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- a. Buy-back and restoration of all vacation leave credited to the Employee's account on the date of layoff or Termination and at the same rate as it was paid at separation due to layoff. This restoration must be requested in writing within thirty (30) days of returning to work, and must be fully paid back within six (6) months of the return to work;
- b. Restoration of accrued and unused sick leave balances in place at the time of layoff. If the sick leave balance was cashed-out upon layoff, the Employee may buy-back and restore all sick leave credit available on the day of lay off at the same rate is was paid at separation due to layoff;
- c. Restoration of Seniority accrued prior to and during layoff;
- d. Credit for all service prior to payoff for the purpose of determining the rate of accrual of vacation leave; and
- e. Placement in the Salary Range as if the Employee had been on a leave of absence without pay if they are reinstated to the same Classification in the same department from which they were laid off or terminated.

Continuation of Benefits: An Employee who is laid off shall have City contribution to their medical insurance benefits continued to the first day of the second month following the date of their layoff.

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### **SECTION 5 RECRUITMENT AND SELECTION**

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#### **5.1 EQUAL EMPLOYMENT GOALS AND POLICIES**

In adopting these Policies, it is the goal of the City to employ the most qualified individuals and to achieve excellence in meeting the needs of the community.

5.1.1 It is the City's policy to provide equal employment opportunity to all applicants and Employees in accordance with applicable equal opportunity laws, directives and regulations of Federal, State and local governing bodies and agencies thereof. The City will base all of its employment decisions on job-related standards and its commitment to equal employment opportunity, and will employ, retain, train, promote, terminate and otherwise treat any and all Employees and job applicants on the basis of merit, qualifications, and competence.

5.1.2 The City does not discriminate against its Employees or applicants on the basis of race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other category protected by law.

5.1.3 Non-Discrimination/Equal Opportunity applies in all areas of City operations, including recruitment, hiring, promotion, compensation, benefits, work assignments, performance evaluation, Disciplinary Actions, layoffs, and Employee development, along with City educational, social, and recreational programs.

#### 5.1.4 Reasonable Accommodation

5.1.4.1 The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

5.1.4.2 An otherwise qualified candidate for employment who needs a reasonable accommodation to participate in a selection process should make such a request, preferably in writing, to the City Manager or designee. The request should identify: (a) the presence of a disability as set forth in the California Fair Employment and Housing Act and/or the Americans with Disabilities Act, (b) the element(s) of the selection process for which an accommodation is requested, and (c) the requested accommodation.

5.1.4.3 An Employee seeking a reasonable accommodation to perform the essential job functions of their job should make such a request, preferably in writing, to the City Manager or designee. The request

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should identify: (a) the job-related functions at issue; and (b) the desired accommodation(s).

5.1.4.4 Following receipt of a request for accommodation, the City Manager or designee may require additional information, such as reasonable documentation of the existence of a disability.

5.1.4.5 The City may require an Employee to undergo a fitness for duty examination at the City's expense to determine whether the Employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination.

5.1.4.6 After receipt of reasonable documentation of a disability and/or a fitness for duty report, the City Manager or designee will arrange for an interactive discussion, in person or via telephone conference call, with the Employee and their representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

5.1.4.7 Following the conclusion of the interactive discussion, the City Manager or designee will determine whether reasonable accommodation(s) can be made, and the type of accommodation(s) that will be offered. The City may not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the Employee or others. The City Manager or designee will inform the applicant or Employee of their decision as to reasonable accommodation(s) in writing.

### **5.2 PERSONNEL REQUESTS**

5.2.1 To initiate the filling of an authorized vacant Position, the responsible Department Director shall submit to the City Manager or designee a written request containing at least the following information:

- a. The Classification (job) title;
- b. The justification for the position, including its budgeted salary, and
- c. The duties, responsibilities and qualifications of the Position in accordance with the Classification Plan.

5.2.2 Each request shall be reviewed by the Employee Relations Officer and approved by the City Manager.

### **5.3 JOB ANNOUNCEMENTS**

Job announcements providing information about the position, whether the recruitment is open or promotional, its title and pay, its major responsibilities and duties, minimum and other qualifications, where and when to apply, a description of the selection process, and the last day on which applications will be accepted shall

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be prepared and distributed by Human Resources. All Positions to be filled will be publicized by posting announcements on the City's official website and in such other places deemed advisable by the Employee Relations Officer.

### **5.4 PERSONNEL APPLICATIONS**

Applications for employment, transfer, or promotion with the City shall be submitted electronically through the City's online applications system. All information required by the application shall be provided and the applicant shall certify as to the truth thereof. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application. All applications must be submitted with an appropriate electronic signature.

### **5.5 RECRUITMENT**

While recognizing the need for introduction of persons from outside City employment at all levels, the policy of the City is to seek to transfer or promote persons employed by the City when their qualifications, training, work performance, and work experience are determined to be comparable to applicants from other sources.

5.5.1 The Employee Relations Officer shall determine whether a recruitment to fill a vacancy shall be open or promotional, with the goal of ensuring an adequate number of candidates with appropriate skills to constitute a competitive process. The decision of the Employee Relations Officer to conduct an open or promotional recruitment shall be final.

5.5.2 Except as specifically provided otherwise in these Policies, determination of candidate qualifications for City employment shall be made by one of the following types of examinations:

- a. Open Competitive: Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement. Applicants for open competitive examinations may be, but are not required to be, Employees of the City.
- b. Promotional Competitive: Examinations which are open only to City Employees who possess the indicated minimum qualifications as set forth in the job announcement.

5.5.3 Any variations to these procedures shall be reviewed by the Employee Relations Officer and approved in writing by the City Manager.

### **5.6 EVALUATION OF APPLICATIONS**

Each application shall be reviewed to determine if the applicant satisfies minimum educational experience, type and years of job related experience, certificates or licenses and any other job related requirements.

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### 5.7 **DISQUALIFICATION OF APPLICATIONS**

5.7.1 The Employee Relations Officer shall reject an application, or after examination, shall disqualify or remove the applicant's name from an Eligibility List, if the applicant:

- a. Has made false statements of any material fact, or practiced any deception or fraud on the application or declarations, or in securing eligibility or appointment;
- b. Is found to lack any of the requirements, certifications, or qualifications for the Position involved;
- c. Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- d. Is a current user of illegal drugs including, but not limited to, marijuana;
- e. Is a relative of an Employee, and is subject to the Nepotism Policy;
- f. Has been convicted of a crime, either a misdemeanor or felony, that relates to the Position duties that the applicant would perform;
- g. Used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;
- h. Directly or indirectly obtained and used information regarding examinations;
- i. Failed to submit the employment application correctly or within the prescribed time limits;
- j. Has had their privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is an essential job function; and/or
- k. For any material cause which in the judgment of the Employee Relations Officer would render the applicant unfit for the Position, including a prior Resignation from the City, Termination from the City, or a significant Disciplinary Action.

5.7.2 Any of the above-cited grounds for disqualification may be cause for Termination or other Disciplinary Action if the applicant is or subsequently becomes an Employee of the City.

### 5.8 **SELECTION PROCESS**

Selection processes shall be merit-based, impartial and designed to appropriately and fairly assess the relative capacity of the applicants to perform the duties and responsibilities of the Position to which they seek appointment.

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5.8.1 The selection process may consist of an assessment of training and experience, oral board interviews, performance tests, work samples, assessment centers, other written tests, or other related assessment tools.

5.8.2 In all examinations, the minimum grade or standing for which eligibility will be determined shall be established before the administration of the examination or examinations. The minimum passing standard may be based on a pass-fail structure, weighted sub-parts of the examination, a compensatory model, or other structure based on the knowledge, skills, abilities and attributes being tested. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

### **5.9 CANDIDATE EXAMINATION INSPECTION**

By appointment with the Employee Relations Officer, an applicant shall have the right to review their own written test, within ten (10) working days after announcement of the testing results. However, no applicant shall be allowed to examine the written test key as part of their examination inspection.

5.9.1 If an applicant has a concern about an interview or any other element of the selection process beyond the written examination, the concern(s) should be directed to the City Manager or designee within ten (10) days of completion of the examination process. The applicant should identify the specific concern(s), the basis for the concern(s), and the requested remedy.

5.9.2 Any error in grading shall be corrected if it is called to the attention of the Employee Relations Officer at the time the applicant reviews their examination. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the Position, if one exists. Any correction shall not invalidate an appointment or offer of employment that has been made previously.

### **5.10 NEPOTISM POLICY**

5.10.1 Except as specified below, an applicant for employment by the City who has a relative employed by the City may not be denied the right to apply for employment and compete in the examination process. Following the examination, if the applicant is successfully certified as eligible for employment, the applicant may be denied employment if the City Manager determines that such employment would create a prohibited relationship. A prohibited relationship may result under the following circumstances:

- a. One Employee would have a Supervisor-subordinate relationship with another member of their immediate family.
- b. Two immediate family members would be under the jurisdiction of the same immediate supervisor.

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c. One Employee would have the power or authority to make recommendations or decisions about their immediate family member, which could or would have a financial or other impact upon the Employee's relative.

d. One Employee would have the authority to discipline their immediate family member.

5.10.2 The City Manager reserves the right to identify additional circumstances in which a prohibited relationship may occur.

5.10.3 Any Immediate Family Member of the City Manager, Finance Director or Employee Relations Officer will not be considered for employment in any capacity by the City. For the purposes of this Section, "Immediate Family Member" is defined as: grandparent, parent, spouse, child, aunt, uncle, or first cousin by marriage, adoption or blood.

5.10.4 When the eligible candidate is refused appointment to a position by virtue of this Section, the name of the candidate shall remain on the eligibility list for openings in the same classification as otherwise provided in these Policies, where no prohibited relationship may occur.

### **5.11 DRIVING SAFETY CHECK**

A verifiable and acceptable driving record shall be required of each final candidate for employment being appointed to a position that requires the Employee to drive a City vehicle, or personal vehicle on City Business, as an essential function of the job. The Employee Relations Manager shall have the right to conduct periodic, random verification of driving records of Employees.

### **5.12 ELIGIBILITY LISTS**

Lists of candidates to be considered for job openings in a particular Classification may be established for open competitive or promotional competitive Positions. An Eligibility List shall be a list of persons who have taken an open competitive or promotional competitive examination for an advertised City Position and have qualified for said Classification. Each such list shall bear an expiration date. The hiring department may appoint any candidate on the Eligibility List, regardless of ranking, provided all candidates with higher rankings have been interviewed.

5.12.1 Eligibility Lists shall remain in effect for six (6) months or until exhausted, whichever occurs first. In addition, a Department Director can request from the Employee Relations Officer that a supplemental list be prepared at any time that an Eligibility List is in effect if all candidates on the initial Eligibility List have been interviewed and the Department Director does not feel that there is an appropriate match for an advertised City position. An Eligibility List may be abolished at any time when less than three (3) eligible candidates remain.

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5.12.2 Employee Relations Officer, upon either the Employee Relations Officer's determination, or upon the recommendation of the Department Director, may remove a name from an Eligibility List for any of the following reasons:

- a. If the eligible person accepts an appointment with the City to a regular Position of the same or higher classification. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an Eligibility List. An eligible person may refuse an appointment to a particular Position and request to remain on the Eligibility List;
- b. If the eligible person requests in writing removal from the list;
- c. If the eligible person fails to respond within fourteen (14) calendar days to a notification or letter which has been mailed to the person's last address on file with the City;
- d. If the eligible person does not accept any offered Position;
- e. If an Employee on a promotional Eligibility List resigns from City employment; or
- f. If other circumstances, such as conviction of a crime involving moral turpitude or loss of a required license, make the person ineligible.

5.12.3 Placement on an Eligibility List does not guarantee employment with the City.

5.12.4 If a vacancy exists in a Classification for which there is no appropriate Eligibility List, the Employee Relations Officer may utilize existing related lists by selecting names of eligible applicants on an Eligibility List for a Classification which is assigned to the same or higher pay range and which has minimum qualifications similar to those of the Classification in which the vacancy exists.

### **5.13 REFERENCE CHECKS AND BACKGROUND INVESTIGATIONS**

After an offer of employment, candidates may be subject to reference checks and/or background investigations to assess the extent to which their employment history, criminal history, educational achievement, certification status, and other job-related factors meet the requirements of the Position for which they are being considered. Candidates will be required to sign an authorization for the City to conduct a reference check and background investigation, and may elect to receive copies of any public records obtained through the background check process.

### **5.14 FINAL DECISIONS OF SELECTION**

5.14.1 The Department Director or designee shall recommend to the Employee Relations Officer a final candidate for appointment to a vacant position. All appointments to regular Positions in the City shall be subject to the City Manager's final approval before becoming effective. If the selected



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candidate accepts the appointment and reports for duty within the agreed upon time, the applicant shall be deemed appointed to the Position.

5.14.2 If the selected candidate does not report to duty within the agreed upon time, the candidate shall be deemed to have declined the appointment. By mutual agreement of the Department Director, the Employee Relations Officer and the candidate, the date of the appointment may be changed.

### **5.15 PRE-PLACEMENT PHYSICAL EXAMINATION**

5.15.1 Each person accepting employment with the City may be required to successfully complete a pre-employment physical at a City designated medical facility at the City's cost before an appointment to such employment becomes effective. Additionally, candidates being appointed to safety-sensitive Positions (see "Covered Employees" under Section 9.5.4.1 of these Policies) within the City shall be required to participate in pre-employment Drug and/or Alcohol testing pursuant to Section 9 of these Policies.

5.15.2 This Section shall also apply to changes of employment within the City when the new Position places substantially more physical demands upon the Employee. The results of the examination shall be kept confidential in a separate file and shall be viewed only to assess whether the Employee has the ability to perform the essential functions of the job, with or without reasonable accommodation.

### **5.16 EMPLOYMENT ELIGIBILITY VERIFICATION**

At the time of employment, all persons employed by the City shall be citizens of the United States or have legal authority to work in the United States.

### **5.17 CRIMINAL CONDUCT – INELIGIBILITY FOR EMPLOYMENT**

5.17.1 Except as otherwise hereinafter provided, persons convicted of a misdemeanor involving moral turpitude or a felony may be ineligible for employment in the service of the City. Unless otherwise required by law, the City shall neither seek nor consider an applicant's conviction history before making a conditional job offer to the applicant.

5.17.2 All such disqualification decisions shall be made by the City Manager or designee after conducting an individualized assessment about how the conviction directly and adversely affects the specific job duties at issue. In making the assessment, the City Manager or designee shall consider the following:

- (i) the nature and gravity of the offense or conduct;
- (ii) the time that has passed since the offense or conduct and completion of the sentence; and
- (iii) the nature of the job held or sought. If the City Manager or designee makes a preliminary decision that the applicant's conviction

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history disqualifies the applicant from employment, the City Manager or designee shall notify the applicant of this preliminary decision in writing. The notification shall contain all of the following:

- a. notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the offer;
- b. a copy of the conviction history report, if any; and
- c. an explanation of the applicant's right to respond to the notice of the employer's preliminary decision before that decision becomes final and the deadline by which to respond. The explanation shall inform the applicant that the response may include submission of evidence challenging the accuracy of the conviction history report that is the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both. The applicant shall have at least five business days to respond to the notice before the City Manager or designee may make a final decision. If, within the five business days, the applicant notifies the City Manager or designee in writing that the applicant disputes the accuracy of the conviction history report that was the basis for the preliminary decision to rescind the offer and that the applicant is taking specific steps to obtain evidence supporting that assertion, then the applicant shall have five additional business days to respond to the notice. The City Manager or designee shall consider information submitted by the applicant before making a final decision. If the City Manager or designee makes a final decision to deny an application solely or in part because of the applicant's conviction history, the City Manager or designee shall notify the applicant in writing of the final denial or disqualification and the right to file a complaint with the California Department of Fair Employment and Housing.

5.17.3 Only the Department of Human Resources, City Manager and the City Attorney are authorized to have access to the "State Summary Criminal History Information" as provided for in Section 11105 of the Penal Code of the State of California.

### **5.18 RESIGNATION**

Employees who desire to terminate their service with the City should submit a written Resignation to the Department Director at least two (2) weeks prior to the effective date of the Resignation. The Resignation becomes effective when received or confirmed in writing by the City. The Resignation may be revoked upon mutual consent of the Employee, the Department Director and the Employee Relations Officer up to the effective date of the Resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

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### **SECTION 6 EVALUATION AND SALARY ADVANCEMENT**

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#### **6.1 SALARY AT APPOINTMENT**

6.1.1 Except as otherwise stated in these policies, all new Employees shall be appointed between the minimum salary and job rate (Step 5 or 7 depending on Class Specification) of the Salary Range to which their classification is assigned.

6.1.2 When the proposed Employee's education, training and experience are deemed superior and justify a salary in excess of the minimum, the Department Director may recommend to the City Manager offering employment in excess of the minimum salary. City Manager approval must be obtained prior to making an offer of employment. All final appointments are subject to the City Manager's approval, regardless of the salary at which the Employee is appointed.

6.1.3 The hiring range will be from the range minimum to the job rate, based on qualifications and dependent on market conditions. Appointment above the job rate, but not to exceed the merit maximum, will be allowed subject to the approval of the City Manager.

#### **6.2 RECRUITMENT AND/OR RETENTION INCENTIVES**

When necessary and appropriate, the City may use recruitment and/or retention incentives in order to compete for skills that may be in limited supply and are necessary to recruit or retain an individual for a Position defined as a "critical need" by the City Manager.

#### **6.3 EMPLOYEE PERFORMANCE EVALUATION**

6.3.1 Salary advancements will be based on successful performance in the job Classification as determined through a job-related performance appraisal system that can be used to guide compensation decisions, either in part or in whole. The Employee Relations Officer shall select a job evaluation methodology that is appropriate for use with broad Classifications. Regular reports on forms prescribed by the Employee Relations Officer shall be made as to the efficiency, competency, and conduct of all Employees appointed by the City Manager. Performance evaluations are required to be at the completion of an initial probationary appointment (twelve (12) months) or promotional probationary appointment (six (6) months), and annually thereafter in accordance with the City's annual evaluation schedule for all Employees in place at the time.

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**COMPENSATION SCHEDULE FOR NEW HIRES\***

<b>MONTH HIRED</b>	<b>STEP INCREASE ELIGIBILITY AT 12-MONTH EVALUATION</b>	<b>PERFORMANCE PAY AWARD ELIGIBILITY</b>
January		July (evaluation year)
February		July (evaluation year)
March		July (evaluation year)
April		July (evaluation year)
May		July (evaluation year)
June		July (evaluation year)
July		July (evaluation year)
August		July (year after evaluation)
September		July (year after evaluation)
October		July (year after evaluation)
November		July (year after evaluation)
December		July (year after evaluation)

\*Probationary period calculations done in accordance with Section 1.5.46.

**COMPENSATION SCHEDULE FOR PROMOTIONS\***

<b>MONTH PROMOTED</b>	<b>6-MONTH EVALUATION</b>	<b>STEP INCREASE AND PERFORMANCE PAY AWARD ELIGIBILITY</b>
January	July	July (evaluation year)
February	August	July (year after evaluation)
March	September	July (year after evaluation)
April	October	July (year after evaluation)
May	November	July (year after evaluation)
June	December	July (year after evaluation)
July	January	July (evaluation year)
August	February	July (evaluation year)
September	March	July (evaluation year)
October	April	July (evaluation year)
November	May	July (evaluation year)
December	June	July (evaluation year)

\*Probationary period calculations done in accordance with Section 1.5.46.

6.3.2 As outlined in Section 4.1, any decision to extend an Employee’s Probationary Period must be made prior to the expiration of the original Probationary Period.

6.3.3 Any evaluation which warrants a salary increase but is not completed by the designated review date shall be retroactively paid back to that review date. In addition to those occasions referenced by this Section, a Supervisor may render a performance evaluation at any time when performance issues

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arise, whether positive or negative, when there is a change in assignment and/or when there is a change in Supervisor or management.

6.3.4 During the performance evaluation meeting, the Employee and Supervisor shall review and discuss the Employee's significant accomplishments, training, problem or improvement areas, and future development and objectives. After reviewing the Classification Specification, duties, and any established performance standards for that Position, an evaluation shall be made by the Supervisor as to whether the Employee's performance meets City standards.

6.3.5 An explanation must accompany any unacceptable or conditional judgment. The Employee shall have an opportunity to review their performance evaluation and agree or disagree with it.

6.3.6 Based upon the performance evaluation, the Supervisor may make appropriate recommendations to the Employee Relations Officer regarding a possible salary increase, promotion, or other action. City Manager approval is required for all such actions.

6.3.7 The Employee Relations Officer reserves the right to review any performance evaluation prior to review of same with the Employee.

6.3.8 The Employee shall have the right to attach a written response to the corresponding performance evaluation in their personnel file. This response must be made within ten (10) working days of receiving the evaluation.

6.3.9 No other administrative reply, request, or appeal shall be allowed, except as may be provided in the current Memorandum of Understanding with the La Quinta City Employees' Association.

6.3.10 The Employee and Supervisor must sign and date the evaluation. If the Employee refuses to sign the evaluation, the Supervisor shall note on the performance evaluation this fact and any circumstances surrounding the Employee's refusal.

6.3.11 Performance evaluations shall not be subject to the grievance process.

### **6.4 PROGRESSION BASED ON SUCCESSFUL PERFORMANCE**

Employees should receive salary increases for successful performance until they reach the job rate. Employees whose performance is rated at less than successful should not receive any salary range adjustment. Employees who have reached the job rate and whose performance exceeds the standard for the job Classification shall be eligible for Performance Pay Awards.

6.4.1 Regular Full-time and Regular Part-time Employees shall earn increases based on meeting successful performance of duties in the overall rating, as follows:

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6.4.1.1 Normal Progression. Employees who are hired below the job rate and who receive an overall successful performance rating following completion of an initial employment period of not less than twelve (12) months, become eligible for enrollment in the performance pay system. From the date of employment until the successful conclusion of the Probationary Period, no salary increase shall be granted. At the end of a successful Probationary Period, the Employee becomes eligible for enrollment in the performance pay system, which shall occur annually during the City’s evaluation period for all Employees. Employees must achieve at least an overall “successful” rating to be deemed eligible for consideration of a salary increase. An Employee who receives an overall “successful” rating is not, thereby, guaranteed a salary increase once they reach the job rate. An Employee who receives an overall performance rating of “needs improvement” shall not be eligible for consideration of a salary increase. Nothing in this Section shall preclude the City from adopting new evaluation procedures and forms.

6.4.1.2 Promotional Progression. From the date of promotion until the successful conclusion of the Probationary Period, no salary increase may be granted. When an Employee is promoted to a classification with a greater Salary Range, their salary increases to an appropriate salary within the range of the new job Classification. An Employee who is promoted shall be compensated at the salary in the new Salary Range which is at least five percent (5%) higher than the salary the Employee held in the previous Salary Range.

All promoted Employees who successfully pass their Probationary Periods are eligible for enrollment in the performance pay system, which shall occur annually during the City’s evaluation period for all Employees, again provided they satisfy the eligibility criteria set forth herein.

6.4.1.3 Performance Pay Awards. Performance Pay Awards should be based solely on performance that exceeds defined standards or expectations for incumbents in the job Classification. Exceptional performance awards shall be granted to those Employees whose above standard performance is ongoing and their long-term performance indicates that such above standard performance is the norm.

6.4.1.4 Pay for Performance Compensation Methodology. Pay increases shall be based upon individual performance review ratings as follows:

	OVERALL PERFORMANCE RATING		
	Needs Improvement	Successful	Exceeds
If more than 2 steps below the job rate:	No increase	1 step	2 steps
If only one step below the job rate:	No increase	1 step	1 step plus Award

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If at or above job rate:	No increase	No increase	Year 1: Award *Year 2: One Discretionary Step
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\*If year 2 is a Successful rating and there is an extenuating circumstance, the City agrees to take the Year 3 Exceeds into consideration for a Discretionary Step.

**6.5 BILINGUAL COMPENSATION**

6.5.1 Bilingual Pay. Each Regular Full-time Employee who has qualified for bilingual compensation under this Section shall receive additional compensation of \$.25 per hour. If a Department Director determines that an Employee spends more than 50% of their work time performing bilingual duties, the amount of additional compensation shall be \$.50 per hour. Upon verification of the Employee’s qualification by the Employee Relations Officer, the employee shall receive bilingual compensation to commence as of the next pay period.

6.5.2 Eligibility. The Employee Relations Officer will designate at least one Regular Full-time Employee to perform bilingual services for the public to all City departments. Selection of the designated Employee(s) will be based upon:

1. Bilingual ability as determined by scores on a recognized standardized testing process determined by the Employee Relations Officer; and
2. Accessibility to the public. The designated Employee(s) shall provide verbal translation services to the public in addition to their normal work duties.

Additional Employee(s) will receive bilingual compensation if, as part of their job function and duties, they provide verbal bilingual translation for the public within their department on a regular basis. A Department Director who determines that an Employee is providing bilingual translation services on a regular basis will certify the same to the Employee Relations Officer, who shall then schedule the Employee to take a standardized test.

6.5.3 Testing. Each Employee who is authorized to receive bilingual compensation shall be tested at the time of authorization and must successfully pass the test to receive the additional compensation.

6.5.4 Discontinuing Compensation. If the bilingual skill is no longer needed or the Employee is no longer required to use it, the Department Director shall terminate the bilingual compensation by written notice to the Employee Relations Officer. The Employee Relations Officer may also terminate the bilingual compensation if a like determination is made, and shall notify the Department Director. In either case, the Department Director shall notify the Employee.

6.5.5 An Employee not receiving bilingual compensation shall not be required to perform bilingual services.

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**SECTION 7 HOURS OF WORK AND OVERTIME**

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**7.1 WORK WEEK AND OVERTIME**

The work week for City Employees not on the 9/80 Alternate Work Week Schedule shall begin at 12:01 a.m. on Saturday, and end at 12:00 a.m. (midnight) on Friday. The work week for Regular Full-time Employees shall be forty (40) hours, rendered in units of eight (8) hours per day (or as defined in the 9/80 Alternate Work Week Policy). The City may establish a different work week when it is deemed to be beneficial to the City. Except in cases of emergencies, the City will provide a two-week advance notice of schedule changes. The La Quinta City Employees Association will have the opportunity to meet and discuss the impacts of non-emergency or other temporary work week changes.

**7.2 OVERTIME**

7.2.1 General Non-Exempt Employees working in Positions which do not meet one of the FLSA exemption categories, will be paid overtime for hours actually worked in excess of forty (40) in any work week. Floating holidays, sick leave, vacation or compensatory time off will not be included as time worked for purposes of calculating overtime. Legal holidays, for which City offices are closed, will be recognized as time worked for purposes of calculating overtime.

7.2.2 All overtime must be authorized in advance by the Employee's Supervisor. Employees who work unauthorized overtime shall be paid, but are subject to discipline for violation of this Policy.

7.2.3 Management Employees are exempt salaried Employees and shall not receive Overtime compensation.

7.2.4 Non-exempt Employees who work overtime in less than one (1) hour increments shall be compensated for in the following manner:

Time Worked	Overtime Compensation
0 - 15 minutes	¼ hour x 1.5
16 - 30 minutes	½ hour x 1.5
31 - 44 minutes	¾ hour x 1.5
45 - 60 minutes	1 hour x 1.5

7.2.5 Overtime for General Non-Exempt and Part-time Employees shall be compensated in one of the following two ways:

7.2.5.1 As overtime pay calculated at one and one-half the regular rate of pay; or

7.2.5.2 As compensatory time off accrued at one and one-half the regular rate of pay as set forth in Section 7.3



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### **7.3 COMPENSATORY TIME OFF (CTO)**

Compensatory Time Off may be granted to those General Non-Exempt Employees who work overtime as provided in this Section, and with whom the City has a prior agreement or understanding that the Employee will accept compensatory time off in lieu of cash payment for overtime.

7.3.1 The City Manager or designee may allow accrual beyond the maximum if circumstances warrant. All compensatory time off shall be requested three (3) days in advance, and shall be granted by the Department Director unless the time off will adversely impact the organization and/or work load.

7.3.2 Employees are encouraged to use their accrued compensatory time off, and the City will make every effort to grant reasonable requests for the use of compensatory time off when sufficient advance notice is given and the workplace is not unduly disrupted.

7.3.3 The maximum number of compensatory time off hours that an Employee may accrue is forty (40) hours. Any Employee who has reached this maximum shall not work any additional compensatory time until the Employee's accrual has fallen below the maximum allowed. Employee may work overtime and receive pay if they have received advance written authorization. The City Manager or designee may allow accrual beyond the maximum if circumstances warrant.

7.3.4 The City reserves the right at any time to pay an Employee in cash for any or all accrued compensatory time off and/or to require the Employee to use accumulated compensatory time off.

7.3.5 Employees who separate from City service for any reason shall be paid for accrued and unused compensatory time off.

### **7.4 ALTERNATE WORK WEEK**

7.4.1 The City Manager may approve an Alternate Work Week Schedule (including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40-hour work week) ("Alternate Work Week Schedule") for individual Employees based on staffing needs, the Employee's performance, and the nature of the position. An Alternate Work Week Schedule for an Employee may be implemented at the sole discretion of the Employee Relations Officer and may be thereafter modified or eliminated as needed, at any time, by the Employee Relations Officer.

7.4.2 Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each work week, and eight (8) hours the remaining fifth day of one work week. The Employee will be off work on the corresponding fifth day in the following work week. As such, the Employee will work a total of 80 hours per pay period and 40 hours in each defined work week.

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7.4.3 The FLSA work week for Employees on the 9/80 schedule will begin at "mid-day of Employee's scheduled 8 hour workday" and end "mid-day of the Employee's same workday on the following week." Using this method, an Employee will work a total of 40 hours during each scheduled work week. Overtime and compensation time apply to non-exempt Employees for hours worked beyond 40 in any established work week.

7.4.4 The Employee will be eligible to request a 9/80 work schedule following a minimum of twelve (12) months of employment, subject to the recommendation of their Department Director, and the approval of the Employee Relations Officer. Employees must complete a signed agreement approved by their Department Director and the Employee Relations Officer to be eligible for the 9/80 work schedule.

7.4.5 The Employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an Alternate Work Week Schedule. An Employee who is using vacation or sick leave will be charged the number of hours of use.

7.4.6 Compensation for holidays will not change when an Employee is assigned to an Alternate Workweek Schedule. Employees receive 8 hours of holiday pay when assigned to a regular 40-hour per week work schedule. Under the 9/80 work schedule option, an Employee will continue to receive 8 hours of holiday pay, even if the holiday falls on a day when the Employee is scheduled to work 9 hours. The Employee will use their accrued compensatory time off, administrative leave, or vacation time to make up the one-hour difference.

### **7.5 STAND-BY AND CALL-BACK POLICY**

7.5.1 Call Back. When an off duty Employee is called back to work, the Employee shall receive a minimum of two (2) hours' pay or two (2) hours' Compensatory Time Off, at the Department Director's discretion.

7.5.2 Stand-By Pay. Employees occupying a position designated by the Department Director and approved by the Employee Relations Officer as appropriate for stand-by pay are required to be subject to call by telephone or other approved methods. Stand-by assignments shall be scheduled in advance by the appropriate Department Director, and shall be automatically forfeited if the Employee is unavailable or unfit when called for duty. Employees working stand-by assignments shall be paid twenty-five dollars (\$25.00) per work day, and sixty dollars (\$60.00) per holiday. Employees out on an excused leave of absence (i.e., sick leave, vacation leave, use of compensatory time off, administrative leave, etc.) for a full day are not eligible for stand-by pay on that day.

7.5.3 In addition to the stand-by pay, an Employee called for a stand-by assignment shall be compensated at time and one-half, either with overtime pay or compensatory time off, at the Employee's discretion, from the time the Employee enters the City limits until they leave the City limits. All Employees

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placed on stand-by must be able to reach the City limits within thirty (30) minutes under normal driving conditions.

### **7.6 TIME SHEETS**

7.6.1 All City Employees must complete electronic time sheets documenting hours worked and leave taken. Time sheets must be verified and certified by the Employee and approved by the Employee's Supervisor. Time sheets will be reviewed and audited by the City Finance Department (Finance).

7.6.2 Notice of any correction(s) to the time sheet will be sent to the Employee and the Supervisor by Finance. Such corrections will be deemed final unless questioned by the Employee within thirty (30) days after notice of correction has been given to the Employee. Unresolved matters may be taken to the Employee Relations Officer for review and recommendation. Final determination shall be made by the Employee Relations Officer.

### **7.7 ABANDONMENT OF EMPLOYMENT**

An Employee who is absent, without authorized leave, for three (3) or more consecutive work days, is deemed to have voluntarily resigned their employment with the City. If the Department Director, with the concurrence of the Employee Relations Officer, determines that extenuating circumstances exist, the resignation may be rescinded, in which case, the absence may be covered by accrued paid leave, or leave without pay, if so approved by the Employee Relations Officer.

### **7.8 BREAK AND LUNCH POLICY**

7.8.1 Employees may take one paid fifteen (15) minute break for each four (4) hours of work. Breaks shall be taken during the middle of the first four (4) hours and of the last four (4) hours. Breaks shall not be added to lunch periods nor used as compensatory time off earned if Employee chooses not to take their breaks during the designated time periods.

Non-compensated lunch periods shall be at least thirty (30) minutes, but no more than sixty (60) minutes per day for Employees who work six (6) or more hours per day. Employees are expected to take their lunch hours in accordance with department schedules.

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**SECTION 8 LEAVES**

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**8.1 HOLIDAYS**

Days which are designated as paid holidays by the City Council shall be recognized holidays for City Employees unless otherwise specified. Each holiday shall be considered eight (8) hours. A holiday falling on Sunday will be observed the following Monday. A holiday falling on Saturday will be observed the previous Friday.

8.1.1 Regular Full-Time Employees.

8.1.1.1 Regular Full-time Employees are entitled to the following ten (10) paid holidays each year:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
*Christmas Eve Day	December 24
Christmas Day	December 25
*New Year's Eve Day	December 31

\*In the event Christmas Eve (December 24) and New Year's Eve (December 31) fall on a weekday, they will be considered paid holidays.

8.1.1.2 Regular Full-time Employees who work less than forty (40) hours per week, shall receive holiday compensation on a pro rata basis for the holidays listed above. Holiday compensation for these Employees shall be calculated by the number of hours worked as a percentage of a forty (40) hour work week.

8.1.1.3 In the event an Employee is required to work on a holiday, they shall be entitled to:

- a. A minimum of four (4) hours straight time (either paid or in compensatory time off);
- b. Eight (8) hours of holiday pay; and
- c. If the minimum four hours takes the Employee over forty (40) hours for the work week, they shall be paid at time and one-half for all hours worked over 40.

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In the event of a conflict between any provision of this section and Section 7.5.1 (Call-Back), the affected Employee shall be given the greatest benefit provided under the two sections.

### 8.1.1.4 Floating Holidays

- a. Regular Full-time Employees are entitled to twenty (20) hours of floating holidays each calendar year, to be scheduled by the Employee provided the Employee's Supervisor deems the selected day(s) are compatible with work schedules. All floating holiday hours unused or approved for use prior to December 31 of each calendar year will be compensated during the final full pay period of that calendar year.
- b. In the event of the Employee's failure for any reason to take such floating holiday hours during any calendar year or prior to their termination of employment with the City, they shall be entitled to compensation for the floating holiday hours not used.
- c. Probationary Employees may use their floating holiday hours.

## 8.2 **VACATION LEAVE**

### 8.2.1 Vacation Earned

#### 8.2.1.1 Regular Full-Time Employees

Regular Full-time Employees shall be provided with vacation earnings based on the following schedule, as may be amended or modified by specific provisions in a relevant MOU or contract:

<b>Years of Full-time Service</b>	<b>Annual Number of Hours Eligible to Earn</b>
Beginning year 0-1	80 hours
Beginning year 2	88 hours
Beginning year 3	96 hours
Beginning year 4	104 hours
Beginning year 5	112 hours
Beginning year 6	120 hours
Beginning year 7	128 hours
Beginning year 8	136 hours
Beginning year 9	144 hours
Beginning year 10	152 hours
Beginning year 11 and after	160 hours

Regular Full-time Employees who work less than forty (40) hours per week shall receive vacation benefits on a pro-rata basis, calculated by

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the number of hours worked as a percentage of a forty (40)-hour work week. Employees in this category may accrue up to 160 hours of vacation leave.

8.2.2 No vacation days may be used during an Employee's first three (3) months of service. At the end of three (3) months, vacation in an amount which would have been earned during the first three (3) months period will be credited to the Employee's leave account in a lump sum and is available for use.

### 8.2.3 Limitations

8.2.3.1 Vacation is earned annually and is computed on the basis of number of months, or major portion of a month, actually worked within a calendar year.

8.2.3.2 Annual number of vacation hours eligible to earn shall change on the anniversary date of the Regular Employee.

8.2.3.3 No vacation shall be credited for time during which an Employee is absent from duty without pay in excess of thirty (30) days.

8.2.3.4 All vacations shall be requested in writing in advance, and taken at such time as approved by the Department Director. The Department Director shall either approve or deny a vacation request within three (3) work days after receiving the request.

8.2.3.5 Vacation leave may be taken in any increment of minutes, approved by management.

8.2.3.6 Illness during a vacation period shall not be considered as sick leave.

### 8.2.4 Vacation Buy-Back

#### 8.2.4.1 Mandatory Buy-Back

Vacation hours may be accumulated and carried over to succeeding calendar years up to a maximum accrual of 320 hours for Regular Full-time Employees. Accrued vacation hours which exceed 320 hours as of the last pay period of November of each year shall be paid at the Employee's regular rate of pay as time worked and shall be issued as a separate check in December.

#### 8.2.4.2 Optional

In addition to the above, Regular Full-time Employees with a minimum of 80 hours of accrued vacation time as of the last pay period in May or November in any calendar year, may receive pay at the Employee's regular rate of pay, for a portion or the entire amount over 80 hours. Any Employee desiring to exercise this option must make a written

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request to the Finance Director no later than May 15 or November 15 in the calendar year for which vacation buy back is sought. The vacation buy-back pay will be issued as a separate check in June or December.

### 8.2.5 Vacation Leave Transfer Policy (VLTP)

The conditions for participation in the Vacation Leave Transfer Policy (VLTP) are as follows:

- a. If a Regular Full-time City Employee has been granted leave under the Federal Family and Medical Leave Act (FMLA) of 1993, which is for a period of up to twelve (12) weeks, due to injury or illness of themselves or an immediate family member, and the Employee has exhausted all earned leave: sick, vacation, administrative, and compensatory time off, the Employee can request approval to take part in the VLTP, wherein fellow Employees can donate vacation leave or compensatory time to enable Employees in these situations to continue to receive their regular pay. An Employee is eligible to participate in the VLTP when they have been employed at least 12 months, completed their Probationary Period, and worked for at least 1,250 hours during the 12-month period immediately preceding the request for VLTP.
- b. To participate in the VLTP, a request must be submitted specifically on the VLTP Request Form to the Department Director and then to the Employee Relations Officer for approval of donated vacation leave or compensatory time from fellow Employees. Any appeal or a denial of a request to participate in the VLTP will be resolved by the City Manager. The decision of the City Manager shall be final, not grievable and not subject to further appeal.
- c. The Employee Relations Officer shall manage all aspects of the VLTP.
- d. If a request for donated vacation leave or compensatory time is approved by the Employee Relations Officer, a notice will be posted informing City Employees of the particular Employee in need of donation assistance through the VLTP.
- e. Any Employee wishing to contribute vacation leave or compensatory time must sign an authorization form specifying the Employee to which the donation will be made and acknowledging that the donation is irrevocable.
- f. The application rate of an Employee's vacation leave or compensatory time donation will be on an hour-for-hour basis with no adjustment for dollar value.
- g. All donations will be voluntary and confidential.

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h. Except for the notice and memorandum notifying Employees of a specific Employee's leave transfer need, no City Employee may solicit donations from any other Employee (general discussion of voluntary donation versus solicitation at Employee Association meetings is exempted).

i. No Supervisor shall make workplace decisions based on any Employee's participation or non-participation in the VLTP.

j. Finance will set up a trust account for all approved Employee vacation leave or compensatory time donation requests in the requesting Employee's name, into which each donating Employee's vacation leave or compensatory time will be noted, and used as needed.

k. Employees on VLTP shall be paid at regularly scheduled City pay periods from the trust account Finance establishes. The amount of payment shall be the total monetary amount of vacation leave or compensatory time donated up to a maximum of 100% of the Employee's regular pay, less:

1. any disability benefit offered through the City, Worker's Compensation Benefit, or other short or long-term disability payments the Employee is receiving during the pay period; and
2. regular taxes.

l. Group health insurance coverage and other negotiated benefits shall be provided to all Employees while on the VLTP, as long as the Employee's total FMLA and VLTP time does not exceed twelve (12) working weeks, or as set forth in the family and medical care leave or pregnancy leave policies. If the Employee is not on paid status by virtue of continuing to utilize at least half (50%) of the hours needed per pay period to receive a full paycheck through the use of their accrued sick leave, vacation, compensatory time-off, administrative leave allowances, or leave donated under this Section, the Employee will be required to personally fund this benefit if the Employee wishes to retain it. If the Employee uses less than 50% of the hours needed per pay period to receive a full paycheck through the use of their accruals, the Employee will be required to personally fund their medical premium payments if the Employee wishes to retain group health insurance coverage.

m. Attendance and Payroll records of Employees on VLTP shall denote a "DL," standing for Donated Leave, for time paid to Employee while on this program.

n. No sick leave, vacation leave, holiday credits, administrative leave, compensatory time, deferred compensation, CalPERS (PERS) or any other applicable benefits shall accrue to receiving Employee for any hours provided by donating through the VLTP.



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- o. Vacation leave donations or compensatory time shall in no way affect or modify the receiving Employee's employment status with the City, nor shall it affect or modify the application of applicable City policies, rules and ordinances.
- p. Employees on VLTP who remain on an authorized unpaid leave of absence after FMLA is exhausted may continue to receive assigned donated vacation leave and compensatory time from other regular city Employees until the Employee returns to work, is terminated, or meets the maximum hours under Subsection t, below.
- q. Availability of donated vacation leave or compensatory time shall in no way delay or prevent the City from taking action to medically separate or disability-retire an Employee.
- r. Donated but unused vacation and compensatory time shall "expire" once the requesting Employee returns to work on a full-time basis.
- s. The recipient Employee must be unable to work in any capacity as a result of a serious injury or illness to the Employee or their immediate family member in order to be eligible to receive donations under the VLTP.
- t. The total amount of hours donated to any individual shall not exceed two hundred forty (240) hours in any calendar year.
- u. Only the recipient Employee for whom the VLTP has been established may receive donated hours from said plan. Such donated hours will be added to the Employee's sick leave balance, as needed.
- v. The plan will be administered so that hours will be used only as needed and in the order donated.

### **8.3 SICK LEAVE**

Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this Policy, as may be modified by MOU or applicable law. Every Employee should use sick leave with respect for the intent of the policy and the impact on fellow Employees. All Employees are responsible for the proper administration of the sick leave provision.

8.3.1 Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant MOU or contract:

- a. Regular and Probationary full-time Employees are eligible for Sick Leave after completing three (3) months of service, at which time sick leave, in an amount which would have been earned during the first three (3) months period, will be credited to the Employee's Leave Account in a lump sum and is available for use.

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b. Sick leave with pay shall accrue at the rate of one work day for each calendar month of service. Employees in this category may accrue up to four hundred and eighty (480) hours of sick leave. Sick leave credits shall accrue only while an Employee is in paid status with the City.

c. In accordance with "The Healthy Workplaces, Healthy Families Act of 2014," Regular Part-time Employees, shall earn 24 hours of paid sick leave per calendar year (paid at their hourly rate) in each year of employment. Regular Part-time employees who work in California for 30 or more days within a year from the commencement of employment, are eligible to use accrued paid sick leave beginning on the 90<sup>th</sup> day of employment, at which time sick leave of 24 hours (or such pro-rated amount as is warranted based on start date) will be credited to the Employee's Leave Account in a lump sum and is available for use. Accrued paid sick leave does not carry over to the following year, but will be paid out at the rate of 50% on the final paycheck in December each year, or upon termination if same occurs earlier than the end of the calendar year.

8.3.2 If the maximum accrual of sick leave has been reached as of the last pay period in November in any calendar year, Employee shall be reimbursed for the number of sick leave hours that have been accrued and unused above the maximum, according to the formula used for sick leave cash out upon Employee termination.

8.3.3 Approved sick leave may be granted to all Employees for the following reasons:

a. For the diagnosis, care or treatment of an existing health condition, or preventive health care for the Employee or the Employee's Immediate Family Member;

b. Enforced quarantine of the Employee in accordance with community health regulations;

c. To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure their health, safety, or welfare, or that of their child(ren);

d. To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning; or

e. Complication or disability resulting from or attributed to any pregnancy, termination of pregnancy, or recovery therefrom.

8.3.4 Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

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8.3.4.1 Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than those set forth in this Policy. Potential indicators of abuse are set forth below:

- a. A pattern of sick leave use involving days adjacent to scheduled days off and holidays;
- b. Refusal or inability to provide medical substantiation when requested;
- c. Frequent absences with vague or questionable substantiation;
- d. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons); and/or
- e. Other evidence of Employee activity that is inconsistent with the legitimate use of sick leave, such as usage higher than the City's average for the previous calendar year (deduct serious illness or injury) and two or more of the above indicators.

8.3.4.2 When it is determined, by investigation, that sufficient evidence exists to demonstrate that an Employee has abused or is abusing or misusing the sick leave privilege, the Department Director may cause such Disciplinary Action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent, the claim for sick leave will not be paid. Sick leave taken for protected reasons or as set forth in Section 8.3.4 shall not be considered in determining abuse or misuse of the sick leave privilege.

### 8.3.5 Sick Leave Cash Out

8.3.5.1 City agrees to provide a cash out of accrued and unused sick leave upon Employee's termination, as follows:

2 through 4 years of service	25%
5 through 9 years of service	50%
10 through 19 years of service	75%
20 years of service and up	100%

8.3.5.2 Optional Cash Out: Regular Full-time Employees have the option to convert accrued and unused sick leave above 240 hours up to 480 hours to cash twice every year for accruals through the last pay period in May or November. The sick leave cash out will be issued as a separate check in June or December.

8.3.5.3 Accrued and unused sick leave which is cashed out under this section may not be used for PERS service credit.

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### **8.4 BEREAVEMENT LEAVE**

Regular Full-time Employees shall be allowed thirty-two (32) hours Bereavement Leave in the event of death of an Immediate Family Member as defined in Section 1.5.33 of these Policies. There is no annual restriction on the number of bereavement leaves required by an Employee. Initial probationary Employees are not eligible for bereavement leave until after the first three (3) months of employment.

### **8.5 ADMINISTRATIVE LEAVE**

The following designated Positions will receive administrative leave. The probationary status of such Employees will not preclude the accrual and/or utilization of administrative leave.

#### **8.5.1 Professional/Administrative/Management Employees**

The following FLSA-exempt Positions shall receive forty (40) hours of administrative leave per calendar year:

- Assistant to the City Manager
- Associate Engineer;
- Associate Planner;
- Building Official;
- City Clerk
- City Engineer;
- Community Resources Manager;
- Construction Manager/ Inspection Supervisor.
- Financial Services Analyst;
- Hub Manager;
- Human Resources Analyst;
- Human Resources/Risk Manager;
- Maintenance Manager;
- Management Analyst;
- Marketing Manager;
- Planning Manager;
- Public Safety Analyst;
- Public Safety Manager;
- Senior Accountant;
- Senior Civil Engineer;
- Senior Emergency Management Coordinator;
- Senior Planner; and
- Traffic Operations Analyst.

#### **8.5.2 Accrual and Use**

8.5.2.1 Upon hire, designated Employees are credited a prorated amount of administrative leave. The prorated amount of administrative leave to be accrued for the calendar year may be used at any time during the year subject to the Supervisor's approval. Administrative

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leave is available for use by probationary Employees, at the discretion of the Department Director.

8.5.2.2 Any unused or approved for a work day prior to December 31 of each calendar year will be compensated during the final full pay period of that calendar year or upon separation of employment.

### **8.6 JURY DUTY AND WITNESS LEAVE**

8.6.1 No Employee shall be dismissed or in any manner discriminated against for taking time off from work to serve as a juror or witness when required by law, provided such Employee complies with the provisions of this Section. An Employee called to serve as a juror or witness shall notify the Employee's Supervisor at least one (1) week prior to the commencement of such service, unless extenuating circumstances exist.

8.6.2 Any Employee of the City called as a juror or witness shall be entitled to be absent from the Employee's duties with the City as long as required by the court system or other tribunal. The Employee is required to obtain a jury calendar or assignment sheet weekly during such service. The jury calendar or assignment sheet shall be signed by the jury clerk or commissioner and delivered to the Employee's Supervisor at the end of each week to verify jury duty or witness service.

8.6.3 A Regular Full-time Employee required to serve on jury duty shall be entitled to the Employee's regular rate of pay, provided the Employee deposits any fees for service, excluding mileage, with the City.

8.6.4 Any Employee required to be absent from work on behalf of the City by proper subpoena issued by a court or other legally empowered agency, shall be entitled to be absent from work at the Employee's regular rate of pay, provided that any fees for service, except mileage, are deposited with the City. An Employee required to be present as a witness in any other matter shall not be entitled to be paid during such absence.

8.6.5 An Employee who is released by the court from jury duty on any regularly scheduled work day shall contact their Supervisor to find out whether they are required to return to work. An Employee who is scheduled for stand-by duty while serving on jury duty shall be rescheduled for stand-by duty after the conclusion of jury duty, unless the Employee agrees to serve both.

### **8.7 PREGNANCY DISABILITY LEAVE**

8.7.1 An Employee who has been advised by their health care provider that they are disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the City, is entitled to pregnancy disability leave. There is no minimum service requirement for eligibility.

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8.7.2 Pregnancy disability leave is available when a woman is disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:

- a. time off needed for prenatal care;
- b. severe morning sickness;
- c. doctor-ordered bed rest; and/or
- d. childbirth, recovery from childbirth, and any related medical condition.

8.7.3 A woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue risk to herself or to other persons, or without undue risk to the successful completion of her pregnancy.

8.7.4 The duration of pregnancy disability leave is limited to four months (17.5 weeks) while the Employee is disabled by pregnancy or a pregnancy-related condition.

8.7.5 Pregnancy disability leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).

8.7.6 An Employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.

8.7.6.1 If intermittent leave is medically advisable, it may be necessary to temporarily transfer the Employee to an available alternative Position with an equivalent rate of pay and benefits.

8.7.6.2 The Employee must be qualified for the available alternative Position.

8.7.6.3 The equivalent Position must better accommodate recurring periods of leave than the Employee's regular job.

8.7.6.4 If there is no available alternative Position, the City may consider altering the Employee's existing Position on a temporary basis to accommodate intermittent leave or reduced schedule.

8.7.7 The City will consider temporary reasonable accommodations that are determined to be medically advisable by the Employee's health care provider, and reasonable by the City. Temporary accommodations may include:

- a. Additional leave after the Employee has exhausted her right to four months of pregnancy disability leave;
- b. Transfer to a less strenuous or hazardous Position if the Employee's health care provider states that it is medically advisable and the Employee is qualified for the Position;

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- c. Creation of a temporary light-duty assignment, or modification of the Employee's current job on a temporary basis;
- d. Modifying the work schedule on a temporary basis; and/or
- e. Allowing more frequent restroom breaks.

8.7.8 An Employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice of the need for such an accommodation in advance of the needed accommodation, unless such notice is not possible.

8.7.8.1 The request for accommodation must include medical certification that documents the specific limitations the health care provider has set forth for the Employee, as well as the anticipated duration of those limitations.

8.7.8.2 The City shall engage in an interactive process with an Employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.

8.7.9 Employees on approved pregnancy disability leave will be required to exhaust accumulated sick leave balances before being placed on unpaid leave. However, if the Employee is receiving either short or long term disability benefits, the Employee is not required to use any of her paid time off, sick leave or accrued vacation during the qualifying leave.

8.7.10 The City will continue to pay the City's portion of the cost of "Health Insurance" for an Employee while on an approved pregnancy disability leave to the same extent it would if the Employee were working, regardless of pay status, for a maximum of four (4) months.

8.7.10.1 "Health Insurance" is defined as medical, vision, and dental insurance. The Employee must continue to pay their Employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the City while on unpaid leave.

8.7.10.2 Coverage on a particular plan may be dropped if the Employee is more than 30 days late in making a premium payment. However, the Employee shall receive a notice at least 15 days before coverage is to cease, advising that they will be dropped if the premium payment is not paid by a certain date.

8.7.10.3 Contribution amounts for all Employees are subject to any change if changes in rates occur while the Employee is on leave.

8.7.10.4 The total combined duration of City contribution toward Health Insurance available during unpaid leaves due to any combination

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of pregnancy disability, the Employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

8.7.11 Leave available under the California Family Rights Act of 1993 (CFRA) will not run concurrent with Pregnancy Disability Leave. An Employee may have separate eligibility for "bonding" leave following the birth of a child under the CFRA. Refer to the City's family and medical care leave Policy for information about eligibility requirements.

8.7.12 Employees must provide at least thirty (30) days' advance notice of the need for pregnancy disability leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the Employee is required to provide notice as soon as practicable.

8.7.13 Medical certification will be required to support the need for pregnancy disability leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.

8.7.13.1 Medical certification is to be provided by the Employee's health care provider, and must include:

- a. the date on which the Employee became disabled due to pregnancy;
- b. the anticipated duration of the period of disability; and
- c. an explanatory statement that, due to the disability, the Employee is unable to work at all, or is unable to perform any one or more of the essential functions of her Position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

8.7.14 An Employee returning from pregnancy disability leave or temporary accommodation shall be reinstated to the same Position held prior to taking leave or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.

8.7.14.1 The Employee may not be reinstated to the exact same Position if the Employee would not have been employed for reasons unrelated to the leave, such as a layoff.

8.7.14.2 If the exact same Position is not available, the Employee will be reinstated to a vacant, comparable Position. A comparable Position is one that is virtually identical to the Employee's previously held Position, including wages, benefits, working conditions, and shift.



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### **8.8 MILITARY LEAVE**

8.8.1 Military leave shall be granted under the provisions of State and Federal law. To be eligible for Military leave, an employee must be a member of the "uniformed service," United States Army, Navy, Air Force, Coast Guard, National Guard, Reserves or any other category of persons designated by the President in time of war or emergency. An employee is entitled to time off at full pay not exceed one hundred eighty (180) calendar days in a fiscal year, including time involved in going to and returning from that duty. The employment protections under Uniformed Services Employment and Reemployment Rights Act allow for up to five (5) cumulative years of military service. After five years, the military leave policy no longer applies.

8.8.2 For the purposes of this Section, "active military training" shall be defined as a period of training (i.e. encampment, naval cruises, special exercises, or like activities) which normally occurs once a year over a two-week interval. "Inactive duty for training" and "scheduled reserve drill periods" shall be defined as the weekend periods of training which are scheduled once a month. Such weekend drills do not conflict with normal working hours within the City.

8.8.3 Employees must submit a copy of military orders to their Department Director and the Employee Relations Officer prior to the beginning of the military leave period and as soon as the Employee knows of the need to request such leave, except where military necessity dictates.

8.8.4 Regular and Probationary Full-time Employees shall receive their full regular pay during the first thirty (30) calendar days of "military leave" in any one fiscal year. After the first thirty (30) days of military leave in a fiscal year, Employees may take a leave of absence without pay or they may utilize their vacation, administrative leave, or compensatory time off in order to fulfill their military duties.

8.8.5 Regular and Probationary Full-time Employees on a military leave of absence shall receive the same vacation, sick leave and holiday privileges and the same rights and privileges to promotions, continuance in office, employment, reappointment to office, or reemployment that they would have enjoyed had they not been absent. City contributions to retirement, life insurance and medical and dental plans shall be suspended after the first thirty (30) consecutive calendar days of military leave until the Employee is reinstated. However, upon approval of a leave of absence without pay, the Employee may elect to continue benefits coverage at their own expense, with the exception of retirement.

8.8.6 If an Employee is required to perform military reserve duties while on probation, their probationary period shall be extended the same length of time as the military leave. Such extensions of probationary periods which arise as a result of this policy shall not be perceived punitive, but rather as a way to

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more accurately monitor Employee performance prior to moving to regular status.

8.8.7 The City shall reinstate those Employees returning from a military leave of one hundred eighty (180) days or less to the position they occupied prior to taking a military leave of absence or to a position of comparable Seniority, status and pay, if such position exists, upon presentation of a certificate of satisfactory completion of service, and if such Employees are qualified to return to their former Positions.

8.8.8 If no such comparable position exists, the Employee shall have the same rights and privileges that they would have had if they had occupied the position when it ceased to exist and had not taken a temporary military leave of absence.

8.8.9 Any Employee who, in time of war or national emergency as proclaimed by the President or Congress, is ordered by the military to active duty, shall have a right, if released, separated, or discharged under conditions other than dishonorable, to return to their former classification within six (6) months after termination of their active service with the armed forces, but not later than six (6) months after the end of the war or national emergency. (Reference Government Codes §§ 146, 395 and 395.05.)

8.8.10 Exceptions to this policy will occur whenever necessary to comply with applicable laws.

### **8.9 LEAVE OF ABSENCE WITHOUT PAY**

8.9.1 Any Regular or Probationary Employee who is absent from work and not on authorized leave with pay shall be considered on an unauthorized leave of absence without pay, and will be subject to the provisions of Section 7.7 of these Policies.

8.9.2 Leave of absence without pay shall be approved in advance and in writing. Any Employee requesting a leave of absence without pay shall utilize all of their accrued Compensatory Time Off, administrative leave, vacation time, and sick leave, if appropriate, prior to the start of the leave without pay. Determination of the granting of a leave of absence without pay is not grievable. An Employee who does not receive prior written approval for a leave of absence without pay may be disciplined for such period of absence.

8.9.3 Department Directors may grant an Employee a leave of absence without pay for not to exceed forty (40) consecutive hours. Such leaves shall be reported in writing to the Employee Relations Officer.

8.9.4 A leave of absence without pay in excess of forty (40) hours must be recommended by the Department Director and approved by the Employee Relations Officer. No single leave of absence without pay may exceed three months without approval of the Department Director and the City Manager.

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8.9.5 Any leave of absence without pay of eight (8) hours or more shall result in a pro-rata accrual of vacation, sick leave or holiday credits. An unpaid leave of absence shall extend the Employee's Probationary Period (if applicable) for the same length of time as the leave.

8.9.6 Contributions to retirement, life insurance, medical, dental, or other designated benefit plans shall be suspended until the Employee is reinstated. City contributions to health insurance during an unpaid leave that qualifies for family and medical leave or pregnancy leave is set forth in those specific Policies.

8.9.7 Upon expiration of an approved leave of absence without pay, the Employee shall be reinstated in the classification held at the time the leave was granted. Failure on the part of the Employee to report to work promptly at the expiration of the leave shall result in the Employee being deemed to have resigned from employment.

### **8.10 FAMILY AND MEDICAL LEAVE**

8.10.1 The City will provide up to twelve (12) weeks of family and medical care leave in a twelve (12)-month period for eligible Employees as required by State and Federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations that are not specifically set forth below are set forth in the Department of Labor regulations implementing the Family and Medical Leave Act (FMLA,) and the regulations of the California Family Rights Act (CFRA,) as amended.

8.10.2 City Employees who have been employed by the City for twelve (12) months and have worked one thousand two hundred and fifty (1,250) hours or more in the twelve (12) months immediately preceding the request for leave are eligible to take family and medical care leave.

8.10.3 Leave is permitted for the following reasons:

- a. The birth of a child or to care for a newborn of an Employee;
- b. The placement of a child with an Employee in connection with the adoption or foster care of a child;
- c. To care for an Immediate Family Member who has a serious health condition;
- d. Because of a serious health condition that makes the Employee unable to perform the functions of their Position;
- e. For a "qualifying exigency" arising out of the fact that an Employee's Immediate Family Member is on active duty or is called to active duty status in the regular Armed Forces, National Guard or Reserves, who is deployed by the military to a foreign country; or

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f. To care for an Immediate Family Member of the service member or veteran within five years of discharge from the military of the United States Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty while on active military duty.

8.10.4 An eligible Employee may be granted up to a total of twelve (12) Workweeks of family and medical care leave in a rolling twelve (12)-month period. This rolling twelve (12)-month period will be measured forward from the date an Employee uses any family and medical care leave.

8.10.4.1 An eligible Employee may be granted up to a total of twenty-six (26) Workweeks of military caregiver leave during a single 12-month period to care for a covered service member or veteran within five years of discharge from the military who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is otherwise in an outpatient status; or is otherwise on the temporary disability retired list. The single 12-month period shall be measured forward from the date an Employee's first FMLA leave to care for the covered service member begins. During the single 12-month period, an eligible Employee's FMLA leave entitlement is limited to a combined total of 26 Workweeks of FMLA leave for any qualifying reason.

8.10.4.2 Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

8.10.5 If leave under this Section is requested for the birth, adoption or foster care placement of a child of the Employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an Employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks' duration on any two occasions.

8.10.5.1 If leave is requested to care for an Immediate Family Member or the Employee themselves with a serious health condition, there is no minimum amount of leave that must be taken. However, the Employee must comply with the notice and medical certification provisions of this Policy.

8.10.6 Family and medical care leave may be taken on an intermittent basis as separate blocks of time or on a reduced leave schedule due to a single qualifying event if it is medically necessary for medical treatment of a serious health condition, for recovery from treatment or recovery from a serious health condition, or in conjunction with a chronic serious health condition of the Employee or the Employee's Immediate Family Member.

8.10.6.1 The Employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be

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accomplished through an intermittent or reduced leave schedule. It may also be taken to provide care or psychological comfort to an Immediate Family Member with a serious health condition.

8.10.6.2 Intermittent or reduced schedule leave after the birth or placement of a child for adoption or foster care may be taken only if the City agrees, unless the intermittent or reduced schedule leave is due to the mother's serious health condition or the baby's serious health condition. Intermittent leave must be taken in increments of at least one-half hour.

8.10.6.3 An Employee taking intermittent leave or leave on a reduced schedule for planned medical treatment or recovery from a serious health condition, or an Employee permitted to take intermittent leave or reduced schedule leave for the birth or placement of a child, may be temporarily transferred to an available alternative Position for which the Employee qualifies which better accommodates recurring periods of leave than the Employee's regular Position. Although the alternative Position may or may not have equivalent duties, the Employee will receive equivalent pay and benefits during the time they work in the alternative Position.

8.10.6.4 Leave due to a qualifying exigency may be taken on an intermittent or reduced schedule basis.

8.10.7 Employees on approved family and medical care leave will be required to exhaust accumulated leave balances before being placed on unpaid leave, as provided below:

a. If the need for leave is in conjunction with the Employee's own serious health condition, the Employee must first exhaust accrued sick leave balances, then other leave balances, including vacation, Compensatory Time Off, and holiday time prior to moving to unpaid family and medical care leave.

b. If the need for leave is in conjunction with the care of an Immediate Family Member who has a serious health condition, the Employee may use the limited allowance of sick leave hours and then must use other leave balances including vacation, Compensatory Time Off, and holiday time prior to moving to unpaid family and medical care leave.

c. If the leave is requested for a non-medical reason, such as bonding after the birth of a child, the Employee must exhaust accrued vacation and other leave balances exclusive of sick leave prior to moving to unpaid family and medical care leave. (Compensatory Time Off may be voluntarily elected.)

8.10.8 If an Employee takes a leave for any reason that is FMLA/CFRA qualifying, the City may designate the requested leave as running concurrently

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with the Employee's 12-week FMLA/CFRA leave entitlement. Upon City designation of leave as FMLA/CFRA qualifying, written notice of such shall be provided to the Employee.

8.10.9 The City will continue to pay the City's portion of the cost of "Health Insurance" for an Employee while they are on an approved family and medical care leave to the same extent it would if the Employee were working, regardless of pay status.

8.10.9.1 "Health Insurance" is defined as medical, vision, and dental insurance.

8.10.9.2 The Employee must continue to pay their Employee contribution to Health Insurance, either through payroll deduction while using leave balances, or by direct payment while on unpaid leave.

8.10.9.3 Coverage on a particular plan may be dropped if the Employee is more than 30 days late in making a premium payment. However, the Employee shall receive a notice at least 15 days before coverage is to cease, advising that they will be dropped if the premium payment is not paid by a certain date.

8.10.9.4 Contribution amounts for all Employees are subject to any change if changes in rates occur while the Employee is on leave.

8.10.9.5 If an Employee fails to return to work after their leave entitlement has been exhausted or expires, the City shall have the right to recover its share of Health Insurance premiums for the entire leave period, unless the Employee does not return because of the continuation, recurrence, or onset of a serious health condition of the Employee or their Immediate Family Member which would entitle the Employee to leave, or because of circumstances beyond the Employee's control.

8.10.10 An Employee disabled by pregnancy is eligible for up to four (4) months of leave for medical disability related to pregnancy under State law. This leave may be in addition to up to twelve (12) weeks of family and medical care leave. Family and medical care leave available under the CFRA will not run concurrent with pregnancy disability leave.

8.10.10.1 The total combined duration of City contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the Employee's serious health condition, and family care purposes under this Section will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

8.10.11 Although the City recognizes that emergencies arise that may require an Employee to request immediate leave, the Employee is required to give as much notice as possible of their need for leave.

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8.10.11.1 Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' written notice is required. If an Employee knows that they will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the Employee is to inform their Supervisor as soon as possible that such leave will be needed; this notice may be given orally.

8.10.11.2 In the case of a qualifying exigency, the Employee shall provide the City with a copy of the covered service member's active duty orders or other documentation issued by the military that indicate that the service member is on, or has been called to, active duty for deployment by the military to a foreign country, and the dates of the active duty service. In addition, the Employee will provide documentation that the leave is for a qualifying exigency listed in this Policy and the anticipated length of the leave.

8.10.12 Following receipt of a "Request for Medical Leave of Absence Form" the City shall, within five (5) business days, send the Employee a "Notice of Eligibility and Rights and Responsibilities." At that time the Employee will be given at least 15 calendar days to return to the City a completed "Certification of Health Care Provider," either for the Employee's own serious health condition or for the serious health condition of an Immediate Family Member.

8.10.13 An Employee requesting family and medical care leave due to their own serious health condition, or the serious health condition of an Immediate Family Member, shall provide certification from the health care provider treating the individual.

8.10.13.1 When a leave is requested for the serious health condition of an Immediate Family Member, the certification must include the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the time the health care provider believes the Employee needs to care for the individual; and a statement that the serious health condition warrants the participation of the Employee to provide care during treatment.

8.10.13.2 When a leave is requested for the serious health condition of the Employee, the certification shall include the information included above, and a statement that, due to the serious health condition, the Employee is unable to perform any one or more of the essential functions of their Position.

8.10.13.3 If the City has a good faith, objective reason to doubt the validity of a certification provided by the Employee for their own serious health condition, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the Employee, but paid for by the City. The opinion of the third provider will be binding. An

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Employee may request a copy of the health care providers' opinions when there is a second or third medical opinion sought.

8.10.13.4 Medical certification for a military caregiver leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:

- a. whether the service member has incurred a serious injury or illness;
- b. whether the injury or illness renders the service member medically unable to perform the duties of the service member's Position;
- c. whether the injury or illness was incurred in the line of duty while on active duty;
- d. whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list;
- e. the probable duration of the injury or illness;
- f. the frequency and duration of leave the family member requesting leave will require; and
- g. the family relationship of the eligible Employee to the covered service member.

8.10.13.5 When an Employee's leave is foreseeable and at least 30 days' notice has been provided, if medical certification is requested, the Employee must provide it before the leave begins. When this is not possible, the Employee must provide the requested certification to the City within the timeframe requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the Employee's diligent, good faith efforts.

8.10.13.6 If an Employee provides an incomplete medical certification, the Employee will be given a reasonable opportunity to cure any such deficiency. However, if an Employee fails to provide a medical certification within the time frame established by this Policy, the City may delay the taking of family and medical care leave until the required certification is provided.

8.10.13.7 Recertification of the serious health condition may be requested upon the expiration of the time period the health care provider originally estimated. Re-certification from a health care provider may only be requested after the first certification has expired.



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8.10.13.8 Upon receipt of the Certification of Health Care Provider, the City will send the Employee a family and medical care leave designation memo, indicating if the leave is approved, not approved or if additional information is needed to make a determination. If the leave is approved, the family and medical care leave designation memo will set forth any conditions of the leave that may exist beyond what are provided in the Notice of Eligibility and Rights and Responsibilities.

8.10.14 An Employee granted family and medical care leave in accordance with this Policy shall, upon returning to work, generally be reinstated to the Position of employment held before the leave commenced, or, if such a Position is not available, to an equivalent Position with equivalent employment benefits, pay, and terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and conditions of employment than if the Employee had been continuously employed during the leave period.

8.10.15 It is against City policy and State and Federal law to discriminate against any individual because that individual has exercised their right to family and medical care leave or leave taken under the CFRA.

8.10.16 An Employee who fraudulently obtains or uses leave under the CFRA is not protected by job restoration or maintenance of health benefit provisions of that Act.

### **8.11 SCHOOL ACTIVITIES LEAVE**

8.11.1 Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:

- a. when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request; and/or
- b. to attend designated child-related activities. Child-related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays), or a natural disaster.

8.11.2 Except for the need to address a child care provider or school emergency, the use of school activities leave is limited to eight (8) hours per month.

8.11.3 The City may require proof of an Employee's participation in the above-referenced activities.

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8.11.4 The Employee must provide reasonable advance notice to their Supervisor before taking any time off under this Policy.

8.11.5 Employees must use accrued paid time off for the absence. If the Employee does not have any accrued paid time off, the absence will be unpaid.

### **8.12 TIME OFF FOR CRIME VICTIMS**

8.12.1 Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.

8.12.2 Employees also may take time off if an Immediate Family Member has been a victim of such a crime and the Employee needs to attend judicial proceedings related to the crime.

8.12.3 Employees must give their Supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the City of the need for time off is not feasible. When advance notice is not feasible, the Employee must provide the City with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the City Attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

8.12.4 Employees will be paid under this Section only to the extent they have accrued vacation or Compensatory Time Off available.

### **8.13 VOTING TIME OFF**

8.13.1 In the event an Employee does not have sufficient time outside of working hours to vote in an election, the Employee may take a limited amount of time off without loss of pay to vote.

8.13.2 Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An Employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

8.13.3 Employees should notify their Supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

### **8.14 DISABILITY LEAVE**

8.14.1 Regular Full-time Employees may be eligible for unpaid disability leave from the City for non-industrial illness or injury of a significant nature which would not be covered by the terms of Section 8.3 Sick Leave, or Section 8.10, Family and Medical Leave; although these leaves may run concurrently with disability. Disability leave requires that the Employee's attending physician certify that the Employee is medically unable to work and indicate the estimated length of leave necessary.

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8.14.2 During said disability leave, the Employee has the option of using accrued sick leave, vacation, Compensatory Time Off or administrative leave allowances, as well as disability pay, and thus, continuing to receive full pay. City pay will cease when all accrued allowances have been used and the Employee will receive only disability pay.

8.14.3 When an Employee is on unpaid disability leave, the City shall continue its share of payment for insurance benefit premiums (i.e., health, life, AD&D, disability, vision and dental) for the Employee and their dependents. The City's continuation of payment of PERS retirement contributions is based upon the Employee's amount of leave used. Vacation time, sick leave, administrative leave, and holidays shall not accrue during a disability leave unless the Employee is continuing to receive their full customary pay by utilizing accrued sick leave, vacation, Compensatory Time Off or administrative leave allowances. If an Employee elects to receive pay for less than their full customary pay, Employee benefits (other than the insurance benefits listed above) shall be pro-rated.

8.14.4 If an Employee's disability leave exceeds twelve (12) Workweeks and the Employee is not on paid status by virtue of continuing to utilize at least half (50%) of the hours needed per pay period to receive a full paycheck through the use of their accrued sick leave, vacation, Compensatory Time Off or administrative leave allowances, or leave donated under the VLTP referred to in Section 8.2.5 of these Policies, participation in the group health insurance plan shall terminate unless the Employee elects to retain said coverage at the Employee's expense. This coverage shall be available under the same requirements and restrictions of the COBRA continuation as provided by the City's health insurance carrier. City contribution to group health insurance plans for a disability that also qualifies for family and medical leave or pregnancy leave is set forth in those specific Policies.

8.14.5 If an Employee takes a disability leave while on probation, the Probationary Period shall be extended the same length of time as the disability leave. Any extension of the Probationary Period shall not be perceived punitive, but rather as a way to more accurately evaluate Employee performance prior to moving to regular status.

8.14.6 Before returning to work following a disability leave of absence, the Employee shall submit a verification from their attending physician stating that the Employee is able to return to work. Unless the leave is otherwise extended, the Employee shall be required to return to work full-time.

8.14.7 Upon expiration of the approved leave, the Employee shall be reinstated to their former Position or to a comparable one if the former Position is abolished during the period of leave and the Employee would otherwise not have been laid-off. The comparable Position is one having similar terms of pay, location, job content and promotional opportunities. Failure to return to work after the authorized leave causes the Employee to have no reinstatement rights.

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8.14.8 The City will hold a Position available for an Employee on disability leave for up to twelve (12) Workweeks. Beyond that length of time, the City may, at its sole discretion, elect to permanently replace the Employee.

8.14.9 The terms, conditions, and benefits under the City's disability leave are subject to the provisions of disability insurance program in effect at the time the disability leave is requested. Benefits are subject to change at any time by the City. Employees should inquire about disability leave through the Office of the Employee Relations Officer.

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### **SECTION 9 HEALTH AND SAFETY**

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Each Employee shall comply with all applicable safety laws, Policies, and regulations, all safety practices, use personal protective equipment as required and provided by the City, render every possible aid to safe operations, and report to the Supervisor, Department Director or Safety Committee all unsafe conditions or practices.

#### **9.1 INJURY AND ILLNESS PREVENTION PROGRAM**

The City will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all Employees. The health and safety of the individual Employee, whether in the field, shop, or office, takes precedence over all other concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

##### 9.1.1 Program Administration

Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the City Manager. Day-to-day responsibility for the IIPP shall be assigned to the (DESIGNATE POSITION). Duties of the IIPP Administrator include but are not limited to:

- a. Ensuring that all Supervisors are trained in workplace safety and are familiar with the safety and health hazards to which Employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the City's safety rules and policies;
- b. Ensuring that Employees are trained in accordance with this program;
- c. Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- d. Developing methods for abating workplace hazards;
- e. Ensuring that workplace hazards are abated in a timely and effective manner;
- f. Maintaining current certification in CPR and first aid training; and
- g. Maintaining Safety Binders, which include safety information on equipment and materials used at the City.

##### 9.1.2 Employee Compliance

9.1.2.1 All Employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the City Manager, who shall be able to answer Employee questions about the program.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

9.1.2.2 Employees in safety Positions will have safe and healthful work practices recognized and documented on their performance reviews.

9.1.2.3 Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their Supervisor, and this training will be documented in the Employee's training record.

9.1.2.4 Willful violations of safe work practices may result in Disciplinary Action in accordance with City Policies.

### 9.1.3 Communication

9.1.3.1 Matters concerning occupational safety and health will be communicated to Employees by means of written documentation, staff meetings, formal and informal training, and posting.

9.1.3.2 Communication from Employees to the IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or written, as the Employee chooses. The Employee may use the Unsafe Condition Form and remain anonymous.

9.1.3.3 No Employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

9.1.3.4 The results of the investigation of any Employee's safety suggestion or report of hazard will be distributed to all Employees affected by the hazard, or posted on appropriate bulletin boards.

### 9.1.4 Inspections

9.1.4.1 The IIPP Administrator or designee will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items, such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities.

9.1.4.2 Employees are required to inspect equipment and the work site for unsafe conditions before beginning work each day.

9.1.4.3 The IIPP Administrator or designee is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

### 9.1.5 Accident and Incident Investigation

9.1.5.1 All work-related accidents shall be investigated by the City in a timely manner. Reported minor accidents and near misses shall be investigated as well as serious incidents. A "near miss" is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.

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9.1.5.2 The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the Employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the Department Head.

9.1.5.3 The accident and incident investigator (IIPP Administrator or person designated by the City Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.

9.1.5.4 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.

9.1.5.5 Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.

### 9.1.6 Correction of Unsafe or Unhealthful Conditions

9.1.6.1 Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard and the interim protective measures taken until the hazard is corrected.

9.1.6.2 Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.

### 9.1.7 Training

9.1.7.1 The IIPP Administrator or designee shall assure that the Supervisors receive training on recognizing the safety and health hazards to which Employees under their immediate direction may be exposed.

9.1.7.2 Supervisors are responsible for seeing that those under their direction receive training on general workplace safety, and specific instructions regarding hazards unique to any job assignment.

9.1.7.3 This safety training will be provided:

- a. To all Employees and those given new job assignments for which training was not previously received;

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b. Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or

c. Whenever the employer is made aware of a new or previously recognized hazard.

9.1.7.4 When supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designees.

### 9.1.8 Record Keeping

9.1.8.1 The IIPP Administrator or designee shall keep records of inspections, including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.

9.1.8.2 The IIPP Administrator or designee shall also keep documentation of safety and health training attended by each Employee, including Employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for three years.

9.1.8.3 The IIPP Administrator or designee shall keep records of all Employees' safety and health-related certifications, including specifically certifications for pesticide application, first aid, and cardiopulmonary resuscitation. The IIPP Administrator or designee shall advise Employees of the expected expiration of certifications in a timely manner so that certifications can be kept current. The IIPP Administrator or designee shall notify the Department Head immediately of the expiration of any Employee's required certification.

9.1.8.4 The Department Heads shall ensure that all required Employee certifications for Employees within their respective departments are maintained.

## 9.2 **ON-THE-JOB-INJURIES AND WORKERS' COMPENSATION COVERAGE**

9.2.1 All injuries and illnesses arising out of and incurred in the course of employment with the City, including first aid injuries, shall be reported immediately to the appropriate Supervisor. The Supervisor shall immediately notify Human Resources of the accident. Human Resources shall be responsible for completing an "Employer's Report of Occupational Injury or Illness" within five (5) days of knowledge of occupational injury or illness which results in lost time beyond the day of the incident. Human Resources shall give the injured Employee a Workers' Compensation Claim Form ("DWC-1") within one working day of employer knowledge. The only exception to providing a Claim Form is with respect to "first aid claims."



## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

9.2.2 Under California State law, any Employee sustaining an injury or illness arising out of and in the course of employment may be entitled to:

- a. All reasonable and necessary medical care for a work-related injury or illness; and/or
- b. "Temporary disability" payments in lieu of lost wages, commencing three (3) days after the first full day of lost time.

9.2.3 If an occupational injury or illness is severe and requires immediate medical attention, first aid should be rendered and medical treatment should be obtained at the closest City-designated medical treatment facility. For severe accidents occurring outside the City limits, medical treatment should be obtained at the closest medical facility. Use of paramedic services is automatically authorized if the injury is life threatening.

9.2.4 In the case of an occupational injury which requires medical attention within the first twenty-four (24) hours or develops symptoms after the first twenty-four (24) hours following the injury, the Employee shall immediately notify their Supervisor and the Employee's Supervisor shall notify the Employee Relations Officer. If the Employee has not submitted a properly completed "Employee Pre-Designation of Personal Physician" form to the Employee Relations Officer for treatment of job-related injuries prior to the date of injury, all medical treatment shall be provided through the City's designated medical service providers for the first thirty (30) days after the date of the injury.

9.2.5 If the Employee has submitted a properly completed "Employee Pre-Designation of Personal Physician" form to the Employee Relations Officer for treatment of job-related injuries, an appointment may be scheduled with the Employee-designated medical service provider. The Employee may also elect to treat with the City's designated medical service provider.

9.2.6 A Regular Full-time or Regular Part-time Employee who is unable to perform regular or modified duties because of an injury or illness arising out of and in the course and scope of the Employee's duties shall suffer no loss in pay or accrued sick leave for absence from work because of such disability for a period of twenty-six (26) weeks. City-paid Workers' Compensation salary continuation is in lieu of "temporary disability benefits."

9.2.7 Employees with injuries or illnesses that persist beyond twenty-six (26) weeks may be eligible for Workers' Compensation temporary or permanent disability payments as defined by State law. The portion of workers' compensation salary continuation that represents payment for lost time at the statutory "Temporary Disability" rate is nontaxable.

9.2.8 Workers' Compensation salary continuation shall commence with the first full day of lost time after the Employee has been placed on temporary disability for a work-related injury or illness, and the Employee is not able to return to work, either on regular or modified duty, and shall conclude with:

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- a. the Employee's return to work in a regular or modified capacity for the City or any other employer; or
- b. termination of such temporary disability by the medical provider; or
- c. upon reaching a maximum medical improvement, as determined by competent medical evidence; or
- d. upon the completion of twenty-six (26) weeks of on-the-job injury leave, whichever comes first.

9.2.9 While the City is not required by law to provide the following benefit, a Regular Full-time or Regular Part-time Employee shall not be required to use accrued sick leave for medical treatment, including doctor's appointments and/or physical therapy appointments, related to an active, accepted Workers' Compensation claim. Such leave shall be denoted as "Workers' Compensation Leave" on the Employee's time sheet. Appointments should be scheduled for the lunch hour or before or after work whenever possible to minimize the impact on the City's operations.

9.2.10 City policy allows for Regular Full-time and Regular Part-time Employees unable to perform their regular or modified duties due to an injury or illness arising out of and in the course of their employment to integrate their accrued benefits at the expiration of the Workers' Compensation salary continuation has ceased. Integration of accrued benefits with the temporary disability payment will result in a payment equal to such an Employee's regular "take-home" compensation. City contribution to health insurance will continue until the Workers' Compensation salary continuation has ceased (26 weeks).

9.2.11 If an Employee experiences a Workers' Compensation-related injury or illness while on probation, the Employee's Probationary Period shall be extended the same length of time as the injury or illness. Such extensions of the Probationary Period which arises as a result of this Policy shall not be viewed as punitive, but rather as a way to more accurately evaluate Employee performance.

9.2.12 The City maintains its right to require that an Employee provide regular physician's certification of work status, and see a City-designated physician, agreed-to medical examiner, or other authorized medical provider on a periodic basis to determine the Employee's disability status. If an Employee is given work restrictions by the physician, the City will initiate an accommodation review to determine if the Employee is able to return to work with or without reasonable accommodation.

9.2.13 The City also maintains its right to require an Employee to return to work on a "limited duty" status, provided that there is an assignment that is consistent with the limitations set forth by the treating physician. Such limitations may be reviewed by the City designated physician. Approval for a temporary "limited duty" assignment is required by both the Employee

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Relations Officer and the Department Director. Such "limited duty" status must be of a temporary nature, and does not have to be in the same Position or department. In no instance will a limited duty assignment exceed twenty-six (26) weeks.

9.2.14 Additional information concerning Workers' Compensation Leave or benefits may be obtained by contacting the Employee Relations Officer.

### **9.3 WORKPLACE VIOLENCE**

9.3.1 The City does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. No Employee shall make any threat, either physical or verbal, against a co-worker, Supervisor or member of the public. No Employee other than those Employees required by their position to do so, shall bring a weapon to any City facility, including parking lots and public streets outside or immediately adjacent to a City building, or place a weapon in a City vehicle or equipment. Violation of this "zero tolerance" policy will lead to discipline, up to and including termination.

9.3.2 An Employee may bring a personal defense chemical spray to a City facility, including parking lots and public streets outside or immediately adjacent to a City building, or place the personal defense chemical spray in a City vehicle or equipment only if approved by their Department Director, having demonstrated a legitimate need and having obtained any necessary certification.

9.3.3 All Employees are required to report immediately to their Supervisor and Department Director any threats or incidents of violence. Supervisors and Department Directors are required to investigate incidents of violence or threats of violence to maintain department safety.

9.3.4 The Workplace Violence Safety Act, Section 527.8 to the California Code of Civil Procedure, allows employers to seek temporary restraining orders (TRO) and injunctions to protect Employees who have been the subject of actual or threatened unlawful violence in the workplace.

### **9.4 DRUG AND ALCOHOL-FREE WORKPLACE**

It is the intent of the City to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its Employees. The City has a vital interest in maintaining safe and efficient working conditions for its Employees. Substance abuse is incompatible with health, safety, efficiency and service to the public. Employees who are under the influence of a drug or alcohol on the job compromise the City's interests, endanger their own health and safety and the health and safety of others, and can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other Employees, delays in the completion of jobs, and disruption of service to the public.

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### 9.4.1 Prohibited Activity

9.4.1.1 While on paid duty time or on City property, including in City vehicles or while operating City equipment, Employees shall not consume or possess alcoholic beverages or consume or possess controlled substances. Employees shall not work or be at work while under the influence of any controlled substance (as defined herein), without written authorization from a qualified physician and the Employee's Supervisor.

9.4.1.2 The use or possession of alcohol or impairing drugs, including illegal drugs and drugs without a prescription during working hours or while subject to duty, on breaks, during meal periods or at any time while on City property.

9.4.1.3 Reporting to work or being subject to duty while the Employee's ability to perform job duties is impaired due to on- or off-duty alcohol or drug use.

9.4.1.4 The unlawful manufacture, distribution, dispensing, possession, or consumption of any controlled substance is prohibited on the job, in the City's workplace, or while subject to duty (i.e. standby).

9.4.1.5 Directly or through a third party selling or providing drugs or alcohol to any person, including any Employee, while either or both Employee's are subject to being called to duty.

### 9.4.2 For the purposes of this Section, the following shall be defined as:

a. "Abuse of any legal drug" means the use of any legal drug, including prescription drugs, (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

b. "Controlled substance" denotes any substance which could potentially impair the Employee's ability to effectively and safely perform the functions of their duties, including, but not limited to: alcohol, coca leaves, cocaine, marijuana, opium and opiates, amphetamines, methamphetamine, lysergic acid (L.S.D.), etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

c. "Conviction" is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

d. "Reasonable suspicion" includes a suspicion that is based on specific personal observations, such as an Employee's manner,

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disposition, muscular movement, appearance, behavior, speech or breath odor; information obtained from a reliable person with personal knowledge; an accident involving City property, where it appears the Employee's conduct is at fault; physical altercation, verbal altercation, or unusual behavior.

Reasonable suspicion may also be based on an Employee's possession of drugs, alcohol or paraphernalia in the work place or on City property.

9.4.3 The use of prescription drugs which would not alter an Employee's work performance is acceptable, if prescribed in writing, by a qualified physician. Employees must notify their Supervisor before beginning work when taking drugs (prescription or nonprescription) which may interfere with the safe and effective performance of their duties. In the event there is a question regarding an Employee's ability to perform assigned duties safely and effectively while using such drugs, a written clearance from a qualified physician shall be required before the Employee is allowed to resume the Employee's regular duties.

9.4.4 Having a Medical Marijuana Card and/or a cannabis prescription from a physician does not allow an Employee to use or possess any cannabis products (marijuana, hash, or hash oil) on City property, while working as an Employee, or while on Stand-by and subject to return to work. The Federal government still classifies cannabis as an illegal drug, even if California has decriminalized its possession or use. Unlike .08 blood alcohol levels, as yet there is no acceptable level of driving impairment when it comes to cannabis use and driving City equipment or vehicles. Employees are still subject to testing under the City's reasonable suspicion, post-accident, or "safety-sensitive Employee" Policies, and receiving discipline, suspension, or termination for a positive cannabis test.

9.4.5 Toward reaching this goal of a drug and alcohol-free workplace, the City may conduct pre-employment drug or alcohol testing of applicants for City Positions that require more than incidental driving or performance of other safety-sensitive functions as part of their regular duties, as defined in the approved job descriptions. Pre-employment drug or alcohol tests shall apply only to non-City Employees; City Employees who apply for another City position shall not be subject to pre-employment drug or alcohol tests. Any applicant who tests positive, as outlined in this Policy, or the Department of Transportation Alcohol and Drug Testing Policy set forth in Section 9.5, shall be disqualified from consideration for employment for a period of six (6) months.

9.4.6 The City reserves the right to require that an existing Employee undergo testing if the City determines that reasonable suspicion exists to believe that the Employee is under the influence of any illegal drug or controlled substance, as defined in this Section. Reasonable suspicion shall, whenever possible, be evaluated based on personal observations by the Department Director or a Supervisor who is familiar with the Employee's normal behavior. Information

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which is obtained from a reliable person with personal knowledge of the Employee may also be utilized in appropriate circumstances.

9.4.7 In the event that an Employee suspects that their Supervisor is under the influence of drugs or alcohol, the Employee may submit a written or oral complaint which contains detailed information regarding the allegation of alcohol or substance abuse to the Supervisor's superior.

9.4.8 All City lockers, desks, cabinets, vehicles, and computer files are the property of the City and are subject to search without the Employee's consent by City management at any time with or without notice. Refusal to cooperate with a search may result in disciplinary action, up to and including termination. Unless the Supervisors are directed otherwise by the Employee Relations Officer, Employees will be given the opportunity to be present when the search is conducted.

9.4.9 If an Employee voluntarily wishes to participate in a drug or alcohol rehabilitation program, and has not been found to have violated the City's Policies concerning drugs or alcohol, the City shall make every reasonable effort to assist in placing that Employee with an available Employee Assistance Program or service for purposes of rehabilitation, in-lieu of disciplinary action or criminal prosecution. If, in such cases, the Employee refuses to attend and complete an Employee Assistance Program or service, the Employee will be subject to the disciplinary procedures which are outlined in these Policies.

### **9.5 DEPARTMENT OF TRANSPORTATION ALCOHOL AND DRUG TESTING**

9.5.1 This policy establishes guidelines in compliance with the Federal Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act), the Department of Transportation Federal Highway Administration (FHWA) Regulations of 1994 and the California Vehicle Code.

9.5.2 Each of these measures requires that regular drug and alcohol testing be performed on Employees in safety-sensitive Positions who operate specified commercial vehicles.

9.5.3 In addition to meeting the compliance requirements set forth above, the City's objectives in establishing this policy are to:

- a. protect the safety of the public at large;
- b. ensure the highest quality of public service possible;
- c. provide a safe working environment for City Employees;
- d. promote efficiency and productivity; and
- e. encourage Employees who are concerned about their drug and/or alcohol use to voluntarily seek assistance.

9.5.4 As applicable to this Policy:

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9.5.4.1 Covered Employees. The Department of Transportation drug and alcohol testing rules apply to City Employees who operate the following:

- a. a vehicle with gross combination weight of at least 26,001 pounds, inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
- b. a vehicle of over 26,001 GVWR;
- c. a vehicle placarded under Department of Transportation hazardous material regulations; and
- d. a vehicle designed to transport 16 or more passengers, including the driver.

9.5.4.2 Safety-Sensitive Functions. "On-duty" time for safety-sensitive functions commences at the time covered Employees begin to work or are required to be in readiness for work until the time they are relieved of work responsibilities. "On-duty" time includes the following safety-sensitive functions:

- a. driving the vehicle;
- b. performing maintenance on the vehicle;
- c. inspecting the vehicle;
- d. loading or unloading the vehicle;
- e. supervising or assisting the loading or unloading of a vehicle; and
- f. waiting to load or unload the vehicle or to be dispatched.

9.5.4.3 Prohibited Acts. Covered Employees shall not engage in any of the following behaviors while performing or waiting to perform a safety-sensitive function:

- a. Drugs
  - i. report to duty or remain on duty in a safety-sensitive capacity when using any drug;
  - ii. possess while on duty;
  - iii. consume at any time; and
  - iv. test positive.

Note: Prescription drugs may be allowed, as needed, pursuant to advance notification to the appropriate Supervisor, along with the doctor's recommendation regarding instructions and possible side effects as they relate to the Employee's job duties.

- b. Alcohol

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- i. report for duty or remain on duty in a safety-sensitive capacity while having a blood alcohol level of 0.02 or greater;
  - ii. use or possess alcohol while performing safety-sensitive functions;
  - iii. perform safety-sensitive functions within four hours after using alcohol; and
  - iv. use alcohol for 8 hours after an accident or until tested, whichever is first.
- c. Drug and Alcohol
- i. refusal to submit to drug and/or alcohol testing as required by the Omnibus Act; is deemed as a positive test;
  - ii. report to duty or remain on duty to perform a safety-sensitive function after refusing to submit to drug and/or alcohol testing required under the regulations; and
  - iv. fail to advise the immediate Supervisor when other Employees have actual knowledge that an Employee is in violation of these rules.

9.5.4.4 Drug Testing. Pursuant to FHWA regulations, urine specimens shall be screened for the following substances:

- a. Amphetamines/Methamphetamine (i.e., Speed and Crystal);
- b. Cocaine;
- c. Opiates (i.e., Codeine, Heroin, and Morphine);
- d. Phencyclidine (PCP); and
- e. THC (Marijuana).

The testing is a two-stage process. If the initial screening is positive for one or more of the above drugs, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS ensures that over-the-counter medications are not reported as positive tests.

9.5.4.5 Alcohol Testing. The regulations require an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA) for the testing of alcohol use. An alcohol testing form is completed by the Employee and a certified breath alcohol technician (BAT) to ensure the results are properly recorded. Two breath tests are required to determine if the Employee has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test, and no further testing is required.



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If the alcohol concentration is 0.02 or greater, a second or confirmation test shall be conducted. When a confirmation test is required, the EBT equipment shall print the screening and confirmation test numbers in sequential order. The device shall also print the result, date, and time of both tests, along with the name and serial number of the EBT equipment in order to ensure the reliability of the results. Any action taken will be based on the confirmation test result.

9.5.4.6 Types of Tests Required. The following tests are required for covered Employees who perform safety-sensitive functions:

a. Pre-employment Testing. Prior to hire or assignment to a position covered by this policy, the applicant or Employee shall undergo testing for drugs. Failure to pass the test shall be deemed a basis upon which employment or assignment to a safety-sensitive position shall be denied.

b. Random Selection. Regulations require regular random testing of all Employees covered by this policy. The ongoing testing will be conducted on an unannounced basis before, during, or immediately after the performance of safety-sensitive functions. Employees will have an equal chance of being selected. All eligible Employees' names will be placed in a pool, from which names are drawn on a "reasonably random" basis. Once an Employee's name is pulled for testing, their name will be returned to the pool. Therefore, it is feasible for the same Employee to be tested repeatedly while participating in a true random testing process. The selection of Employees for random drug and alcohol testing will be made by a scientifically valid method.

The regulations specifically require that random testing be performed as follows:

- i. Drugs - Fifty percent (50%) of the total number of covered Employees shall be tested annually.
- ii. Alcohol - Twenty-five (25%) percent of the total number of covered Employees shall be tested annually.

c. Reasonable Suspicion. The City shall require a covered Employee to be tested upon reasonable suspicion for the use of drugs or alcohol. "Reasonable suspicion" or "cause" means that a trained Supervisor believes that the actions, appearance, speech, body odors, or conduct of an on-duty Employee is indicative of the use of drugs or alcohol. Reasonable suspicion testing may be conducted before, during, or after an Employee performs safety-sensitive functions.

- i. The determination that a reasonable suspicion exists to require an Employee to undergo a drug or

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alcohol test must be based on specific, objective, and contemporaneous facts concerning the behavior, appearance, speech, or body odors of the Employee. The determination must also be based on the Supervisor's direct observations of the behaviors and not on hearsay. The Supervisor(s) witnessing the impairment must document the specific observations upon which the reasonable suspicion is based.

- ii. Where there is a reasonable suspicion that the Employee is under the influence of drugs or alcohol, the Supervisor shall arrange for the Employee to be transported to the testing facility and then driven home. The Employee shall not be permitted to transport themselves.

d. Post-Accident. For purposes of this policy, an "accident" is defined as an incident involving a commercial vehicle in which one or more of the following occurs: loss of human life; bodily injury to persons; disabling damage to any of the vehicles involved; or issuance of a traffic citation to the City Employee following any type of vehicle collision.

The following criteria apply when conducting drug and alcohol tests due to an accident:

- i. A breath alcohol test must be administered as soon as possible. If not within two hours following the accident, the employer/supervisor must prepare and maintain records stating why testing was not completed. At that time, every effort should be made to ensure that a breath alcohol test is performed within eight hours following the accident. If testing has not occurred within eight hours, attempts to test should be discontinued, and the employer/supervisor must record why they were unable to administer the required test.
- ii. A drug screening test must be initiated prior to the 32nd hour following an accident. If the test is not administered as required, the employer/supervisor must document the reasons testing was not performed.
- iii. The Employee must remain readily available for testing or they will be deemed to have refused the test (see Refusal to Consent). This rule does not require the delay of necessary medical attention for injured persons following the accident nor prohibit the Employee from leaving the scene to obtain assistance or necessary emergency medical care.

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- iv. An Employee subject to post-accident testing may not use alcohol within eight hours following the accident or before an alcohol test, whichever comes first.
- v. Testing will not be conducted on any deceased Employee.

e. Return-to-Duty. Testing shall be conducted on any covered Employee who has violated the prohibited drug and alcohol standards and is accepted into a return-to-duty status. Prior to resuming their safety-sensitive functions, the Employee must undergo a new drug and/or alcohol test.

The test results must be negative for the Employee to return to work. If applicable, the Employee shall be referred to a Substance Abuse Professional for further assessment.

f. Follow-up. Any covered Employee identified by the Substance Abuse Professional as needing assistance will be subject to follow-up testing upon returning to duty. A minimum of six unannounced tests will be performed over the following twelve month period. Follow-up testing may be extended for up to 60 months following return-to-duty. The same criteria used for the return-to-duty testing will be used for any follow-up testing. Such testing shall not be subject to the random testing selection procedures. Moreover, follow-up testing may include tests for other substances beyond the Employee's initial positive test of drug and/or alcohol use when the Substance Abuse Professional has reason to believe that additional testing is warranted. If follow-up testing is required, the Employee assumes full responsibility for paying the follow-up testing expenses.

9.5.4.7 Employee Consent. Before a drug or alcohol test is administered, the covered Employee will be asked to sign a consent form authorizing the test and permitting release of the test results to the appropriate City representative. The consent form shall provide a space to acknowledge that the Employee being tested has been advised of the drug and alcohol testing policy.

9.5.4.8 Refusal to Consent. An Employee that refuses to submit to drug or alcohol testing required by the City shall be prohibited from performing or continuing to perform safety-sensitive functions. An Employee's refusal to submit to drug or alcohol testing required by the City for any reason may also result in disciplinary action, up to and

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including termination. Refusal to consent shall include, but is not limited to:

- a. failure to provide adequate breath for alcohol testing, without valid medical explanation, after being notified of the requirement for breath testing;
- b. failure to provide an adequate urine sample for testing, without a genuine inability to provide a specimen (as determined by medical evaluation), after being notified of the requirement for urine testing; and
- c. engaging in conduct that clearly obstructs the testing process.

9.5.4.9 Consequences of Positive Test Results. If drug and/or alcohol test results are positive, the Employee may be disciplined, up to and including termination. If the Employee is not terminated, the Employee's Supervisor or other authorized manager shall:

- a. Immediately remove any Employee who has engaged in prohibited drug or alcohol use from their safety-sensitive functions.
- b. If the alcohol concentration level is greater than 0.02, but less than 0.04, the Employee may not return to their safety-sensitive function for a minimum of 24 hours and until another breath alcohol test is administered, and the result is less than a 0.02 concentration.
- c. If the alcohol concentration level is greater than 0.04 or a drug screening test is positive for any of the prohibited controlled substances, the Employee will be removed from their safety-sensitive position until:
  - i. They undergo evaluation and, where necessary, rehabilitation;
  - ii. a Substance Abuse Professional determines that the Employee has successfully complied with any required rehabilitation; and
  - iii. the Employee undergoes a return-to-duty test with a result of a blood alcohol concentration of less than 0.02 if the Employee initially tested positive for alcohol, and/or with a negative test result for controlled substances if the Employee initially tested positive for controlled substances.

Any treatment or rehabilitation may be provided in accordance with City policy. The City is not required under these

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circumstances to provide rehabilitation, pay for treatment, or to reinstate the Employee to safety-sensitive position.

d. If the Employee is permitted to return to work, they must have a negative test result on the return-to-duty test.

e. Unannounced follow-up testing will be performed on any Employee returned to their safety-sensitive duties.

f. Arrangements will be made for alternative transportation when test results are positive for drugs or an alcohol concentration of 0.02 or greater.

9.5.4.10 Substance Abuse Professional. The City will only provide an assessment by a Substance Abuse Professional. Under this policy, the City has no obligation to provide or pay for further treatment, as this is the responsibility of the Employee. Some financial assistance may be available under the City's health insurance plan.

9.5.4.11 Testing Records. Records shall be maintained on test results, prevention programs, policies, training, drug use and alcohol misuse, refusals to submit to testing, employee evaluations, and annual summary of the City's testing program. The retention period for the records is as follows:

a. Five-Year Retention Period. This pertains to the results of alcohol tests of 0.02 or higher, confirmed positive drug tests, documentation of any Employee who has refused to submit to a required drug or alcohol test, employee assessments and referrals by the Substance Abuse professional, and each calendar year summary.

b. Two-Year Retention Period. This pertains to records documenting the collection process for the drug and alcohol tests and training.

c. One-Year Retention Period. This pertains to any alcohol test results which are less than 0.02 and the documentation of any negative or canceled drug test.

9.5.4.12 Confidentiality of Records.

a. All records are confidential; however, the regulations require that they be made available for inspection at the City within two business days following a request by an authorized person. The records are kept in a separate file and will not be made a part of the Employee's personnel file. An exception to this is when disciplinary action results from an incident. When there is disciplinary action, disciplinary notices and related documents will be placed in the Employee's personnel file.

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- b. The result of any testing done pursuant to this policy shall be used for employment purposes only and shall not be released for use in the criminal justice system, unless by court order.

9.5.4.13 Access to Records. The following agencies shall have access to all test results without the verbal or written consent of covered Employees:

- a. the City in proceedings initiated either by the City or the Employee as a result of testing;
- b. the Department of Transportation or any state or local official with regulatory authority over the City or any of its Employees; and
- c. the National Transportation Safety Board when conducting an investigation of an accident where drug and/or alcohol testing was performed.

9.5.4.14 Training. As part of the emphasis on education and safety, the Omnibus Act requires providing educational materials and two hours of training for supervisors and one hour of training for Employees before testing can begin. The required topics include the following:

- a. General Requirements: Covers the general requirements of the Omnibus Act and the City's responsibilities to comply with those requirements;
- b. Key Person: Designates a key person at the City to answer Employee questions regularly;
- c. Drivers Covered: Identifies categories of Employees who are subject to the regulations;
- d. On-duty Time: Describes the period of time Employees are to be in compliance;
- e. Safety-Sensitive Functions: Identifies what job tasks can affect the safety of the Employee and others;
- f. Prohibited Conduct: Specifies information about prohibited Employee conduct;
- g. Occasions for Testing and Types of Testing: Lists circumstances under which Employees will be tested for drugs and/or alcohol;
- h. Procedures for Testing: Covers procedures that will be used to test for the presence of alcohol or drugs and to protect the privacy of Employees, the integrity of the testing process, and the validity of the test results. Testing shall be conducted only by

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laboratories that are Department of Health and Human Services certified, and comply with all laboratory analysis procedures and quality control measures set forth in 49 C.F.R. part 40;

i. Refusal to Be Tested: Explains what constitutes a refusal to test;

j. Blood Alcohol Concentration: Depicts the various readings for alcohol concentration greater than 0.02;

k. Effects of Drugs and/or Alcohol Use: Describes the specific observations concerning the appearance, behavior, speech, or body odors of the Employees; and

l. Penalties and Referral: Lists the various consequences for an Employee found to have tested positive for prohibited drugs or within the prohibited blood alcohol level.

9.5.4.15 Notice to Employees. Covered employees will receive a copy of these Policies at the time they commence employment with the City.

9.5.4.16 Compliance with Federal Law. At all times, the City will comply with the current applicable federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this policy will be determined by referring to the law and official regulations outlining policies and procedures, etc.

9.5.4.17 Employer Contact. The Employee Relations Officer has been designated to answer Employee questions about this policy.

### **9.6 VEHICLE AND SEATBELT POLICY**

9.6.1 Employees who are required to drive as part of their position with the City will be assigned a City vehicle or will have access to a pool vehicle to conduct City Business. Pool vehicles will be made available on a first-come, first-served basis. An Employee must check with the Facilities Department prior to using their own vehicle on City Business. If there is no pool vehicle available, and the Employee cannot wait for one to become available, the Employee may use their personal vehicle and be reimbursed at the then current IRS rate.

9.6.2 Proof of insurance must be shown at the time of hire and annually by those Employees who drive their own vehicles on City Business. Business policy limits must meet minimum state standards. If an Employee has an automobile accident while on City Business, the Employee's insurance policy shall provide primary coverage for both liability and property damage. If there is no insurance policy in place, the Employee shall be personally responsible. The car allowance or mileage reimbursement paid by the City is calculated to cover the cost of insurance purchased by the Employee. Employees who are not

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required to use their personal vehicle for City Business shall not be required to provide proof of insurance.

9.6.3 Driving a City vehicle without possessing a valid driver's license is not permitted and may result in disciplinary action up to and including termination. Employees shall notify their Supervisors immediately if their license is expired, suspended, or revoked.

9.6.4 Employees must wear seatbelts at all times when in a vehicle on City Business.



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### **SECTION 10 EMPLOYEE DISCIPLINE**

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#### **10.1 GROUND FOR DISCIPLINARY ACTION**

Employee misconduct shall be cause for disciplinary action. These Disciplinary provisions apply to Regular Full-time and Regular Part-time Employess who have completed their probationary period. In addition to any actionable or other cause allowed by statute, ordinance or law, the following nonexclusive listings shall constitute cause for disciplinary action.

10.1.1 Falsifying any information supplied to the City including, but not limited to, information supplied on application forms, employment records, or any other City records, reports, or documents prepared by the Employee.

10.1.2 Incompetency.

10.1.3 Inefficiency.

10.1.4 Neglect of duty.

10.1.5 Insubordination; failure to follow instructions.

10.1.6 Dishonesty.

10.1.7 Selling, providing, consumption of, being under the influence of, possession of alcoholic beverages or illegal controlled substances or abuse of prescription medication while on duty or in such close time proximity thereof as to cause any detrimental effect upon the Employee or upon other Employees.

10.1.8 The conviction of either a misdemeanor or a felony involving moral turpitude, or a conviction which has a direct nexus to the Position held.

10.1.9 Unauthorized absence without leave.

10.1.10 Immoral conduct.

10.1.11 Discourteous treatment of the public or other Employees.

10.1.12 Political activity precluded by State or Federal law.

10.1.13 Misuse or unauthorized use of City property.

10.1.14 Violation of a City or departmental rule, policy, procedure, or these Policies.

10.1.15 Failure to possess or keep in effect any license, certificate, or other similar requirement necessary for the Employee to perform the duties of the job Position or required by such job Classification.

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10.1.16 Unlawful discrimination, including harassment or bullying, against the public or other Employees while acting in the capacity of a City Employee.

10.1.17 Excessive absences, unexcused absence(s), or tardiness.

10.1.18 Refusal to subscribe to any oath or affirmation which is required by law in connection with City employment.

10.1.19 Any willful act or conduct undertaken in bad faith, either during or outside of duty hours, which is of such a nature that it causes discredit to the City, the Employee's department or division.

10.1.20 Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of City property.

10.1.21 Outside employment not specifically authorized by the Appointing Authority.

10.1.22 Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an Employee for the performance of their official duties.

10.1.23 The refusal of any officer or Employee of the City to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in agency office is involved shall constitute of itself sufficient ground for the immediate discharge of such officer or Employee.

10.1.24 Willful violation of any of the provisions of the ordinances, resolutions or any Policies, regulations or work rules which may be prescribed by the City.

10.1.25 Working overtime without authorization.

10.1.26 Any other failure of good behavior which is of such nature that it causes discredit to the City or their employment.

### **10.2 DISCIPLINARY ACTIONS**

"Disciplinary Action" means an action taken for disciplinary reasons, pursuant to these Policies. Nothing in these Policies requires imposition of disciplinary action in any particular order of severity or pursuant to the number of prior disciplinary actions. Such disciplinary actions include:

- a. informal discussion;
- b. a formal warning;
- c. a written reprimand;
- d. disciplinary suspension;
- e. reduction in pay;
- f. demotion; or
- g. dismissal.

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10.2.1 Informal Discussion. An informal discussion is designed to clarify standards, policies, procedures and/or regulations so that problems are resolved early and thus, the need to utilize more severe disciplinary action may be avoided. (Not appealable)

10.2.2 Formal Warning. A formal warning shall be given in response to minor misconduct. The warning should be prompt and constructive, and every effort shall be made for the formal warning to be given in private. The Supervisor should include in the formal warning a review of appropriate department standards and Policies, Employee performance expected in the future and consequences for failure to correct performance or behavior. The formal warning shall be written and will be placed in the Employee's central personnel file located in Human Resources. A formal warning is not appealable.

10.2.3 Written Reprimand. A written communication to the Employee that the same or related offense has been committed. The written reprimand shall be given by the Department Director or designated authority when a formal warning has not succeeded in correcting the misconduct, or when the misconduct is considered so serious as to warrant more than a formal warning. Misconduct includes failure to meet City performance standards.

The written reprimand should include a full, accurate and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, if applicable; appropriate department standards and Policies; Employee performance expected in the future; and consequences for failure to correct performance or behavior. A written reprimand is not appealable.

10.2.4 Disciplinary Suspension. Temporary removal of an Employee from their duties without pay for misconduct. Disciplinary suspensions without pay deprive an Employee of pay for any period up to sixty (60) working days and are given when serious misconduct or repetition of past problems for which the Employee has been reprimanded require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension. Employees may be suspended immediately and in advance of the appeal process when there is a clear threat to the safety of other Employees or the public. Disciplinary Suspensions are subject to the appeal process set forth in Section 10.6.

10.2.5 Reduction in Pay. Reduction in pay shall be a decrease in salary to a lower step within the salary grade for disciplinary purposes. The reduction may be permanent or for a fixed period of time. A reduction in pay is subject to the appeal process set forth in Section 10.6. Denial of a merit increase or a reclassification downward is not discipline and does not entitle an Employee to notice or right of appeal.

10.2.6 Demotion. The Department Director may involuntarily demote an Employee for disciplinary reasons or because the Employee's ability to perform the required duties falls below standards for that Position, provided that the

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Employee has been given a reasonable time to improve. Upon request of the Employee, and with the consent of the Department Director, voluntary demotion may be made to a vacant Position. No Employee shall be demoted to a Position unless they possess the minimum qualifications for such a position. The Employee Relations Officer must approve all demotions. Involuntary demotions are subject to the appeal process set forth in Section 10.6.

10.2.7 Discharge. Discharge, dismissal or involuntary separation of an Employee from City employment may be imposed when other disciplinary measures have failed, or when such Disciplinary Action is deemed appropriate based on the act of misconduct. A Regular Employee may be discharged for violation of these Policies. Discharges are subject to the appeal process set forth in Section 10.6.

### **10.3 PRE-DISCIPLINARY PROCEDURES**

10.3.1 Administrative Reassignment with Pay. Pending investigation of an accusation against an Employee, the Employee may be placed on temporary administrative reassignment with or without pay, pending the undertaking or completion of an investigation or opportunity to respond as may be required to determine if any Disciplinary Action shall be taken.

10.3.2 Disciplinary Action Subject to Skelly Procedure. The procedure set forth in this Section shall apply to disciplinary suspension, a reduction in pay, an involuntary demotion, or a disciplinary discharge.

10.3.3 Written Notice. The Employee's Supervisor shall give the Employee a written notice of the proposed Disciplinary Action at least five (5) working days prior to the effective date. The written notice shall be personally delivered to the Employee or sent by Certified Mail to the Employee's last known address.

The notice generally will include the following information:

- a. A description of the proposed action to be taken and its proposed effective date or dates;
- b. The specific grounds and particular facts upon which the action is proposed to be taken;
- c. The Employee's right to receive a copy of the written materials alleged to support the proposed actions;
- d. A statement advising the Employee of the right to respond, orally or in writing within five (5) working days after receipt of the written notice; and
- e. A statement that failure to respond by the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

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10.3.4 Employee Review and Response. The Employee shall be given an opportunity to review the documents or materials upon which the proposed Disciplinary Action is based. Within five (5) working days after receipt of the written notice, the Employee shall have the right to respond to the Department Director or designated Skelly Officer, orally or in writing, concerning the proposed action.

Failure to respond within the time specified shall result in the Employee's waiver of their pre-disciplinary right to respond. By mutual agreement, the specified time period may be extended.

### 10.3.5 Employee Rights and Restrictions

10.3.5.1 Right to Representation. The Employee has the right to a representative throughout the pre-disciplinary process, at the Employee's own cost. That representative is chosen by the Employee and may be an attorney, an outside representative, or another City Employee. If a City Employee is selected as the representative, that Employee's Department Director must be notified in order to obtain permission to be absent from assigned duties necessary to make representation. Such permission shall not be unreasonably withheld.

10.3.5.2 Right to Investigate. The Employee and the Employee's representative wishing to enter a work area for the purpose of investigating the notice of proposed discipline must first obtain permission to do so from the work area Supervisor. Any investigation shall be conducted on non-working time unless the Department Director has granted prior approval to use City time. Permission in either case shall not be unreasonably withheld, giving consideration to the work of the department and occupational safety.

10.3.6 Department Director or designated Skelly Officer Decision. The Department Director or designated Skelly Officers shall, within five (5) working days, unless the Department Director or designee decides a longer period is needed, provide a written decision to the Employee after reviewing the Employee's response, if any. If the Department Director has imposed the proposed Disciplinary Action, another Director or designee within the City shall serve as the Skelly Officer to review the matter and provide a written decision.

The decision shall be personally delivered to the Employee or sent by Certified Mail to the Employee's last known address. If Disciplinary Action is to be taken, the written response shall include a statement informing the Employee of the effective date of the discipline, the right to appeal, and the time period within which the appeal must be made.

## **10.4 APPEAL OF DEPARTMENT DIRECTOR OR SKELLY OFFICER'S DECISION**

A request to appeal a Department Director's or designated Skelly Officer decision regarding disciplinary action shall be made by the Employee or the Employee's representative within five (5) working days of receiving the decision. An appeal shall

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include a brief written statement of the facts and reasons for the appeal and a brief statement of the resolution requested.

10.4.1 If the subject Employee does not file an appeal within the specified time period, unless good cause for the failure is shown, the action of the Department Director or designated Skelly Officer shall be final, and not subject to any further appeal. If the Employee withdraws the appeal, the Employee waives the right to further review.

### **10.5 AMENDED NOTICE OF DISCIPLINARY ACTION**

10.5.1 At any time before a disciplinary action becomes final, the Department Director or designated authority may amend the proposed disciplinary action and provide a supplemental notice of proposed disciplinary action.

10.5.2 A decision not to impose any disciplinary action may be accompanied by a directive from the Department Director to delete all references to the pending action from the Employee's personnel file(s).

10.5.3 If the amended or supplemental notice of proposed disciplinary action presents new causes or allegations, and/or changes the level of proposed disciplinary action, the Employee shall be provided further written notices as provided in Section 10.3.3 and shall be afforded the opportunity to prepare a response in accordance with Section 10.3.4.

### **10.6 APPEAL HEARING PROCESS**

10.6.1 Hearing Officer. The Hearing Officer is designated to hear appeals on those disciplinary matters subject to such appeal. The Hearing Officer shall be an outside independent person (not employed by the City) who is qualified to hear such appeals. The selection of the Hearing Officer shall be a joint decision between the Employee and the City. The costs of the Hearing Officer shall be borne by the City.

10.6.2 Request for Appeal. Every appeal to the Hearing Officer must be filed with the Employee Relations Officer within the time frame set forth in Section 10.4 of these Policies. Failure to file a timely appeal shall be deemed a waiver of the right of appeal. The appeal shall state the facts upon which it is based and the action requested of the Hearing Officer and it shall be signed and dated by the appellant. The statement of facts in the appeal shall provide in sufficient detail the necessary facts and identify all persons or departments concerned in order that the Hearing Officer may understand the nature of the proceeding and appeal. The appellant's Department Director shall be considered the only respondent unless the written appeal identifies other respondents. The Employee Relations Officer shall serve a copy of the appeal on the respondent.

10.6.2.1 The appellant or respondent may, at any time prior to the hearing, file a written statement setting forth in detail all facts essential and necessary to support their position. The parties are encouraged to include with and set forth in the statement all exhibits essential and

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

necessary to support their positions and which they intend to offer into evidence.

10.6.3 Answer. The respondent is not required to file an answer to the appeal. If an answer is filed prior to the hearing, a copy thereof shall be sent to the appellant by the Employee Relations Officer. If no answer is filed, every relevant and material allegation of the appeal is in issue; but in any case, irrelevant and immaterial issues may be excluded by the Hearing Officer.

10.6.4 Time for Hearing. Within five (5) days after the Hearing Officer is appointed, the Employee Relations Officer shall notify in writing the appellant and respondent of the date, time and place of said appeal hearing. Every hearing on an appeal shall commence within thirty (30) days after notice by the Employee Relations Officer to the appellant and respondent of the date, time and place of said appeal hearing unless:

- a. The time is extended by mutual consent of the appellant and respondent;
- b. A Hearing Officer cannot be selected within that time, in which case such hearing shall be scheduled by the Hearing Officer as soon as practicable; and/or
- c. The Employee Relations Officer or the Hearing Officer has granted an extension of time within which to commence the hearing.

10.6.5 Notice of Hearing. Written notice of the time and place of hearing of an appeal shall be delivered personally or by Certified Mail to the Employee's last known address. A respondent or appellant may seek a continuance of the hearing date by making a written request to the Employee Relations Officer stating the grounds for such a request and the requested date for the hearing. The Employee Relations Officer shall have the authority to determine whether to grant a continuance and to set the hearing date.

10.6.6 Pre-Hearing Meeting. The Hearing Officer has the authority to require an appellant and respondent to meet prior to the commencement of a hearing for the purpose of using a good faith effort to prepare a joint written statement of the claims and defenses and disputed and undisputed facts, and to submit separate written statements where concurrence on such items could not be achieved. Parties are encouraged to voluntarily meet for this purpose and submit such statements.

10.6.7 Witness List and Subpoenas. The respondent and appellant shall submit in writing to the Employee Relations Officer, at least three (3) working days prior to the start of the hearing, the name(s) of any witnesses expected to be called during the hearing. The Employee Relations Officer shall provide to each party the names of witnesses so submitted in advance of the hearing. A respondent or appellant may request approval from the Hearing Officer for the issuance of subpoenas to compel the person(s) to testify at a hearing or

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the production of documents to be brought to a hearing by submitting a written request to the Employee Relations Officer.

10.6.7.1 Such a request must state with particularity the person(s) or document(s) sought to be compelled, and the relevancy of that person(s) or that document(s) or both to the matters to be tried in the hearing. The Hearing Officer or the Employee Relations Officer, is so delegated, shall cause subpoenas to be issued when the Hearing Officer or the Employee Relations Officer, whichever applies, deems appropriate.

10.6.8 Nature of Hearing. Each hearing shall be closed unless the appellant requests an open hearing. Any party may be self-represented, have legal counsel or another representative of choice. The hearing shall be conducted by the Hearing Officer pursuant to these Policies. The Hearing Officer shall have the authority to: open and adjourn the hearing; rule on evidentiary questions; call, question, and cross-examine witnesses; call for and introduce documentary evidence for the purpose of adequately understanding the facts and issues of the hearing; otherwise control the conduct of the hearing; and meet in closed session with legal counsel to deliberate and prepare findings.

10.6.8.1 The hearing shall be informal and technical Policies or rules of evidence shall not apply to the proceedings. Any relevant evidence will be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which may make improper admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but will not be sufficient in itself to support a finding unless it would be admissible over objection to the same extent that it is now or hereafter may be recognized in civil actions. Irrelevant, immaterial, or unduly repetitious evidence, or evidence protected by the Policies of privilege recognized by law, may be excluded. All testimony at the hearing shall be recorded manually or by mechanical device or by use of a Certified Court Reporter. In the event a Court Reporter is used, appellant and respondent shall split costs. All testimony shall be given under oath. Stipulations of fact may be introduced into evidence with respect to any issue. Each respondent and appellant shall have the right to appear, to speak, and to call, examine, and cross-examine witnesses, including those called by the Hearing Officer, and to introduce documentary and other evidence. If the appellant does not testify on their own behalf, the appellant may be called and examined as if under cross-examination.

10.6.9 Exclusion of Witnesses. Upon the motion of any appellant or respondent, or upon its own motion, the Hearing Officer may exclude from the hearing room any witnesses not at the time under examination; but an appellant or respondent to the proceedings or their representatives in the case shall not be excluded.



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10.6.10 Proposed Findings of Fact. Both appellant and respondent shall have the right to file proposed findings of facts, a brief, or both with the Hearing Officer on or before the date the hearing is closed. Any party who submits proposed findings of facts, a brief, or both, must serve such document immediately upon all other parties to the hearing.

10.6.11 Official/Judicial Notice. In reaching a decision, the Hearing Officer may take official notice of any matter which may be judicially noticed by the courts of this State. Parties present at the hearing will be informed of the matters to be noticed and those matters will be noted in or appended to the record. Any party will be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, with the specific manner to be determined by the Hearing Officer.

10.6.12 Order of Proof at Hearing. The order of proof in the hearing will be as follows:

- a. The respondent will present evidence in support of the Disciplinary Action;
- b. The appellant or the appellant's representative will produce such evidence as the appellant may wish to offer in the appellant's defense; and
- c. Any party may then offer rebuttal evidence, with the respondent having the right of last rebuttal.

10.6.13 Findings of Fact and Recommendations to the City Manager. The Hearing Officer shall make and certify written findings of fact and recommendations to the City Manager no later than thirty (30) working days after completing the Hearing.

10.6.14 Disposition of Appeal. Within ten (10) working days of receipt of the Hearing Officer's findings of fact and recommendations, the City Manager shall adopt, reject or modify in whole or in part the recommendations of the Hearing Officer, and shall so notify the Employee, respondent and the Hearing Officer. The City Manager's decision will be final and binding. The City Manager shall not be involved in the review or disposition of the disciplinary matter until receiving the Hearing Officer's findings of fact and recommendations, and shall make their decision based upon an independent review of the record from the appeal hearing and the Hearing Officer's findings of fact and recommendations. The City Manager shall modify or reject the Hearing Officer's recommended decision only for just cause, supported by substantial evidence in the record, as set forth in the City Manager's written final decision.

10.6.15 Burden of Proof. The City carries the ultimate burden of proof of which is a preponderance of the evidence.

10.6.16 Withdrawal of an Appeal. The appellant may submit a written request to withdraw the appeal at any time before a final and binding decision is made.

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**SECTION 11 GRIEVANCES**

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**11.1 MATTERS SUBJECT TO GRIEVANCE PROCEDURES**

A "Grievance" is a job-related complaint by an Employee regarding the terms and conditions of employment which arise out of a specific fact, situation, or transaction, other than discipline, that results in an alleged violation of existing ordinances, rules, regulations, or Policies administered by the Employee's Department Director or designated authority concerning wages, hours, or other terms and conditions of employment. The solution of any such Grievance must be wholly or partially within the province of the City to rectify.

**11.2 MATTERS NOT SUBJECT TO GRIEVANCE PROCEDURES**

11.2.1 The following matters are not subject to the Grievance procedure:

- a. Employee discipline (as defined in Section 10.2);
- b. Employee performance evaluations, including denial of a salary increase, performance pay increase, and other merit or performance pay issues;
- c. Management of the City generally and issues of City or Department Policy;
- d. Necessity and organization of any service or activity conducted by the City, including the expansion or reduction of services or work force;
- e. Determination of the nature, manner, means, technology and extent of services to be provided to the public;
- f. Types of equipment or technology to be used;
- g. Determination of and/or change in facilities, methods, technology, means and size of the work force by which City operations are to be conducted;
- h. Determination of and change in the location, number of locations, relocations and types of operations, processes and materials to be used in carrying out City functions;
- i. Work assignments and schedules in accordance with requirements as determined by the City;
- j. Establishment, implementation and modification of productivity and performance programs and standards;
- k. Reductions-in-force or layoffs for lack of work or other non-disciplinary reasons;

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- l. Establishment and approved modifications of Classification Specifications;
- m. Determination of standards, Policies and procedures for selection, training and promotion of Employees;
- n. Establishment, implementation and modification of Departmental organization, supervisory assignments, chains of command and reporting responsibilities; and/or
- o. Levels of compensation, pay and benefits based upon budgetary and fiscal considerations.

### **11.3 FREEDOM FROM REPRISAL**

No Employee shall be subject to coercion or Disciplinary Action for discussing a request or complaint with their immediate Supervisor, or for filing a Grievance petition.

### **11.4 RESOLUTION**

Any grievance petitions resolved at any step of the grievance procedure shall be considered conclusive. Any grievance shall be considered resolved if it is not brought forward by the grievant through the grievance steps in the time frame prescribed.

### **11.5 WITHDRAWAL**

Grievance petition may be withdrawn by the grievant at any time, without prejudice.

### **11.6 RESUBMISSION**

Upon consent of the person hearing the Grievance petition and the grievant, a petition may be resubmitted to a lower step in the Grievance procedure for reconsideration.

### **11.7 EMPLOYEE REPRESENTATION**

If requested, an Employee may have representation in the preparation and presentation of the Grievance at any step in the formal Grievance procedure, except that no Supervisor or Department Director shall be represented by a subordinate Employee who reports to the subject Employee, and no Employee shall be represented by a Supervisor or Department Director.

The Employee(s) and one Employee representative are entitled to be released from work for a reasonable period of time in order to present the Grievance.

### **11.8 OBEY NOW/GRIEVE LATER**

If an Employee is given a legitimate order that they wish to grieve, the Employee must first complete the assignment and file a Grievance later, unless the assignment endangers the health or safety of the Employee or others, or if the requested assignment violates the Employee's constitutional rights.

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### **11.9 INITIATION OF GRIEVANCE PROCEDURE**

An Employee must initiate the Grievance procedure (formal or informal) within fifteen (15) working days of the occurrence of the event giving rise to the Grievance, or within fifteen (15) working days after the grievant should, with reasonable diligence, have had knowledge of such occurrence, whichever is later.

### **11.10 INFORMAL GRIEVANCE PROCEDURE**

11.10.1 Every effort should be made to resolve a Grievance through discussion between the Employee and the Employee's immediate Supervisor, unless extenuating circumstances exist.

11.10.2 If the Employee is not satisfied with the decision reached through the informal discussion, or if extenuating circumstances exist, the Employee shall have the right to file a formal Grievance in accordance with Section 11.11.

### **11.11 FORMAL GRIEVANCE PROCEDURE**

11.11.1 Step I. If the Employee is not in agreement with the decision rendered in the informal grievance procedure, they shall have the right to present a formal grievance to the Department Director within fifteen (15) working days after the occurrence of the incident causing the grievance, if applicable. Otherwise, the right to file a grievance petition shall be waived.

All grievances shall be submitted in the format prescribed by the Employee Relations Officer, and no Grievance petition shall be accepted until the form is complete. The written grievance shall contain a clear, concise statement of the grievance and the facts upon which it is based; the rule, regulation or policy allegedly violated; and the specific remedies sought.

The Department Director will render a written decision within five (5) working days after receipt of the written grievance.

11.11.2 Step II. If the Grievance is not satisfactorily resolved at Step I, the Employee shall have the right to submit the written grievance to the Employee Relations Officer within five (5) working days after the Department Director's decision is received by the Employee.

The Employee Relations Officer will render a written decision within five (5) working days after receipt of the written grievance.

11.11.3 Step III. If the grievance has not been satisfactorily resolved at Step II, the Employee may appeal the Employee Relations Officer's decision to State Mediator within five (5) working days after that decision is received by the Employee. The City and the La Quinta Employees' Association or other authorized employee representative shall mutually select a mediator from the State Mediation and Conciliation Service to consider the grievance. The mediator may consider written documents and/or oral statements, and shall render a written advisory decision to the City Manager within ten (10) days after receipt of the appeal.

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The City Manager may accept or reject the advisory decision of the mediator, and will render a written final decision within five (5) days of receiving the mediator's advisory decision. The decision of the City Manager shall be final and binding.

If mutually agreeable, a meeting may be conducted involving all affected parties at any step in the grievance procedure prior to the rendering of a decision.

<b>GRIEVANCE PROCEDURES</b>			
<b>STEP</b>	<b>CONTACT</b>	<b>FILE</b>	<b>DECISION</b>
Informal	Supervisor	N/A	Immediate
Step I Formal	Department Director	15 working days from Informal Decision	5 working days from filing
Step II Formal	Employee Relations Officer	5 working days from Step I Decision	5 working days from filing
Step III Formal	State Mediator/City Manager	5 working days from Step II Decision	5 working days from receipt of Mediator's advisory decision

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **SECTION 12 EMPLOYEE RECORDS AND FILES**

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#### **12.1 PERSONNEL FILES**

12.1.1 Central Personnel Files. The Employee Relations Officer shall maintain a central personnel file for each City Employee indicating the Employee's name, title of Position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents, and such other information as may be considered pertinent by the Employee Relations Officer. Copies of documents concerning Disciplinary Actions must be placed in the Employee's central personnel file. Personnel files shall be kept in locked, fire-proof file cabinets located in or near the Human Resources/Risk Manager's office. Medical records, including reports of job-related medical examinations, Workers' Compensation illnesses or injuries, and related information shall be maintained separately from the central personnel file, and shall be kept in locked fire-proof file cabinets located in or near the Human Resources/Risk Manager's office.

12.1.2 Payroll Files. A file for each City Employee shall be maintained showing the name, title of Position, the department assigned, salary, changes in employment status, W-4 forms, payroll deductions and such other information as may be considered pertinent by the Finance Director.

Nothing herein shall prohibit the City from keeping or placing documents in an observation folder for the purpose of monitoring and documenting Employee performance during an evaluation cycle. The contents of observation folders should be used and reflected in the Employee's performance evaluation, and or may serve as the basis for disciplinary action. For the purpose of this Section, an observation folder shall not be considered a personnel file, and an Employee or the Employee's designated representative shall not have access to observation folders nor receive copies of documents placed in such folders.

#### **12.2 DOCUMENTS IN PERSONNEL FILES**

12.2.1 Upon request of the Employee, an Employee may place documents in the Employee's personnel file(s) that commend their job performance with the City or demonstrate educational attainment.

12.2.2 An Employee shall be provided a copy of any documents placed in the Employee's personnel file(s) and may review their file(s) on request, within the time constraints and work schedule of the Employee Relations Officer. A witness shall be present at all times when an Employee is reviewing their personnel file.

#### **12.3 DISCLOSURE OF INFORMATION**

12.3.1 To the maximum extent possible and unless otherwise required by law, no direct information contained in the personnel files shall be disclosed concerning any current or former City Employee, without the Employee's

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consent, other than the Employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment and the nature of separation, Resignation, or Termination, to any person other than the Employee Relations Officer, the City Attorney, Special Legal Counsel, the Employee's Department Director, or their designated representatives. An Employee or former Employee may authorize access to or the disclosure of information from their file only when written permission is provided to the Employee Relations Officer.

12.3.2 Nothing herein shall preclude nor specifically deny the use of any information in personnel files in any phase of a disciplinary or probationary action.

### **12.4 CHANGE IN STATUS**

It is the Employee's responsibility to notify the Employee Relations Officer of any changes in the Employee's address, phone number, marital status, dependent status, name change, training certificates, emergency contact, driving status/record, criminal convictions, or other pertinent information.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **SECTION 13 EMPLOYEE BENEFITS**

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Benefits afforded to Regular City Employees are summarized in this Section. These benefits may be modified through the meet and confer process, and documented in the MOU between the City and the Employee bargaining unit, or by specific contract provisions for non-represented Employees.

#### **13.1 HEALTH, DENTAL, VISION AND LIFE INSURANCE BENEFITS**

13.1.1 Regular Full-time Employees are eligible for City contribution to health, dental, vision and life insurance for themselves and qualified family members as set forth in the MOU between the City and the La Quinta City Employees' Association, and the plan documents. Employee contributions for insurance coverage shall be paid by payroll deduction as a condition of enrollment and continuous insurance coverage.

13.1.2 A Regular Full-time Employee who provides the City evidence of medical insurance under a separate policy and requests to be deleted from the City's coverage shall receive \$250 per month as an in lieu payment. Should such other coverage subsequently be unavailable to the Employee, the Employee shall have the right to seek reinstatement to coverage under the City's policy upon written request. In such a case, the City shall reinstate the Employee's coverage and cancel the in lieu payment if reinstatement is permitted under the provisions for reinstatement then in effect with the City's health insurance provider.

#### **13.2 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

13.2.1 Employees and dependents who lose group health coverage due to termination of employment or other "qualifying events" (i.e., death of Employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.

13.2.2 Upon an Employee's termination of employment, the City will issue a "Notice of Right to Elect COBRA Continuation Coverage" for health care coverage. To continue health care coverage under COBRA, the Employee will fill out and sign forms provided by the City. The terminating Employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the notice.

#### **13.3 FLEXIBLE SPENDING PLAN**

The City has implemented a Flexible Spending Plan to help Employees pay for qualified expenses on a pre-tax basis. Employees who participate will pay the monthly administration fee and optional medical reimbursement debit card fee through payroll deduction.



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### **13.4 RETIREMENT**

The City participates in the PERS retirement plan, and currently pays the full cost of the employer share of the PERS retirement benefit for qualified Regular Full-time and Regular Part-time Employees. Each Regular Full-time and Part-time Employee shall pay an amount equal to 100% of the required member contribution to PERS. Any Employee hired on or after January 1, 2013 shall be subject to the following retirement formulas with the retiree's annuity based on the average of the Employee's three (3) highest paid consecutive years, in accordance with the City's contract with PERS and the Public Employees' Pension Reform Act of 2013 (PEPRA):

- Classic Employees (current PERS members) hired on or after January 1, 2013: 2% @ 60.
- New Employees (new PERS members) hired on or after January 1, 2013: 2% @ 62.

### **13.5 UNUSED SICK LEAVE ELECTION**

Government Code Section 20965 and the City's contract for retirement benefits with PERS permits conversion of unused sick leave to service credit, pursuant to certain restrictions. Upon retirement, Employees are required to complete the "Unused Sick Leave Election Form" prior to receiving their final paycheck. Upon retirement, Employees will have the option of selecting one of the following: (1) receiving payout for the full amount of unused sick leave (pursuant to the payout schedule contained in Section 8.3.6, as amended by the MOU); (2) receiving payout for a set amount of unused sick leave, and requesting conversion to service credit of the remainder; or (3) converting the entire amount of unused sick leave to service credit, waiving their right to a payout for unused sick leave.

### **13.6 EMPLOYEE FITNESS MEMBERSHIP SUBSIDY**

The City subsidizes the cost of membership at the La Quinta Wellness Center for eligible Regular Full-time Employees. Employees may submit their paid receipt to Human Resources for reimbursement of \$75.00 toward their annual membership fee.

### **13.7 COMPUTER LOAN PROGRAM**

All Regular Full-time Employees who have completed probation are eligible to apply for a financial loan through the City's Computer Loan Program. This is strictly a voluntary program, and is subject to available funding. Program parameters such as the maximum loan amount, interest rate, and scope of the program, will be evaluated on an annual basis. The Computer Loan Program policy is attached as Exhibit A.

## CITY OF LA QUINTA PERSONNEL POLICIES AND PROCEDURES

### **SECTION 14 TRAINING AND TRAVEL**

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#### **14.1 TRAINING**

The City recognizes the importance of Employee development and training in an effort to improve the capabilities and effectiveness of City personnel. Training shall be geared to both organizational improvement and individual Employee development. This development shall not only be the responsibility of the Department Directors or Supervisors, but shall be shared with Employees in a total organizational effort.

#### **14.2 IN-HOUSE TRAINING**

Employees who have training, knowledge or expertise in a subject area, or who have recently attended a seminar or conference in a given subject matter, may be asked to share this information with other Employees. Such in-house training may be informal or formal, depending upon the nature of the training, and can include any variety of topics.

#### **14.3 DEPARTMENT TRAINING**

City departments and divisions are encouraged to offer specialized training to their Employees. Such training shall be the responsibility of the Department Directors and may include topics such as safety, equipment operation, and other training in their specific fields of responsibility.

#### **14.4 SEMINARS AND CONFERENCES**

Employees may seek approval to attend seminars or conferences covering current issues and areas relevant to their Positions under the following conditions:

- a. Attendance at the training is deemed by the Department Director to be job-related, providing information and development that will assist the Employee in the performance of assigned responsibilities, and/or will provide the opportunity for Employee career development that will be of benefit to both the Employee and the City.
- b. Employees must submit their requests on forms prescribed by the Finance Department and follow all applicable procedures.
- c. Budgeted funds must exist for all such training and any travel. All travel that requires travel authorization must have City Manager and/or City Council approval.
- d. Employees must comply with the City's administrative travel and expense Policy and provide necessary receipt documentation.
- e. Employees who have recently achieved such training must be willing to provide "in-house" training to other Employees, if requested.

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### **14.5 TRAVEL AND TRAINING REIMBURSEMENT**

14.5.1 In general, training time during working hours shall be considered part of the job. Compensation for training which is outside of the normal work schedule will be made in accordance with the requirements of the Fair Labor Standards Act.

14.5.2 Time spent in attending lectures, meetings, training programs and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the Employees Department Director.

14.5.3 Time spent in attending lectures, meetings, training programs and similar activities shall not be counted as time worked where such attendance is outside of the Employee's regular working hours, except in situations where the Employee is directed by their Department Director to attend such lecture, meeting, training program or similar activity. Leisure and meal times are not considered time worked unless they are part of the seminar.

14.5.4 When an Employee is assigned by their Department Director to travel outside of the City for a meeting, training program, or similar activity, times spent traveling between the Employee's home and assigned destination shall be treated as time worked, only to the extent that it exceeds the amount of time normally taken by the Employee to travel between the Employee's residence and regular work place.

14.5.5 When an Employee is assigned to travel outside the City for a meeting, training program, or similar activity, return the same day, and the Employee has utilized public transportation, the time spent traveling between the Employee's home and the location of the public carrier (i.e. airport, bus station, train station) shall not be treated as time worked. However, time spent traveling to a final destination via public carrier is considered time worked.

14.5.6 Employees shall receive mileage and travel reimbursement in accordance with provisions outlined in the Employee Travel and Expense Policy.

### **14.6 TUITION REIMBURSEMENT**

14.6.1 Subject to Department Director and Employee Relations Officer (or designee) approval, Regular Full-time Employees may attend and be reimbursed for the cost of educational courses taken at an accredited college or university which provide a benefit to the City as set forth in the MOU between the City and the La Quinta City Employees' Association.

14.6.2 Any education that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City.

14.6.3 Reimbursement will be made only after an Employee has satisfactorily completed the class with the grade of "B" or better and evidence of same has been submitted and approved by the Employee Relations Officer. The general

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rule is that an Employee must be employed at the time they start and complete the class or workshop in order to be reimbursed. If an Employee resigns or retires their employment with the City or is terminated for disciplinary reasons within two (2) years of receiving reimbursement under these provisions, Employee shall reimburse the City for all monies paid them for educational reimbursement received dating back two (2) years from their termination date. If an Employee has followed the foregoing requirements for reimbursement and, through no fault of their own, is laid off before completion of the approved class or workshop, the Employee will continue to be eligible for reimbursement even though they are no longer employed by the City. No Employee will be eligible for reimbursement for any class or workshop taken after the Employee has been given a written notice of layoff, notice of termination for failing to pass the Probationary Period, or notice of intent to Terminate employment for cause.

14.6.4 Required forms must be completed and necessary documentation (receipts and grades) must be provided in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the Employee Relations Officer after review of the request and recommendations by the Department Director and the Employee Relations Officer.

14.6.5 There is no mileage reimbursement for travel to and from educational classes.

### **14.7 EMPLOYEE TRAVEL AND EXPENSE POLICY**

#### 14.7.1 Responsibility

14.7.1.1 The City Manager shall administer and be the approving authority for the expenditure of travel and expense funds in accordance with appropriations made by the City Council in the annual adopted budget for all City Employees.

14.7.1.2 Personal and City travel must not be commingled in such a manner as to increase allowable expense or otherwise affect adversely the interest of the City.

#### 14.7.2 Travel Authorization

14.7.2.1 Official Employee travel requires prior written authorization by the City Manager. The City Form, "Travel Request and/or Advance," shall be used to document authorization, and may be obtained in the Finance Department.

14.7.2.2 Travel trips of one day or less shall not require a pre-approved "Travel Request and/or Advance" if no advance is requested, but the second part of the Form covering conference update reporting must be completed, if applicable, upon return.

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14.7.2.3 Out-of-state travel, round trips over 300 miles, or trips involving an overnight stay must be approved by the City Council. If time does not permit City Council approval, the City Manager may authorize the travel request. The City Manager shall notify the City Council of the authorized travel and the circumstances which prevented City Council review/approval. Upon return, the "Conference Update Report" section of the "Travel Request and/or Advance" Form must be completed.

14.7.3 Travel Expenses. Employees may provide their own funding and file claims for reimbursement, or may apply for an advance of public funds by utilizing the "Travel Request and/or Advance" Form. All requests for advance of travel funds are to be submitted through the approving authority to the Finance Department at least five (5) working days before the intended date of departure. All advances must be properly accounted for based on actual and necessary expenses incurred, upon termination of travel for which the advance was made. Advance payments do not constitute approval to spend the entire amount advanced. Only actual and necessary expenses, as further limited by the specific provisions of this Policy, will be paid from City funds.

### 14.7.4 Advance Reservations—Cancellation

14.7.4.1 Employees are encouraged to make reservations for any training, meeting, or convention for which the City would bear the cost, which they are planning to attend, in sufficient time to allow for lower airfare or reservations costs to be obtained.

14.7.4.2 Cancellations that result in expenditure of City funds will be reviewed on a case-by-case basis by the City Manager to determine whether the Employee may be held responsible for the cost.

14.7.5 Transportation. Employees should attempt to travel by the means most economical to the City, consistent with scheduling needs and cargo space. In selecting a particular method of transportation, consideration shall be given for the total cost to the City which will result, including overtime, lost work, and actual transportation costs. In the event that a more expensive transportation form is used, the cost borne by the City will be limited to the cost of the most economical, direct, efficient and reasonable transportation form, unless otherwise approved by the City Council. Government and group rates must be used when available.

14.7.5.1 Automobile Travel. Transportation by car may be done either with a personal vehicle or City vehicle. If a personal vehicle is used by an Employee who does not receive a monthly auto allowance, net mileage will be reimbursed at the current Internal Revenue Service Rates. Net mileage equals roundtrip mileage minus any commute miles. Before initiating overnight travel, those Employees not receiving a monthly mileage allowance should contact the Facilities Department for the availability of a pooled vehicle.

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Employees who receive a monthly auto allowance and use their own vehicle allowance for authorized travel will be reimbursed only for the net mileage in excess of 60 miles. Mileage will not be reimbursed for portions of the trip made for non-business related matters.

When the use of public air carrier transportation is approved, private automobile use to and from the airport shall be reimbursed for all allowable miles at the current Internal Revenue Service Rates, or commercial auto rental will be allowed if necessary and alternative personal or public transportation is unavailable or unreasonable.

### 14.7.5.2 Air Travel and Automobile Rental

a. Coach Class Air Travel. Reimbursement shall be made for coach air travel if the cost of such air travel is competitive with other passenger airlines' coach airfares.

b. Rail Travel. Reimbursement shall be made for coach rail travel if the cost of such rail travel is competitive with other coach rail travel fares.

c. Taxi Service. Charges for taxi service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances. Portions of taxi charges that are related to excessive tips (i.e., in excess of 15%) will not be reimbursed.

d. Shuttle Service. Charges for shuttle service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.

e. Bus Fare. Charges for bus service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.

f. Vehicle Rental. Charges for vehicle rental are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances. When determining the type of rental car to be used, consideration should be given to the economic standards set forth in this policy and the appropriate use and stewardship of City funds.

g. Out of Pocket Expenses Related to Use of City Owned Vehicles. Reimbursement for fuel and other out-of-pocket expenses incurred as a result of the use of a City owned vehicle is permissible, provided that use of the City owned vehicle is the most economical, practicable and efficient mode of transportation available under the circumstances.

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h. Chartered Travel. Use of chartered travel shall be reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.

i. Airport parking may be used during travel on official City Business and is reimbursable with receipts.

14.7.6 Lodging. Employee lodging expenses will be reimbursed or paid when travel associated with training or related activities reasonably requires an overnight stay. Lodging shall be obtained at the most economical rate available for safe, clean, convenient, and quality accommodations. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. Travelers must request government rates, when available.

14.7.6.1 Advance Booking and Time Period. An Employee is expected to make reservations well in advance whenever possible and to take other actions to ensure that lodging is secured at moderate rates. Lodging shall be limited to the maximum number of nights required to conduct the assigned City Business.

14.7.7 Meals. Meals are allowable at actual costs, including reasonable tips and room service charges not to exceed \$75 per day.

14.7.7.1 Expense claims for meals shall include the following information:

- a. Date expense incurred;
- b. Name of the Employee; and
- c. Purpose of the meeting.

14.7.7.2 Itemized meal receipts are required.

14.7.8 Other Allowable Expenses. The following expenses shall be permissible, subject to other provisions of this policy to the extent that they are actual and necessary:

- a. Incidental transportation expenses, such as ferry fares; bridge, toll road and vehicle parking fees;
- b. Telephone and facsimile charges for official City Business; and
- c. Reasonable fees and tips paid to waiters, porters, baggage handlers, bellhops, hotel maids, and other service personnel.

14.7.9 Non-Allowable Expenses. Personal expenses are not allowable, and will not be reimbursed. These may include, but are not limited to:

- a. Fines for traffic violations;
- b. Private automobile repairs;

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- c. Expenses of any persons accompanying the person subject to this Policy on the trip;
- d. Purchase of personal items;
- e. Fitness/Health Facilities; and
- f. Alcohol.

14.7.10 Settlement of Expenses. Employees are responsible for the accurate preparation of their claims, and the responsibility of omission or commission cannot be shifted to another individual. A "Travel Expense Report" (obtainable in the Finance Department) substantiated by receipts which verify the claimed expenditures as being an actual expense, must be submitted to the City Manager within ten (10) days of the expense being incurred, or the end of the trip, whichever is later. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Employee. All expenses are subject to verification that they comply with this Policy.

Pursuant to state law, Travel Expense Reports are public records.