



*IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO)*

# ***PERSONNEL POLICIES***

*Pending Approval by the Commission on  
January 23, 2014*

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Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>1.0</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>INTRODUCTION</b>		
<b>Subsection:</b>	<i>(None)</i>		

This policy manual is provided as a reference and summary of LAFCO’s policies, practices and benefits. It is not intended to be a contract (expressed or implied) or otherwise create a legal obligation on the part of LAFCO, its officers, or employees. Full discretion is reserved by management to add to, modify, or delete provisions of this manual from time to time as our policies and benefits change. You may find the most recent version of this Policy Manual at the LAFCO office.

This policy document will be updated as necessary and may be updated in whole or by section.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	2.1	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	GENERAL PROVISIONS		
<b>Subsection:</b>	DEFINITIONS		

**LAFCO** – The Imperial Local Agency Formation Commission (LAFCO)

**LAFCO Employee** – a person who is both of the following:

- 1). Paid from LAFCO’s budget, regardless of the funding source, and
- 2). Subject to LAFCO’s right to control the manner and means of his or her work because of the LAFCO’s authority to hire, supervise, discipline, and terminate employment.

**Managerial Employee** – An at-will employee with responsibility for the formulation of program objectives, the development of policies and procedures for program accomplishment, or oversight of the implementation of LAFCO policies and programs.

**Confidential Employee** – An employee who has access to or is privy to decisions of LAFCO management or is responsible for the administration of employer-employee relations. A confidential employee also serves a probationary period as indicated below.

**Professional Employee** – An at-will employee who engages in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction including, but not limited to, attorneys and mediators. A professional employee also serves a probationary period as indicated below.

*Only those positions that are designated as managerial, confidential or professional by the LAFCO shall be recognized as such.*

**Probationary Employee** – An employee who is serving a probationary period due to appointment or promotion to a LAFCO position. Probationary periods may be extended if the employee experiences a leave of absence or in the event of performance issues.

**New Appointment** – A new employee hired by the LAFCO Executive Officer serves a probationary period of 12 months.

Such employee may be separated by the LAFCO Executive Officer at any time during the probationary period without right of appeal or hearing. An employee who experiences a leave of absence during probation will have their anniversary date and probationary period extended by the number of days the employee is on leave.

**Limited-term Employee** – An individual who is appointed to a position of limited duration (typically not to exceed one (1) year). Such an appointment may be renewed for an additional year (maximum of 2 years) when project/funding warrants. A limited term employee may work a full or part-time schedule and may be separated by the LAFCO Executive Officer at any time during the assignment without right to appeal. Limited term employees are eligible for health insurance, life insurance, workers compensation, state disability insurance, retirement, holidays, sick leave and bereavement leave. Limited term employees are not eligible for any step increase but may be eligible for a negotiated salary increase (NSI). Limited term employees transferred to a regular position shall maintain their original hire date as a regular LAFCO employee for purposes of vacation and sick leave accrual.

**Temporary Employee** – An individual who is appointed to a position for a period not to exceed 180 calendar days. A temporary employee may work a full-time, part-time, or as needed schedule and may be separated by the LAFCO Executive Officer at any time during the assignment without right to appeal. Temporary employees are not eligible for LAFCO benefits.

**Contract Employee** - Employees who are hired on a contractual basis. While Contractual employees do receive all legally mandated benefits (such as Social Security and worker's compensation insurance), they may be ineligible for some of LAFCO's other benefit programs, as determined by the Commission on a contract by contract basis.

**Appointing Authority** – The LAFCO Executive Officer (or designee) is the appointing authority for the LAFCO on all employee matters.

***EXCEPTION:** The commission shall have the authority to hire or terminate the Executive Officer either as an employee or as a contract employee or as a consultant.*

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>2.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>GENERAL PROVISIONS</b>		
<b>Subsection:</b>	<b>OFFICE RECORDS</b>		

### **MAINTENANCE OF PERSONNEL FILES**

1. The LAFCO Office maintains an official secured personnel file for each employee. Employees should inform the Executive Officer of any changes in personal information, such as home address, home telephone number, number of dependents for tax withholding purposes, and person(s) to notify in the event of an emergency.
2. Information contained in an employee's personnel file will be disclosed internally only to persons with a need to know and to outside third parties pursuant to a proper legal request.

### **INSPECTION AND COPYING OF PERSONNEL FILES**

1. An employee, upon written request to the Executive Officer, may at reasonable times and intervals, inspect his or her personnel file(s) that is (are) used or has (have) been used to determine the employee's qualifications for employment, promotion, additional compensation, termination or other disciplinary action.
2. The LAFCO Office keeps a copy of each employee's personnel file at the LAFCO Office, and shall make the employee's personnel file available where the employee reports to work within a reasonable period of time after the employee has made a written request to inspect his or her personnel file.
  - a. Records of a LAFCO employee relating to the investigation of a possible criminal offense, letters of reference, and other matters protected by constitutional, statutory, or common law provisions shall be excluded from the provisions above for purposes of this policy.
  - b. An employee may request a copy of any document in his or her personnel file which he or she signed which relates to the obtaining or holding of employment.

## RETENTION OF PERSONNEL FILES

1. Each employee's personnel file will be retained during the time of employment and for a minimum of seven years from the employee's final date of employment.
2. In the event that an employee charges the LAFCO with discrimination under Title VII of the Civil Rights Act, the American with Disabilities Act, the Age Discrimination in Employment, or the California Fair Employment and Housing Act, the employee's personnel file will be retained until the final disposition of the matter.

## PAYROLL RECORDS

Records reflecting each employee's name, address, occupation, hours worked each day and week, wages paid and date of such payments, amounts earned as straight time and overtime, and deductions will be retained for at least three years. Earnings records and wage rate tables will be retained for at least two years.

## MEDICAL INFORMATION

Medical records will be maintained separate for each employee's personnel file and will be retained for a period of 3 years. Access to the medical records shall be limited to the Executive Officer and the LAFCO personnel authorized to have access. Medical records shall be disclosed only to those with a need to know (i.e., for purposes of assessing reasonable accommodations; if otherwise relevant to a legal proceeding in which the employee has placed his or her medical condition at issue; if necessary to administer and/or maintain employee benefit plans; and/or if compelled by law).

For purposes of this policy, the term "medical records" includes, but is not limited to the following: post-offer/pre-employment medical examination records; medical examination records relating to current employees; documents relating to any reasonable accommodations considered under the Americans with Disabilities Act and/or the California Fair Employment and Housing Act; documents relating to an employee's request for family and medical leave for the employee's serious health condition and/or for a covered family member's serious health condition, if eligible under the Family and Medical Leave Act or the California Family Rights Act; and any documents from the employee's health care provider, including but not limited to sick leave verification notes.

## MEDICAL REVIEW REQUIREMENT

Any new hire may be required to undergo a medical evaluation as a condition of employment, the cost of which shall be paid by LAFCO. If in the opinion of a licensed physician the new hire is physically not able to perform the job, and/or the insurance underwriter will not provide coverage due to prior or current medical conditions, the job offer may be withdrawn by the Executive Officer. All new hires offered the position, are subject to passing a medical fitness exam.

*EXCEPTION: The Executive Officer may waive this requirement if the new hire is a current employee of the County and/or City and has undergone a medical exam for the position held in that jurisdiction.*



Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	2.3	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	GENERAL PROVISIONS		
<b>Subsection:</b>	MEMORANDUMS OF UNDERSTANDING		

Employees should review the provisions contained in any Memorandum of Understanding (MOU) applicable to their position for additional information regarding conditions or benefits of employment, if applicable, and if it has been approved by LAFCO. At this time, there are no MOUs.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY</b>		

## **POLICY**

The LAFCO is an equal opportunity employer. LAFCO policy prohibits unlawful discrimination against applicants or employees on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, or any other basis protected by applicable federal, state or local laws. LAFCO policy also prohibits discrimination based on a perception that a person is associated with a person who has, or is perceived to have, any of these characteristics. This policy prohibits unlawful discrimination by any LAFCO employee, including supervisors and co-workers.

## **REPORTING PROCEDURE**

If you believe you have been subjected to any form of unlawful discrimination, promptly notify, orally and in writing, the Executive Officer and/or the Assistant LAFCO Executive Officer, or the LAFCO Accounting Manager. If they are all a subject of your complaint, report it to the LAFCO Chair of the Commission. Any LAFCO supervisor receiving or becoming aware of a complaint of unlawful discrimination must report it to the LAFCO Executive Officer immediately, unless the complaint is against the Executive Officer, then the report is to be filed with the Commission Chair.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	3.2	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	LAFCO POLICIES		
<b>Subsection:</b>	HARASSMENT PREVENTION		

## POLICY

The LAFCO is committed to providing a work environment free of unlawful harassment and prohibits harassment based on an individual’s race, color, religion, sex (which includes gender, pregnancy, childbirth or medical conditions related to pregnancy or childbirth), national origin, ancestry, age, marital status, veteran status, physical disability, mental disability, medical condition (which includes genetic characteristics), sexual orientation, or any other basis prohibited by law.

Harassment in any form, including verbal, physical, and visual is prohibited.

Prohibited conduct includes, but is not limited to, making unwelcome sexual advances and requests for sexual favors where either:

1. Submission to such conduct is made an explicit or implicit term or condition of employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.

Harassment may take many forms, including but not limited to:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, or unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory or sexually oriented posters, photography, cartoons, drawings, or gestures;

3. Physical conduct such as assault, unwanted touching, blocking of normal movement, or interference with work; and
4. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.

The LAFCO will not tolerate harassment of employees by managers, supervisors, or coworkers. Given the nature of our work, LAFCO employees may come in contact with contractors, clients, vendors, visitors, applicants for LAFCO employment, and members of the public. Harassment of these non-employees by LAFCO employees is also strictly prohibited. The LAFCO also will take all reasonable steps to protect employees from harassment by employees or non-employees in the workplace.

Employees, who believe they have been harassed in connection with their employment at the LAFCO, or are aware of harassment, should notify immediately the LAFCO Executive Officer, the Assistant LAFCO Executive officer, the LAFCO Accounting Manager, or the Chairman of the Commission. A prompt and, to the extent possible, discreet investigation will be conducted regarding all complaints, and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. Retaliation against anyone for complaining of, reporting, or participating in any investigation of harassment will not be tolerated.

In addition to notifying LAFCO management about alleged harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH), which has the authority to conduct investigations of the facts. Employees can contact the nearest DFEH office listed in the LAFCO's DFEH poster or by checking the state government listings in the local telephone directory.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION</b>		

## **COMPLAINT PROCESS**

Complaints or reports of discrimination, harassment or retaliation, shall be directed to the Executive Officer and/or the Assistant LAFCO Executive Officer, or the LAFCO Accounting Manager who will immediately notify the LAFCO Executive Officer. If a complaint is made against the Executive Officer, they should be directed to the Chairman of the LAFCO Commission. LAFCO supervisors who receive or become aware of complaints should forward them to the Executive Officer/Chairman immediately. Individuals are encouraged to bring such complaints to the LAFCO Executive Officer's attention promptly, so that the LAFCO Executive Officer can address them in a prompt manner. Your complaint should be specific and should include the names of the persons involved and the names of any witnesses.

## **RETALIATION**

In no event will the LAFCO retaliate or knowingly allow retaliation against any individual who makes a complaint of discrimination or harassment, or who participates in an investigation of such complaints. Any individual who believes he or she has been retaliated against in violation of this policy should contact the Executive Officer, the Assistant LAFCO Executive Officer, the LAFCO Accounting Manager, or the Chairman immediately.

## **INVESTIGATION**

1. Complaints of harassment or discrimination shall be investigated promptly and, to the extent possible and discreetly. These complaints will be investigated by the LAFCO Executive Officer, unless the complaint is about the Executive Officer. The investigator may be an outside investigator. The investigation will be tailored to the facts and issues involved. The investigation will include an interview with the person against whom the complaint has been made, if applicable, in order to give that person an opportunity to respond to the allegations made against him/her.

2. The LAFCO will complete the investigation of the complaint within 90 days of the date the LAFCO Executive Officer, Assistant LAFCO Executive Officer, or LAFCO Accounting Manager is notified of the complaint, or as soon as practicable thereafter.
3. At the conclusion of the investigation, the findings will be reported to the LAFCO. The LAFCO Executive Officer shall make a determination regarding what occurred, and what corrective action (including discipline), if any, is appropriate. If the LAFCO Executive Officer is the subject of the complaint, the investigative report shall be submitted to the Chairman of the Commission.
4. The LAFCO Executive Officer shall advise the complainant and any subject of the complaint that the investigation has concluded, and depending upon the circumstance and interests involved, of the findings of the investigation. If the LAFCO determines that conduct in violation of the Anti-Harassment or Anti-Discrimination policy occurred, disciplinary action commensurate with the offense will be taken up to and including termination of employment.
5. If the complainant/reporting party is not a LAFCO employee, the LAFCO Executive Officer, will notify the complainant of the disposition of the complaint, consistent with any legal or policy limitations on the disclosure of confidential employee information.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>REASONABLE ACCOMMODATION</b>		

## **POLICY**

In accordance with the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), the LAFCO will provide reasonable accommodation to the known physical or mental impairments that rise to the level of a disability of otherwise qualified disabled employees.

Disabled employees who desire a reasonable accommodation should make such a request in writing to the Executive Officer. The request must identify (1) the impairment for which the employee is seeking reasonable accommodation (e.g., hearing impairment, vision impairment); and (2) for each impairment, how it affects the employee’s daily activities – including, but not limited to, how it affects the employee’s ability to do his or her job at the LAFCO.

The LAFCO Executive Officer may request that the employee submit to his or her treating physician a questionnaire regarding the employee’s impairment and a release authorizing the LAFCO to receive medical information. The LAFCO Executive Officer will review the reasonable accommodation request and determine whether the employee is disabled within the meaning of the FEHA and/or the ADA and the LAFCO can provide an accommodation which would enable the employee to perform the essential functions of his or her position without causing an undue hardship on the LAFCO. The LAFCO Executive Officer will also meet with the employee to evaluate whether the employee is disabled within the meaning of the FEHA and/or ADA and, as part of the interactive process, discuss possible reasonable accommodations.

Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined on a case-by-case basis.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.5</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>PROCEDURE FOR COMPLAINTS OF DENIAL OF REASONABLE ACCOMMODATION</b>		

Complaints of denial of reasonable accommodation shall be directed to the LAFCO Executive Officer. Applicants and employees are encouraged to bring such complaints to the LAFCO Executive Officer attention promptly, so that the LAFCO Executive Officer can address them promptly.

The LAFCO Executive Officer shall investigate the complaint.

The LAFCO Executive Officer shall make a determination regarding whether a reasonable accommodation shall be provided. The Assistant LAFCO Executive Officer may require the applicant/employee and a LAFCO representative to meet to discuss potential reasonable accommodations and to try and agree to a specific reasonable accommodation. The LAFCO Executive Officer shall have the authority to determine which reasonable accommodation, if any, shall be provided.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.6</b>	<b>Date Adopted:</b>	<b>October 24, 2013</b>
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>SUBSTANCE ABUSE &amp; PREVENTION</b>		

## **POLICY**

The LAFCO’s policy is to achieve a workplace that is free from use of illegal drugs and improper use of controlled substances affecting job performance. For purposes of this policy, controlled substances are drugs, alcohol, or prescribed medications. The LAFCO hereby adopts the following policy regarding drug and alcohol use:

The LAFCO strictly prohibits the following:

- a. Use, possession, manufacture, distribution, dispensation, sale, purchase, attempted purchase, cultivation or transfer of illegal drugs, whether on or off LAFCO premises and whether during working hours or non-working hours. This prohibition includes the use or possession of prescription medications for which the employee does not have a valid prescription (see below for further provisions).
- b. Controlled substance misuse or abuse, whether on or off LAFCO premises, and whether during working hours or non-working hours, that affects job performance.
- c. Storing any illegal drug on LAFCO premises.
- d. Being under the influence of alcohol or any illegal drug or engaging in controlled substance abuse or misuse while on LAFCO premises, or while engaged in LAFCO business, or in LAFCO-supplied vehicles, or during working hours.
- e. Testing positive under this policy for illegal drugs or controlled substances without a legal basis for use.
- f. Switching or adulterating any urine sample submitted for testing or submitting a false sample for testing.

- g. Being convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace either during LAFCO employment or within five years prior to LAFCO employment.
- h. Failing to notify the LAFCO of any indictment or conviction under any criminal drug statute within 5 days of the event.
- i. Failing to comply with the rules and regulations established under any testing programs maintained by the LAFCO pursuant to such rules and regulations.

## **PRESCRIPTION MEDICATIONS**

As noted above, using or being under the influence at work of any prescription medication for which the employee does not hold a valid prescription is prohibited. Any who is taking prescribed medication must advise his or her supervisor and the LAFCO's Executive Officer of any side effects that may adversely affect job performance or create a safety hazard, so that appropriate steps can be taken, if necessary, to minimize the safety risks posed by such use. The employee need not, however, disclose to his or her supervisor the type of medicine used or the condition for which it is being taken. The LAFCO will treat all information regarding an employee's use of prescribed medications as confidential, sharing it only with management personnel with a need to know. It is each employee's responsibility to consult with his or her prescribing physician and/or to review relevant dosing instructions to determine whether the use of a medication could cause impairment in light of the employee's job duties. Based upon the circumstances, the employee may be permitted to remain in his or her job, be assigned alternate duties, may be required to take a leave of absence, or may be subject to other appropriate action.

## **SEARCHES**

LAFCO provided desks, storage areas and equipment are LAFCO property and must be maintained according to LAFCO standards. All such areas must be kept clean and are to be used only for work-related purposes. It is prohibited to store any illegal drugs or alcohol in a desk, or other repository on LAFCO premises. The LAFCO reserves the right, with or without notice, to conduct searches and inspections of LAFCO property for the purpose of enforcing this policy or determining if this policy has been violated whenever it has reasonable suspicion to believe that this or another LAFCO Policy has been violated.

## **DRUG TESTING**

The LAFCO, in its sole discretion, will follow the County's established testing program for illegal drugs and controlled substances for all employees and may at any time change the requirements, extent, and frequency of the employee testing, consistent with its legal obligations.

- a. The LAFCO Executive Officer may test all applicants, whether new employees or rehires. The LAFCO requires that every newly hired employee be free from illegal drug use and controlled substance misuse or abuse. Each offer of employment shall be conditioned upon the successful completion of a post-offer,

pre-employment medical examination that includes a test for illegal drugs and controlled substances.

- b. Any applicant who tests positive in the pre-employment drug test may be rejected and may be ineligible for hire for 12 months unless the applicant adequately establishes a legal basis for the use of the drug or controlled substance with respect to which the applicant tested positive.
- c. Whenever the LAFCO Executive Officer has a reasonable suspicion that an employee has used or is under the influence of illegal drugs or controlled substances during working hours or on LAFCO premises, the LAFCO Executive Officer may request that the employee undergo a urine or other drug test, as prescribed by the LAFCO. Refusal to submit to testing may be cause for disciplinary action, including termination.
- d. The LAFCO will afford applicants and employees subject to testing the opportunity, prior to testing, to list all prescription and nonprescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of the drugs and controlled substances. Failure of any employee to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy.
- e. Applicants and employees subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the Executive Officer, and authorizing the disclosure of the results to the testing agency's Medical Review Officer.
- e. In addition, the release form authorizes the disclosure of the results by the testing agency's Medical Review Officer to the Executive Officer. The Medical Review Officer will obtain the results of the analysis and communicate or disclose such results to the Executive Officer, and any other person who has a business need to know.
- f. The LAFCO Executive Officer may use such information in connection with LAFCO business and for the purpose of employment and disciplinary actions, and disclose it, when required, to Government agencies and to others upon valid legal requests, or in connection with legal proceedings.

## **ALCOHOL ABUSE**

The use, possession, sale, distribution of alcohol on LAFCO premises, or in a LAFCO-supplied vehicle, whether during working hours or non-working hours, is prohibited and constitutes a violation of this policy.

- a. Employees whom the LAFCO reasonably suspects of being under the influence of alcohol will be asked to submit to a Breath Alcohol Test onsite or to be escorted to the testing agency by the appropriate supervisor/manager of the LAFCO. The LAFCO

Executive Officer may request that the employee be tested within two hours of the suspicion.

- b. No employee shall report to work with any detectable amount of an alcohol concentration of 0.1% or greater in his or her body system.

## **EMPLOYEE ASSISTANCE PROTOCOL**

Early recognition and treatment of illegal drug use or controlled substance misuse or abuse is important for successful rehabilitation, return to productive work, and to reduce personal, family and social disruption. The LAFCO encourages the earliest possible diagnosis and treatment for illegal drug use and controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual employee's responsibility. The LAFCO can offer referral to appropriate services and rehabilitation programs that emphasize education, prevention, counseling, and treatment. An employee's health insurance benefits may cover the cost of drug- or alcohol-dependency treatment. Moreover, employees may be eligible for a leave of absence to participate in such a program.

### **SELF-REFERRAL**

It is the responsibility of each employee to seek assistance before the employee's alcohol- or drug-abuse problem leads to a violation of this or another LAFCO policy, resulting in disciplinary action. An employee's decision to seek help voluntarily will *not* be used as a basis for disciplinary action, although the employee may be transferred, given work restrictions, or placed on leave, as the LAFCO deems appropriate, while the employee seeks assistance and/or until the employee is drug- and/or alcohol-free.

In order for an employee's decision to seek help to be considered voluntary, the employee must seek such help *before* the employee is provided notice of a proposed disciplinary action. While an employee's decision to seek assistance or treatment is confidential, entering treatment can neither absolve nor protect employees from the consequences of failing to meet job expectations, or for engaging in policy violations. Refusal to cooperate with, or to successfully complete, a LAFCO-approved substance-abuse treatment program may constitute grounds for termination of employment.

If you have any questions about the LAFCO's employee assistance resources, or if you wish assistance with drug and/or alcohol issues, please contact the Executive Office. Your decision to seek assistance will be treated as confidential and communicated only to those individuals within LAFCO management with a need to know.

### **LAFCO REFERRAL**

Employees who test positive for illegal drug use or controlled substance abuse and who request counseling or treatment may be granted one opportunity for this purpose. If the LAFCO Executive Officer permits employee treatment and counseling as an alternative to, or modification of disciplinary action for violation of this policy, the LAFCO Executive Officer may require, at a minimum, that the employee immediately cease any

illegal drug use and controlled substance abuse. It will be required of the employee to successfully complete the treatment program and be subjected to periodic random testing for a 12-month period following enrollment in a treatment program. Should the employee test positive during these periodic random testing, and/or fail to comply with all the conditions of the treatment or counseling program, the employee shall be terminated immediately.

## **FITNESS FOR DUTY MEDICAL EXAMINATION**

Employees must be physically and mentally able to perform their job duties in a safe and secure manner. Employees who are not able to do so may present a safety hazard to themselves or to others in the workplace.

To ensure that employees are able to safely perform the essential duties of their job, the LAFCO Executive Officer may require employees to undergo a fitness for duty examination, including a physical examination or a psychological examination by a LAFCO-designated physician or health-care provider, when the ability of the employee to perform the work of his or her position or the safety of the employee or others is an issue.

## **GROUNDINGS FOR A FITNESS FOR DUTY EXAMINATION**

Examinations conducted under this policy must be job-related and consistent with business necessity. A fitness for duty examination must be based on a reasonable belief, based on objective evidence, that:

1. An employee's ability to perform essential job functions may be impaired by a medical condition; or
2. An employee poses a direct threat of harm to self or others because of a medical condition.

The decision about whether a fitness for duty examination is required will be made by the employee's supervisor and the Executive Officer. When an employee is directed to undergo a fitness for duty examination, the examination will be conducted in accordance with LAFCO procedures for these examinations.

## **FITNESS FOR DUTY PROCEDURES**

If a fitness for duty examination is required, the employee is expected to keep scheduled appointments and cooperate with the examination process.

Procedures for fitness for duty examinations include:

1. The LAFCO will pay the cost of the examination and will reimburse associated travel cost at the normal rate.
2. If the employee's impairment precludes independent travel to the examination site, the LAFCO will provide appropriate transportation to the examination location.

3. Time taken for a fitness for duty examination will be considered paid time.
4. If it is determined that the employee should remain off work between the time of the examination and the LAFCO's receipt of the examination report, the employee will be placed on paid administrative leave for that period.

## **RESULTS OF FITNESS FOR DUTY EXAMINATION**

The health-care provider's report of the fitness for duty examination will be limited to a determination of whether the employee is mentally or physically fit to perform the duties of his or her job. The report will be submitted to the Executive Officer as a confidential personnel record. A copy of the fitness for duty examination report will be provided to the employee. If the employee disputes any portion of the report, he or she will have 10 business days from the receipt of the report to submit written documentation (e.g., other medical evaluations) to the Executive Officer for consideration.

After considering the conclusions of the fitness for duty examination report and any additional information submitted by the employee or his or her physician, or other healthcare provider, the LAFCO may determine that it is appropriate to consider reassignment or separation of the employee. A decision to reassign or separate the employee may be made only after engaging in an interactive process to explore effective reasonable accommodations, if any.

## **POLICY VIOLATIONS:**

### **CORRECTIVE ACTION PROCEDURES**

- a. Violation of LAFCO's policy may result in severe disciplinary action, up to and including termination.
- b. In addition to any disciplinary action, LAFCO Executive Officer may, in its sole discretion, give the employee an opportunity to be referred to a treatment or counseling program for illegal drug use or controlled substance abuse. Employees referred to such a program by the LAFCO must immediately cease any illegal drug or controlled substance abuse, must consent to periodic random testing for a period of 12 months, and must comply with all conditions of the treatment or counseling program and disciplinary action.
- c. The LAFCO Executive Officer may promptly terminate any employee who tests positive for illegal drug or controlled substances, unless the employee establishes a legal basis for the illegal drug or controlled substances.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.7</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>WORKPLACE SECURITY</b>		

## **POLICY**

The LAFCO is committed to providing a workplace free from acts of threats of violence. Workplace safety is the responsibility of every employee. In keeping with this commitment, the LAFCO has established the following policy that provides zero tolerance for actual or threatened violence against LAFCO employees, visitors, or any other persons who are either on our premises or who have contact with LAFCO employees in the course of their duties. It is essential that every employee understand the importance of his or her role in ensuring workplace safety and security.

## **WORKPLACE VIOLENCE DEFINED**

Workplace violence may include, but is not limited to:

- Aggressive physical contact with an individual, either with an object or a person's body
- Making a verbal threat to harm another individual or destroy property
- Making menacing gestures
- Displaying or expressing an intense or obsessive interest (such as a grudge or a romantic interest) in another individual or co-worker that appears to exceed a normal interpersonal interest
- Attempting to intimidate or harass others
- Engaging in behavior which may pose a danger to self or to others, or possessing or displaying weapons on LAFCO premises.

## REPORTING UNSAFE CONDITIONS AND SECURITY RISKS

1. Any employee who observes or becomes aware of any non-imminent security risks or threats must report such threats immediately to their immediate supervisor or other appropriate departmental authority.
2. In situations where an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, the employee should seek emergency assistance immediately. The employee should immediately contact the LAFCO Executive Officer at (760) 353-4115, or alternate emergency contact number as provided by the LAFCO Executive Officer, or the nearest Security Police Officer, and, if appropriate, contact emergency assistance by dialing 911.

## INVESTIGATION

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In situations or incidents involving alleged or suspected criminal actions, the proper law enforcement authority may be notified to take charge of the initial investigation.

In all other cases, the Executive Officer shall be responsible for conducting an initial investigation of an employee complaint to discern appropriate preventative or mitigating actions. When investigating a complaint of an incident, which has already occurred, the Executive Officer may employ any of the following methods as applicable.

- a. Review of previous incidents.
- b. Visit the scene of an incident as soon as possible.
- c. Interview threatened or injured workers or witnesses.
- d. Examine the workplace for security risk factors, not previously identified, associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- e. Determine the cause of the incident.
- f. Take corrective action to prevent the incident from recurring.
- g. Record the findings and corrective action taken.

Full cooperation by all employees is necessary to accomplish the LAFCO's goal of maximizing the security and safety of the employees and LAFCO visitors. Any questions about the policy should be directed to the Executive Officer. Employees will not be retaliated against in any way for asking questions about, or reporting violations of this policy.

## CORRECTIVE ACTION AND DISCIPLINE

If the LAFCO Executive Officer determines that conduct in violation of this policy has occurred, the LAFCO shall take appropriate corrective action and shall impose discipline, up to and including termination, on the offending employee(s). If the threatening or violent behavior is that of a non-employee, the LAFCO Executive Officer shall take appropriate corrective action in an attempt to ensure that such behavior is not repeated. Employees who violate any of the terms of this policy, or who threaten, engage in, or contribute to violent behavior, will be subject to disciplinary action, up to and possibly including immediate termination.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.8</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>WORKPLACE SAFETY</b>		

It is the objective of the LAFCO to ensure a safe and healthful workplace for its employees and visitors. In keeping with this goal, the LAFCO will:

- a. Periodically provide employees with information relating to occupational safety and health. This information may be contained in posted notices, memos, policy statements, e-mail, or safety guidelines. Safety issues may also be discussed at staff meetings and training programs.
- b. Require employees to report immediately to their supervisor or the program administrator any hazardous or unsafe condition at the workplace. Furthermore, employees are encouraged to direct any questions or concerns regarding safety issues to the LAFCO Executive Officer.
- c. Perform workplace inspections – One of the methods the LAFCO has adopted to assist in identifying workplace safety hazards and unsafe work conditions is periodic inspections. Inspections may occur (a) upon introduction to the workplace of new substances, procedures, or equipment that potentially represent safety hazards; (b) when previously unidentified hazards are recognized; (c) following a workplace accident; or (d) when otherwise deemed appropriate.
- d. Investigate workplace injuries or illness – LAFCO will investigate occupational injuries and illnesses as appropriate. Such investigation may include an inspection of the location where the accident occurred and interviews with affected workers or witnesses. Either the program administrator, or another individual designated by the program administrator, will investigate, determine the cause of the problem, and identify corrective action to prevent future such occurrences.
- e. Remediate unsafe conditions – Where LAFCO finds that an unsafe workplace condition or practice exists, the LAFCO will take appropriate corrective action in a timely manner to correct the problem, taking into account the severity of the hazard, among other relevant factors.

When an imminent hazard exists that cannot be corrected immediately without endangering employees or property, the LAFCO will remove all exposed workers from the area, except any whom may be necessary to correct the problem. Any such workers will be provided with appropriate safety equipment.

- f. Provide training and instruction – From time to time, all LAFCO employees will receive training and instruction in conjunction with the IIPP on general and job-specific safety and health practices. Training may occur (1) for new employees, or employees given new assignments; (2) upon introduction to the workplace of new substances, procedures, or equipment that potentially represent safety hazards; (3) when previously unidentified hazards are recognized, (4) for all employees and their supervisors regarding job or site-specific hazards and safety practices; or (5) when otherwise deemed appropriate.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.9</b>	<b>Date Adopted:</b>	<b>October 24, 2013</b>
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>PERSONAL BELONGINGS</b>		

The objective of the LAFCO is to ensure a safe and secure work environment for all employees. Employees should keep personal belongings, including wallets and purses, in a desk drawer or other concealed location during working hours and take personal belongings when leaving at the end of the workday. The LAFCO is not responsible for the loss or theft of any personal items brought to, or left in, the workplace, including such things as plants, clothing, wall art, furniture, and food or drink.

An employee’s work area and personal items may be subject to inspection and search, with or without notice and with or without the employee’s prior consent. If a search is necessary, another LAFCO employee will be present during the search.

Separated employees should remove any personal items at the time they leave the LAFCO. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee’s termination.

Any employee who experiences theft of a personal belonging should notify Executive Officer immediately.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>3.10</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO POLICIES</b>		
<b>Subsection:</b>	<b>WAGE GARNISHMENTS</b>		

The LAFCO is required by law to recognize certain LAFCO orders, liens and wage assignments. Upon receipt of federal or state levy or LAFCO order directing the garnishment of wages, the LAFCO Executive Officer and/or the Accounting Manager will notify the employee of the withholding order and the maximum amount will be withheld from the employee's paycheck.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>4.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO STANDARDS OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>CONFLICT OF INTEREST</b>		

No employee shall engage in any activity that is inconsistent, incompatible, in conflict with or adverse to his or her duties as an employee of the LAFCO or with the duties, functions, or responsibilities of the LAFCO. All employees shall devote all of their time and efforts during their assigned work hours to their assigned duties. No employees shall engage in any activity that would impair the employee’s independent judgment in the performance of his or her duties, or which would have the appearance of so doing.

**PERSONAL INTEREST IN A LAFCO CASE**

- a. Employees shall not process, handle, or in any manner be involved with any case/project filed in the LAFCO in which the employee is a party, a witness, or has any financial interest in the outcome.
- b. Employees shall not process, handle, or in any manner be involved with any case/project filed in the LAFCO in which there is a real or perceived conflict of interest due to a personal, professional, or legal relationship with one or more of the parties or witnesses involved. When faced with such a situation, the employee must notify their supervisor immediately who will determine whether a substitute is necessary.
- c. If an employee is a party to a case/project filed in the LAFCO, the employee shall not use his or her work time to address any matter relating to that case. If time off is needed to attend to the employee’s LAFCO case/project (for example to make an appearance or to pay a fine), the employee must use the LAFCO’s usual time-off procedures.
- d. If an employee is a party to or witness in a case/project filed in the LAFCO, the employee must report this to his or her supervisor.

## **OUTSIDE EMPLOYMENT**

Prior to accepting any outside employment, the employee must notify his or her supervisor who will notify the LAFCO Executive Officer. The employee shall obtain approval by completing a “Request to Engage in Outside Employment” letter. Outside employment cannot be incompatible with the employee’s duties and/or responsibilities for the LAFCO and may not fall within any of the conflict-of-interest categories described in Government Code section 1126(b). An employee’s work for the LAFCO must not be adversely affected by any outside employment.

## **EMPLOYMENT OF RELATIVES**

The employment of a member of any employee’s immediate family within the LAFCO shall only be permitted when it creates no business concerns over supervision, safety, security, or morale. If such a concern exists, the LAFCO Executive Officer may refuse to place family members 1) under direct supervision of one another or 2) in the same department. An employee’s immediate family shall be considered as spouse, domestic partner, child, mother, father, grandparent, or grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law or a corresponding step relationship.

## **RELATIONSHIPS**

In the event that two current employees of the LAFCO marry or otherwise become subject to the restrictions of this policy after they are hired, and the LAFCO determines that a potential for adverse impact or conflict of interest as described above exists as a result of that relationship, the LAFCO will attempt to minimize the potential issues of supervision, safety, security, morale, or conflict of interest through reassignment of duties, relocation, and/or transfer. If these problems cannot be minimized to the satisfaction of the LAFCO, then the employees will be notified that one of them must separate from employment with the LAFCO. The choice of who will separate from the LAFCO’s employment will be the employee’s decision. In the event that the employees are unable to make this decision within 30 days of such notification by the LAFCO Executive Officer, then the most recent employee hired will be terminated.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>4.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO STANDARDS OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>PERSONAL CONDUCT</b>		

All LAFCO employees are expected to observe and demonstrate the highest standards of courtesy, professionalism, and ethical behavior.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>4.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO STANDARDS OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>CODE OF ETHICS FOR LAFCO EMPLOYEES</b>		

A fair and independent LAFCO system is essential to the administration of its function. Exemplary conduct by LAFCO employees inspires public confidence and trust in the LAFCOs, and conveys the values of impartiality, equity, and fairness that bring integrity to the LAFCO's work. Further, LAFCO employees are expected to adhere to a high standard of ethical behavior.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>4.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO STANDARDS OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>PROFESSIONAL APPEARANCE</b>		

## **POLICY**

As an employee of the LAFCO, you must act and dress professionally. When we take pride in our appearance we project a professional image to the public. This enhances the reputation of the LAFCO and the service we provide.

## **GUIDELINES**

The following general guidelines will apply at all times:

- a. Employees should be neat, well-groomed and adhere to acceptable standards of personal hygiene including neatly groomed finger nails and toe nails;
- b. Dress and grooming will at all times be modest, professional, non-provocative and appropriate enough so as not to be deemed provocative or offend clients or co-workers and so as to not impede the employee's ability to perform their duties;
- c. Dress should be appropriate to the job and may vary given an employee's responsibilities;
- d. Clothing and/or shoes worn should not impair the safety of employees;
- e. Work clothes should not be restrictive but should allow the employee to perform all tasks within his/her job specification; and
- f. Apparel should be clean and in good repair.

## **FOOTWEAR**

Footwear should be selected for safety and comfort and should be secured to your foot so as not to impede an employee's ability to perform their job duties. It is important that shoes be consistent with the professional appearance of the LAFCO. Thongs, slippers, flip flops of any material, tennis/athletic shoes, and casual sandals (without heel straps) are not acceptable.

## **EXCEPTIONS**

### **WORK EXCEPTIONS**

Due to the nature of certain work assignments, appropriate clothing may require more relaxed attire such as jeans, polo shirts, or tennis shoes. An example of such tasks might be: work in storage areas or purging of files or moving days.

### **MEDICAL EXCEPTIONS**

Persons who must wear special shoes or other clothing for medical reasons will be excused from the apparel guidelines for that time if they provide their supervisor/manager with a medical note which sets forth the requirement and the duration of the medical condition.

## **COMPLIANCE**

When an employee reports to work not dressed in accordance with LAFCO policy, he/she will be notified and counseled by the supervisor/manager. At the direction of the supervisor/manager, an employee may be sent home to change into appropriate attire. The time taken by the employee shall not be compensated from the time he/she leaves work until he/she returns to work.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>4.5</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>LAFCO STANDARDS OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>USE OF LAFCO RESOURCES</b>		

## **PURPOSE**

The LAFCO’s technical resources – including computer systems, Internet access, voicemail, electronic mail (email), World Wide Web access, and electronic bulletin boards – enable employees quickly and efficiently to access and exchange information throughout the LAFCO and around the world. When used properly, these resources greatly enhance employee productivity and knowledge. Because these technologies are both new and rapidly changing, it is important that you understand how they fit within the LAFCO and your responsibilities as an employee.

## **APPLICATION**

This policy applies to all technical resources – including desktop and portable computers, telephones (including LAFCO-provided cellular phones), facsimiles, copiers and other technical devices – that are owned or leased by the LAFCO, that are used on or accessed from LAFCO premises, or that are used for LAFCO business. This policy also applies to all activities using any LAFCO-paid accounts, subscriptions, or other technical services, such as voicemail, email, and Internet and World Wide Web access, whether or not the activities are conducted from LAFCO premises.

## **POLICY**

As you use the LAFCO’s technical resources, be mindful of the nature of the information created and stored there. Because media like email seems so informal, email messages are often casual - like a conversation and not as carefully thought out as a formal letter or memorandum. However, like any other document, an email message or other computer information can later be used to indicate what an employee knew or felt. You should keep this in mind when creating email messages and other documents. Even after you delete an email message or close a computer session, the email message may still be recoverable or may even remain on the system.

## 1. Acceptable Uses:

- a. The LAFCO's technical resources are provided for the benefit of the LAFCO and its customers, vendors, and suppliers. These resources are provided for use in the pursuit of LAFCO business and are to be monitored and used only in that pursuit except as otherwise provided in this policy.
- b. Employees may post notices on LAFCO's electronic bulletin boards and intranet provided they obtain advance written approval from the Information Technology Manager. Employees may be permitted to use the LAFCO's equipment for occasional non-work purposes with permission from the LAFCO Executive Officer or designee (only during employee's non-work time not resulting in a substantial exposure of LAFCO resources and or activities that are not compatible with the work of the LAFCO or in violation of any LAFCO policy or code of ethics). Nevertheless, employees have no right to privacy as to any information or file maintained in or on LAFCO property or transmitted or stored through the LAFCO's computer systems, voicemail, email or other technical resources. All bills and other documentation related to the use of LAFCO equipment or property are the property of the LAFCO and may be reviewed and used for purposes that the LAFCO considers appropriate.

## 2. Unacceptable Uses:

- a. The LAFCO's technical resources should not be used for personal gain or the advancement of personal views. Employees who wish to express personal opinions on the Internet are encouraged to obtain a personal account with a commercial Internet service provider and to access the Internet without using LAFCO resources. Solicitation for any non-LAFCO business or activities using non-public LAFCO resources is strictly prohibited. Your use of LAFCO's technical resources must not interfere with your productivity, the productivity of any other employee, or the operation of LAFCO's technical resources. Employees may not play computer games or access inappropriate web sites on the LAFCO's technical resources.
- b. No email or other electronic communications may be sent that attempt to hide the identity of the sender, or represent the sender as someone else or from another organization. You should never access any technical resources using another employee's password. Similarly, you should only access the libraries, files, data, programs, and directories that are related to your work assignment. Unauthorized review, duplication, dissemination, removal, installation, damage, or alternation of files, passwords, computer systems or programs, or other property of the LAFCO, or improper use of information obtained by unauthorized means, is prohibited.

- c. Sending, saving, or viewing offensive material is prohibited. Messages stored and/or transmitted by voicemail, email, or telephone systems must not contain content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender-specific comments or any comments, jokes or images that would offend someone on the basis of his or her age, disability, gender, race, religion, national origin, physical attributes, sexual preference or any other classification protected by federal, state or local law. Any use of the Internet, World Wide Web, and/or LAFCO's intranet or electronic bulletin board for unlawful harassment or discrimination is strictly prohibited by the LAFCO. Violators will be subject to discipline, up to and including discharge.

### **3. Access to Information**

Employees must keep in mind that when using the LAFCO's technical resources, the employee is using a LAFCO asset. Employees should have no expectation of privacy in their work-related conduct or use of LAFCO-provided equipment or supplies. Employee usage of all LAFCO-provided equipment and systems is subject to monitoring based on the discretion of the LAFCO.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	4.6	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	LAFCO STANDARDS OF EMPLOYMENT		
<b>Subsection:</b>	SOLICITATION & GRATITUDES		

## GRATUITIES

In order to maintain the highest standard of integrity, employees are not permitted to accept gratuities or gifts of any kind at the LAFCO from any individuals or groups that may create the appearance of a conflict of interest.

## LAFCO EMPLOYEES

The LAFCO prohibits solicitations and the distribution of literature not related to the operations of the LAFCO on LAFCO facilities.

LAFCO employees shall not solicit or accept any gift from anyone, particularly if the person providing the gift does business with the LAFCO or is reasonably likely to do business with the LAFCO in the future.

The LAFCO does not discourage employees from voluntarily participating in certain fund raising activities that are related to LAFCO goals and objectives under appropriate and pre-approved circumstances.

Employees shall not use the LAFCO's telephones, e-mail, voice mail, computers, copy machines, bulletin boards, and/or other related equipment to solicit or distribute literature under this policy. Employees of the LAFCO shall not distribute non-LAFCO related literature during work time for any purpose. For the purpose of this policy, work time includes both the employee doing the soliciting/distributing and the employee to whom the soliciting/distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.

## **NON-LAFCO EMPLOYEES**

Individuals who are not employed by the LAFCO shall not solicit or distribute literature in or on LAFCO facilities/properties at any time for any purpose unless permitted by the LAFCO Executive Officer.

Any LAFCO employee who witnesses or has knowledge of solicitation or distribution of literature on the LAFCO premises shall be required to report this fact to his/her supervisor. LAFCO supervisors shall immediately inform the LAFCO Executive Officer of such information.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>5.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>CLASSIFICATION &amp; COMPENSATION</b>		
<b>Subsection:</b>	<b>JOB CLASSIFICATIONS &amp; TITLES</b>		

## **CLASSIFICATION OF POSITIONS**

Classification of LAFCO positions shall be approved by the LAFCO. Positions shall be allocated to the appropriate class in accordance with common duties, levels of responsibility, and required knowledge, skills, and abilities. Positions shall be allocated to the same class when their duties are sufficiently similar that:

- a. The same descriptive title may be used to designate each position in the class;
- b. The same level of education, experience, knowledge, ability and other qualification may be required of incumbents;
- c. Incumbents may be selected using the same or similar selection tests and criteria;
- d. The same schedule of compensation will apply equitably under substantially the same employment conditions. Position titles approved by the LAFCO Executive Officer shall be used in all official records relating to personnel transactions. This does not preclude the use of working titles for other purposes.

The LAFCO Executive Officer is authorized to hire in a class that is the same pay level or lower than the class allocated. The LAFCO Executive Officer or designee may also authorize a lower level trainee class and lower level salary for the trainee class in lieu of an allocated class.

## **REVIEW OF POSITION CLASSIFICATIONS**

The Executive Officer may review the duties and responsibilities of a position and/or its title and relationship to other classes and/or titles in the following circumstances:

- a. Whenever the position becomes vacant and prior to the selection process.



- b. When an employee requests reclassification of his or her position by submitting such request in writing and if the position has not been reviewed within 24 months of the request.
- c. With the approval of the LAFCO Executive Officer due to significant changes in the scope, nature, and/or level of the duties of the position.
- d. During periodic position classification reviews scheduled to ensure each position is reviewed on a regular basis.
- e. The Executive Officer may re-classify a person to a different classification if after evaluation, the Executive Officer determines the person's duties or scope of work more nearly reflect the proposed or alternate position.

## **REMOVING AND CREATING POSITIONS**

Existing positions may be removed from and new positions added to the LAFCO, subject to the approval of the LAFCO. All newly created positions are subject to the LAFCO's funding process.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>5.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>CLASSIFICATION &amp; COMPENSATION</b>		
<b>Subsection:</b>	<b>SALARY &amp; SALARY SETTING PROCEDURES</b>		

## DEFINITIONS

**Grade Reduction** – is when an employee moves to a position with a lower salary range maximum.

**Promotion** – is when an employee moves from one classification to another classification with a higher salary range without a break in service.

**Reclassification** – is when an employee’s position is removed from one classification and placed in another classification with a different descriptive title.

**Salary Anniversary Date** – is the effective date of an employee’s hire, or if applicable, his or her promotion or demotion. The anniversary date may also be affected by an employee’s leave of absence or reclassification.

**Transfer** – is when an employee moves to a position in the same classification or to another classification having the same salary range.

**Salary Setting** – The compensation of LAFCO shall be paid at the rates and in the ranges and steps, as established by the LAFCO.

**Salary Ranges** – There shall be a salary range for each job classification generally consisting of multiple steps as established by the LAFCO.

**Salary for New Hires** – New hires or temporary appointments shall be placed on the first step of the salary range for the position/classification for which hired. The LAFCO Executive Officer may approve a higher salary under the following circumstances:

**1. Recruitment Difficulty**

Recruitment does not provide an adequate number of applicants due to a shortage in the labor market, the particular education or experience requirements of the position, or candidate's current salary exceeds or is comparable to the first step of the salary range.

**2. Qualifications in Excess of Minimum Employment Standards**

The candidate possesses qualifications in excess of those required that enable him or her to be productive immediately and minimizes the need for on-the-job training. Placements above the entry level should not be based solely on an applicant possessing the education and experience in excess of the required standards unless difficulty in recruitment is involved. Generally, placement above the entry step will be for positions, which require professional or specialized training or expertise.

**3. Special Skills or Expertise**

May apply to specific positions that require specialized skills or expertise, which differ from other positions within the same classification, especially when these skills are not readily available in the labor market.

**ADVANCEMENT WITHIN SALARY RANGE**

Salary increases (i.e., advancement to higher steps within the salary range) will be granted to regular employees on the basis of individual performance. Generally, employees will progress to the second step upon completion of twelve months of employment in which the employee has demonstrated at least satisfactory performance as evidenced by a meets job standards or higher overall employee performance rating as recommended by the employee's supervisor. Subsequent increases would be at one-year intervals (on the employee's anniversary date) and dependent on demonstrated satisfactory performance until the employee reaches the top step of the assigned salary range. Regular part-time employees serving in budgeted positions are eligible to receive step increases at the same time intervals as regular employees. Such step increases are on a pro-rata basis to full-time employees. Salary increases may change as a result of a leave of absence.

**INCREASES NOT GRANTED**

When a salary increase is not granted, the employee may be considered again in 3 months for an increase. If an increase were granted at the 3-month review, the next performance review would be scheduled for 12 months later.

## **SALARY ADJUSTMENTS UPON PROMOTION TO A HIGHER CLASS**

An employee promotion to a position/classification in a class with a higher salary range shall be placed at the step within the salary range for the higher class which will provide an increase above his/her salary step for his/her old class of a minimum five percent (5%). An employee who is appointed to a higher class shall have a new salary anniversary date that is the effective date of his or her appointment to a higher class.

## **SALARY ADJUSTMENT UPON TRANSFER**

An employee transferred from one position to another in the same job class or a job class in the same salary range shall be compensated at the same step in the salary range as he or she previously received. A transfer will not affect the employee's salary anniversary date.

## **SALARY UPON A RECLASSIFICATION**

1. If the new class is in the same salary range (lateral reclassification), the salary and salary anniversary date will not be affected.
2. If the new class is in a higher salary range, the employee shall be placed at the step that provides the same salary closest to what he or she received in the lower salary range. The new salary will be effective as of the first pay period following the date upon which the reclassification is effective, and the employee's anniversary date will be the effective date of the reclassification.
3. If the new classification is in a lower salary range, the employee's salary will not be affected unless the salary is greater than the maximum of the range of the position to which he or she has been reclassified. In such a case, the employee's salary will be reduced to the maximum of the range of the new classification for which he or she is eligible, as of the first pay period following the date upon which the reclassification is effective. In such case, the employee's salary anniversary date will not be affected.

## **SALARY UPON DEMOTION**

1. Upon demotion to a position in a class having a lower salary range than the class of position from which demoted, the employee shall have his or her salary reduced to any step in the new salary range. The employee's salary anniversary date will be the effective date of the demotion.
2. When an employee accepts a demotion to a vacant lower class in a different series in lieu of layoff and the employee does not have prior seniority status in the lower class, the salary will be set as follows:
  - a. If the employee's salary exceeds the salary range of the new classification, the pay will be set at the top step of the new pay range. The employee's salary anniversary will not be affected.

- b. If the employee's salary falls within the salary range of the new classification, the employee's salary will remain the same and the employee's salary anniversary date will not be affected. If the salary does not correspond to an established step in the new range, the salary may be adjusted to the next step in the new range at a subsequent salary anniversary date. The salary anniversary date remains the same.

## CHANGE IN SALARY ALLOCATION

The salary of an employee in a class, which is reallocated to a new salary range, shall be determined as follows:

1. The employee in the class may be compensated at the same step in the new salary range as the range in which he or she was previously allocated to with no change in anniversary date.
2. All changes in salary allocation shall be effective as of the first pay period following the date upon which the salary reallocation was effective.

## SALARY CONVERSION PROCESS

When salary determinations involve multiple factors, the following sequence of steps will be used in converting salaries:

1. Anniversary date increase
2. Promotions or reclassification
3. Salary adjustments as a result of a salary survey

## CURRENT SALARY RANGES

The table below identifies the current salary ranges for LAFCO staff. The positions were adopted by the Commission on June 26, 2008 and August 26, 2010. Compensation for the Commission's Executive Officer is set by the Commission during an annual performance review procedure and is not included in the salary range table.

<i>POSITION</i>	<i>POSITION ADOPTION DATE</i>	<i>MINIMUM (per hour)</i>	<i>MAXIMUM (per hour)</i>
<b>Executive Officer</b>	<i>As Determined by the Commission</i>		
<b>Accountant/Analyst</b>	08/26/2010	\$34.47 p/h	\$43.99 p/h
<b>Clerk</b>	08/26/2010	\$15.89 p/h	\$20.28 p/h
<b>Analyst</b>	06/28/2008	\$23.78 p/h	\$30.35 p/h

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>5.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>CLASSIFICATION &amp; COMPENSATION</b>		
<b>Subsection:</b>	<b>OVERTIME</b>		

## **PURPOSE**

To assist in budget control and set guidelines for overtime requests.

## **POLICY**

Overtime will be authorized by the LAFCO Executive Officer only when the required work cannot be performed during an employee’s standard work schedule and, if not performed, would disrupt necessary service to the public or LAFCO. This policy is expressly intended to be in conformance with the Fair Labor Standards Act (FLSA)

## **APPROVAL PROCESS**

There are two reasons for overtime that administration will consider;

1. Requests for overtime must be approved in advance by the supervisor and the appropriate division manager when an employee needs to work beyond their standard workday or workweek. An employee must submit the Overtime Request form to their immediate supervisor indicating the reason for the overtime, the work to be completed, the estimated number of hours needed to complete the task, and the names of any other staff who will be working on the project. The supervisor will either approve or not approve the overtime and forward the “Overtime Request” form to the employee’s division manager. The request must be approved before any overtime is worked. In general, approval of overtime is at the sole discretion of the employee’s division manager.
2. Prior approval does not have to be obtained when unplanned extensions of LAFCO sessions require support staff to exceed the standard workday; however, the employee’s direct supervisor must be notified at the time the overtime is being worked. The employee’s division manager should also be notified via email or telephone prior to 5:00 p.m. or as soon as possible. A message should be left detailing the reason and the estimated length of overtime needed.

## **OVERTIME DEFINITION**

Overtime is defined as any hours worked in excess of forty (40) hours in the workweek. The workweek for LAFCO employees shall be seven consecutive days from (12:00 a.m.) Friday through (11:59 p.m.) Thursday. Standard work schedules for LAFCO employees are from 8:00am to 5:00 pm with one unpaid hour for lunch. Only hours actually worked are counted for overtime purpose.

Thus, holidays, vacations, sick leave, administrative leave, or any other form of paid time off are not counted as hours worked.

## **OVERTIME PAYMENT**

Overtime compensation shall be made in accordance with the applicable law.

## **OFF THE CLOCK**

That is when an employee's actual hours worked are greater than the hours he or she reflects on his or her timesheet. An employee working off the clock is strictly prohibited and may be subject to disciplinary action up to and including termination

## **9/80 SCHEDULE**

At the option of the Executive Officer, LAFCO may allow for a 9/80 work schedule.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>5.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>CLASSIFICATION &amp; COMPENSATION</b>		
<b>Subsection:</b>	<b>PAYROLL &amp; TIMEKEEPING (NON-EXEMPT EMPLOYEES)</b>		

## **NON-EXEMPT EMPLOYEE**

A “non-exempt” employee means an employee who is not exempt from the overtime provisions of the Fair Labor Standards Act.

## **TIMEKEEPING POLICY**

Timecards or other approved time keeping system must accurately reflect the employee’s actual hours worked and time off from work. Timecards must be completed and submitted to the supervisor for processing every other Tuesday. To ensure proper payment, timecards must be legible, correct, and complete and must be signed both by the employee and the Executive Officer. Staff responsibilities are identified below:

### **1. Employee Input**

Employees are responsible for accurate completion of their timecard and timely submission to their supervisor for review and approval.

#### **a. Input**

Employee input includes entering the number of hours worked or time off from work (including the type of hours).

#### **b. Submittal**

Timecards must be signed and submitted to the Executive Officer for review and approval on Tuesday morning (Tuesday that falls on the week of the end of the pay period). Timecards must accurately reflect hours worked and time off used and hours must be forecasted for Wednesday and Thursday. If the employee is absent on any projected dates, the employee must coordinate with his or her supervisor so that his or her timecard is adjusted, submitted and time is recorded accurately.



c. Supporting Documentation

The Executive Officer may request an employee to furnish a certificate verifying the employee's absence from work. This supporting documentation should be attached to the employee's timecard.

**2. Supervisory Review and Approval**

- a. The Executive Officer is responsible for maintaining accurate records of hours worked by their subordinates to ensure that their subordinates are being paid for all hours actually worked.
- b. In the event that an employee is ill or on vacation on the date that timesheets are due, the Executive Officer must record the hours on the employee's timecard. Upon return, the employee must verify the information was recorded correctly.

**GUIDELINES**

- 1. Employees are entitled to two (2) paid breaks during each workday, and one (60) minute unpaid lunch break. Such breaks do not need to be reflected on the employee's timecard.
- 2. Employees shall maintain an accurate record of hours worked and are required to record any hours that they were absent during their work hours for non-work related reasons or any additional hours that they worked beyond their normal work schedule. For example, if an employee works approved overtime, or if the employee works through lunch or takes a longer lunch period than usual, those variances must be recorded
- 3. If for any reason an employee discovers an error on his or her timecard, the employee should report the error to his/her supervisor immediately so that the error can be corrected.

**PAYROLL POLICY**

**Pay Periods** – The LAFCO structures the calendar year into 26 two-week pay periods, running seven consecutive days from Friday through the second following Thursday.

**Payday** – Employee paychecks are issued on Fridays on a biweekly basis. When a payday falls on a holiday, paychecks typically will be available on the last workday preceding the holiday.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	5.5	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>CLASSIFICATION &amp; COMPENSATION</b>		
<b>Subsection:</b>	<b>PAYROLL &amp; TIMEKEEPING (EXEMPT EMPLOYEES)</b>		

This policy applies to all classifications that are exempt from the overtime provisions under the Fair Labor Standards Act.

## **POLICY**

LAFCO employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are salaried employees. Their compensation is based on the premise that they are expected to work as many hours as is necessary to provide the public services for which they were hired. They are generally expected to be at work during regular business hours (e.g., 8:00 a.m. to 5:00 p.m.) and are responsible for meeting the objectives of their positions.

## **WORKWEEK**

The minimum workweek standard guideline for full-time exempt employees is forty (40) hours per week. All exempt employees are expected to work as many hours within reason as is necessary to accomplish their assignments or fulfill their responsibilities.

## **TIMEKEEPING**

FLSA-exempt employees who are absent for part of a workday (less than four (4) hours for full-time employees) will not be required to charge such absences against any accrued leave balances, nor will the employee's pay be adjusted to reflect such absences. FLSA-exempt employees must still notify and obtain approval from their supervisors when they will be absent from work, irrespective of whether the absence is for a partial or full workday.

Timesheets are required to be signed off at and submitted to payroll every other Tuesday (Tuesday that immediately precedes the end of the pay period). The employee must estimate any anticipated time off on Wednesday and Thursday and must coordinate with his or her supervisor if the timecard needs to be modified to accurately reflect his or her absence from work. The FLSA-exempt employee's signature on the timecard serves as the employee's verification that he or she has reviewed his or her timecard and is certifying that the timecard accurately reflects any leave time used or not used, consistent with this policy.

Deductions will not be made for absences caused by jury duty, attendance as a witness, or temporary military leave. The LAFCO may, however, offset any amounts received by an FLSA-exempt employee as jury or witness fees or military pay for a particular work week against the salary due for that particular work week. The employee is required to report such earnings to the Executive Officer.

## **PAYROLL POLICY**

**Pay Periods** – The LAFCO structures the calendar year into 26 two-week pay periods, running seven consecutive days from Friday through the second following Thursday.

**Payday** – Employee paychecks are issued on Fridays on a biweekly basis. When a payday falls on a holiday, paychecks typically will be available on the last workday preceding the holiday.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>6.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>DISCIPLINE</b>		
<b>Subsection:</b>	<b>DISCIPLINE &amp; DISCHARGE</b>		

***EXCLUSIONS** – This policy applies to all “LAFCO Employees” (as previously defined), except Probationary and Temporary employees.*

## **DISCIPLINE AND DISCHARGE STANDARDS**

### **1. Progressive Discipline Procedure**

Disciplinary actions will be taken for various reasons, including, but not limited to, violations of LAFCO policies and rules and unsatisfactory job performance. When appropriate, the LAFCO Executive Officer shall take disciplinary action pursuant to a progressive discipline procedure. Progressive discipline will normally include one or more warnings (oral and/or written) and/or a suspension before a termination is imposed. However, deviations from this procedure may occur whenever the LAFCO Executive Officer determines that circumstances warrant that one or more steps in the progressive discipline procedure be skipped. Accordingly, circumstances may warrant an immediate suspension, pay reduction or termination.

### **2. Discipline for Cause**

Discipline, up to and including termination, shall be for cause. For purposes of this policy “for cause” shall be defined as “a fair and honest cause or reason, regulated by good faith on the part of the party exercising the power.” Examples of misconduct that may lead to discipline for cause include, but are not limited to, the following:

- a. Violation of the Code of Ethics for LAFCO employees of California.
- b. Falsifying or willfully making material misrepresentations or omissions on any LAFCO document or document submitted to the LAFCO, including but not limited to the employee’s application or resume, timecard, LAFCO records, expense reimbursement forms or medical forms. Misstatement of facts contained in the employee’s application/resume or otherwise during the hiring process;

- c. Unauthorized disclosure of confidential information;
- d. Insubordination;
- e. Excessive absence/tardiness or absence without leave;
- f. Discourteous or rude conduct to the public or other employees;
- g. Possessing or bringing firearms, weapons, or hazardous or dangerous devices onto LAFCO property;
- h. Being at work while under the influence of alcohol or illegal drugs, or possessing, consuming or distributing illegal drugs while on LAFCO property;
- i. Theft of LAFCO property or unauthorized possession of property that belongs to the LAFCO or another employee;
- j. Negligence or willful damage to or misuse of public property or waste of supplies or equipment;
- k. Conduct during duty hours which is of a nature that it causes discredit to the LAFCO;
- l. Neglect of duty;
- m. Unsatisfactory job performance;
- n. Violation of any lawful and reasonable regulation or order made and given by a superior;
- o. Dishonesty;
- p. Conviction of a felony during employment with the LAFCO;
- q. Harassment on the basis of any protected category;
- r. Violation of any LAFCO rule, policy or procedure; or
- s. Conduct outside of duty hours, which is of a nature that it causes discredit to the LAFCO because the conduct bears a connection or nexus to the job.

This list is not exhaustive and the inclusion of any item on this list does not limit the LAFCO's right to bypass any step of the discipline policy in an appropriate situation or circumstance.

## **TYPES OF DISCIPLINE**

Disciplinary actions may include, but are not necessarily limited to, the following:

1. Dismissal
2. Demotion
3. Suspension
4. Written Reprimand
5. Verbal Warning

## **DISCIPLINE PROCEDURE**

### **SUSPENSIONS WITHOUT PAY OF FIVE DAYS OR LESS AND LETTERS OF REPRIMAND**

1. The employee will be given a notice of the disciplinary action which shall include:
  - a. The action taken or to be taken, its effective date, and the specific grounds and particular facts upon which it has been, or will be, taken;
  - b. The materials upon which the action is based or a statement indicating where the materials upon which the action is based are available for inspection, or a combination of the two; and
  - c. A statement informing the employee of his or her right to respond either orally or in writing, to the discipline by the date specified in the notice.
2. Within ten (10) calendar days of the date an employee received the disciplinary notice, the employee has the right to:
  - a. File a written appeal to the Executive Officer on the proposed discipline; or
  - b. Meet with the Executive Officer on the date indicated in the original notice to orally appeal the proposed discipline and, where applicable, may include his or her representative at the meeting.
3. The Executive Officer shall review, in all cases, the documentation provided to the employee and the employee's response, if any, and provide a written response.
4. The LAFCO Executive Officer's decision shall consider the employee's response and all of the information upon which the charge(s) is based and then issue a determination on the notice of proposed disciplinary action. This decision is final and binding. The

Executive Officer shall then provide the employee with a final written response to the appeal.

5. In the case of a written reprimand, the employee may also, within five (5) working days of the date the employee received the disciplinary notice, submit to the Executive Officer a written response to the reprimand, which will be maintained in the employee's personnel file, along with the reprimand.
6. If an employee does not in a timely manner file an appeal as set forth herein, the right to appeal shall be considered waived.

### **SUSPENSION WITHOUT PAY OF MORE THAN FIVE DAYS, REDUCTION IN PAY, DEMOTION, OR TERMINATION**

1. The employee will be given a notice of proposed disciplinary action which shall include:
  - a. The proposed action to be taken, the date it is intended to become effective, and the specific grounds and particular facts upon which the proposed disciplinary action will be taken;
  - b. The materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge(s) is based are available for inspection, or a combination of the two; and
  - c. A statement informing the employee of his or her right to respond either orally or in writing, to the charge(s), by the date specified in the notice.
2. Within five (5) working days of the date an employee received the disciplinary notice, the employee has the right to:
  - a. File a written appeal to the Executive Officer on the proposed discipline; or
  - b. Meet with the Executive Officer on the date indicated in the original notice to orally appeal the proposed discipline and, where applicable, may include his or her representative at the meeting.
3. The Executive Officer shall review, in all cases, the documentation provided to the employee and the employee's response, if any, and provide a written response.

If the determination includes disciplinary action consisting of a suspension of more than five days, a termination, demotion/reduction in pay of more than five days or termination, the employee may appeal such determination in writing within five (5) working days of the date that the LAFCO Executive Officer issued the determination.

4. If the employee does not respond to the charge(s) or appeal the decision within the time specified in the notice of proposed disciplinary action or in the final written decision, the proposed disciplinary action will be considered conclusive and shall take effect as described in the notice of proposed disciplinary action.

5. Hearing to Review Disciplinary Decisions

- a. In the event that an employee, in a timely manner, files an appeal as described above, an process hearing before the Commission may take place.
- b. Within 10 days of the date that the employee files the notice of appeal, the LAFCO Executive Officer and the employee, or if the employee is represented, the employee's representative, shall work with the Executive Officer to schedule a hearing before the Commission or the Commission's sub-committee charged with hearing such cases.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>6.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>DISCIPLINE</b>		
<b>Subsection:</b>	<b>GRIEVANCE PROCEDURES</b>		

## **DEFINITION**

A grievance is defined as an alleged violation of a LAFCO personnel policy.

## **TIME LIMITS**

The time limits identified below may be waived or extended based on written mutual agreement.

1. An employee who fails to initiate a grievance within the time limits prescribed below shall waive forever the right to grieve the matter.
2. If an employee fails to appeal from one step of this procedure to the next within the time limits prescribed below, the grievance shall be considered resolved on the basis of the last LAFCO Executive Officer decision made, and the grievance shall not be subject to any further appeal or consideration.
3. Except under extraordinary circumstances, if the LAFCO Executive Officer fails to respond to an employee's grievance within the time limits prescribed by this procedure, the grievance should be considered denied at that step and the employee may process the grievance to the next step of the procedure.

## **PROCEDURE**

1. Discussion with Immediate Supervisor
  - a. The grievant shall first discuss the grievance informally with his or her immediate supervisor. The discussion shall be held within five (5) working days following the date of the action causing the grievance or the date the action could reasonably have been expected to be known to the grievant, but in no event longer than twenty (20) calendar days after the action.

- b. Every reasonable effort shall be made to resolve the grievance at this level. The immediate supervisor shall respond verbally to the grievant within five (5) working days following the date of the informal discussion between the grievant and the supervisor.

## 2. Formal Written Grievance

- a. In the event the employee believes the grievance has not been satisfactorily resolved, the employee shall submit the grievance in writing on the form prescribed by the LAFCO to the Executive Officer, within five (5) working days after receipt of the immediate supervisor's verbal response. The grievance shall state specifically what the problem is, the date on which the grievance occurred, reference the applicable personnel policy alleged to have been violated, a statement of the proposed remedy, the date the written grievance is being filed and the signature of the grieving employee.
- b. Within five (5) working days following the date of the LAFCO Executive Officer receipt of the written grievance, the LAFCO Executive Officer shall respond in writing to the grievant stating his/her decision, the facts on which the decision is based, and the remedy or correction, if any, to be offered.
- c. Any grievance settled at this step shall be subject to the review and confirmation by the LAFCO Executive Officer. If no settlement is reached, the grievant may initiate Step (3) of this procedure.

## 3. LAFCO Executive Officer Review

- a. The grievance may be appealed to the Commission or a sub-committee of the Commission in writing within ten (10) calendar days following the date of the decision at Step (2).
- b. The LAFCO Executive Officer shall confer with the employee and, if appropriate, prior levels of supervision involved in an attempt to affect a harmonious solution. A meeting may be held by mutual agreement of the parties. The LAFCO Executive Officer shall reply in writing within twenty (20) calendar days following his/her receipt of the written grievance unless, by mutual agreement, the time limitation is extended. The decision of the LAFCO is final and binding. The LAFCO Executive Officer will provide a copy of the final decision to the employee.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	7.1	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	EMPLOYEE BENEFITS		
<b>Subsection:</b>	ELIGIBILITY & BENEFITS		

Eligible employees of the LAFCO are provided a range of benefits. Several programs such as worker's compensation and unemployment insurance cover all employees in the manner prescribed by law.

Benefits offered to eligible LAFCO staff and their dependents are intended to promote organizational development by creating a work environment that supports the needs of working individuals. Benefits eligibility is dependent upon a variety of factors including employee classification and the number of hours an employee works. Executive Officer will identify the programs for which employees are eligible. Details of these programs can be found in the summary plan description available for most benefits.

The LAFCO Executive Officer and its designated benefits administrators have the exclusive authority and discretion to determine all issues of eligibility and all questions of interpretation and administration of each benefit plan or program and to modify or terminate each benefit plan or program, consistent with the law and applicable labor agreements.

## INSURANCE BENEFITS

Current insurance arrangements are described below. Insurance providers may be changed periodically due to considerations such as lack of access to services, fee or service changes, expiration of contracts, or other similar considerations.

- 1. Life Insurance and Accidental Death & Dismemberment (AD & D) Benefits** – All regular full-time employees, who work at least 30 hours per week, are eligible for basic life insurance and AD & D benefits. The LAFCO pays for the cost of this benefit. Additional voluntary life insurance for an employee and their dependents can be purchased by the employee at group rates through automatic payroll deductions, if available by the carrier, however no guarantee. This benefit is available to employees at one time during the year subject to the provisions of the plan.

2. **Medical Insurance** – All regular full-time employees who work at least 30 hours per work week are eligible to participate in the LAFCO’s health insurance plan. Costs paid by the LAFCO and benefits offered to employees are negotiated with the individual. Copies of the Plan Description are available through the Executive Officer.
3. **Dental/Vision Insurance** – All regular full time employees who work at least 30 hours per week are eligible to participate in the dental and vision insurance plan. The LAFCO offers dental and vision coverage through a third party. Costs paid by the LAFCO and benefits offered to employees are negotiated with the individual.
4. **Medicare Coverage** – LAFCO employees are covered by Social Security’s Medicare Program. The LAFCO and the employee are both required to allocate 1.45% of the employee’s salary to the Medicare Program.
5. **Disability Insurance** – The State’s Disability Insurance Program (SDI) is a mandatory contribution for all employees. Contributions to the State Disability Program are made through payroll deductions. Employees on medical disability are responsible for applying for State Disability Insurance (SDI) benefits. The first seven (7) days of disability are considered a “waiting period” and SDI benefits will not be paid for that period.
6. **Continuation of Insurance** – Federal law requires LAFCO employees and their families to be offered a temporary extension of certain health insurance, at their own cost, but at approximately group rates, under circumstances in which these employees or their families would otherwise lose coverage. Covered individuals may elect to extend health benefit coverage for periods ranging generally from 18 to 36 months, depending on the circumstances leading to the loss of coverage. For further information regarding coverage continuation, reference the COBRA regulations.

## ELIGIBLE DEPENDENTS

Eligible dependents can include Spouse or Registered Domestic Partner (medical coverage); unmarried children to age 19 or to age 26 if they are full-time students (upon submission of proper documentation for student status verification); and disabled children of any age who are (or become) physically or mentally incapable of self-support while covered by our employee benefit program.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>7.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE BENEFITS</b>		
<b>Subsection:</b>	<b>EMPLOYEE BENEFITS</b>		

## **RETIREMENT BENEFITS**

### **Imperial County Employee’s Retirement System (ICERS)**

All regular employees employed for a minimum of 30 hours per week and are that less than 60 years of age at the time of hire shall become a member of ICERS governed by the “County Employees Retirement Law of 1937”.

#### **Retirement Eligibility**

Minimum retirement eligibility is currently age 50 with at least 10 years of credited service; or has retirement credit of 30 years of credited service, regardless of age; or has reached the age of 70.

Employees must be on paid status in order to contribute to the retirement plan.

For current information and a copy of the “*Retirement Benefits Booklet*” regarding eligibility, employee requirements, contributions, and benefits, contact the Imperial County Employee Retirement Office.

#### **Retiree Health Insurance**

The LAFCO offers eligible retirees participation in group health insurance at a cost that is determined by Imperial County Board of Supervisors. This is a County of Imperial benefit which is administered by the county Human Resource Department. Direct all questions regarding eligibility, employee requirements, cost, contributions, and benefits to county Human Resource Department at (760) 482-4488.

## **Deferred Compensation**

The LAFCO may offer regular employees access to a deferred compensation program. This program offers employees an opportunity to invest on a long-term basis for their future retirement needs, while reducing current income taxes. Because this income is “deferred,” your taxable income is reduced, resulting in lower federal and state income taxes. Employees must be on paid status in order to contribute to the deferred compensation plan. Plan brochures and consultants are available to provide specific information to employees on details of the plan and financial benefits.

## **OTHER BENEFITS**

In addition to insurance and retirement benefits, the LAFCO also provides the following benefits to eligible employees:

### **Direct Deposit of Paychecks**

The LAFCO currently utilizes the services of Paychex for all payroll processing. The appropriate forms are available with the Accounting Manager.

## **FINANCIAL BENEFITS**

### **Long Term Disability**

The LAFCO offers all regular full-time employees who work at least 30 hours per week access to a Long Term Disability Plan. This plan provides assistance to employees who are unable to work resulting from a disability for a covered injury or sickness. Employees are able to insure up to 60% of their earnings under this plan.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>7.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE BENEFITS</b>		
<b>Subsection:</b>	<b>ACCRUED SICK LEAVE</b>		

**PURPOSE**

To create an incentive for employees to achieve perfect attendance, by allowing them the opportunity to enhance their salary by cashing out up to six (6) accrued sick days per calendar year. The LAFCO does, however, encourage employees to take time off for rest and relaxation.

For the purpose of reducing LAFCO expenditures, the LAFCO reserves the right to suspend this benefit at any time upon notification to staff.

**SICK LEAVE BUY BACK**

An employee may cash out, or sell to the LAFCO, up to six (6) days of accumulated sick leave per year provided the employee meets the following eligibility criteria:

1. be a regular full time employee with a minimum accrued sick leave balance of 150 hours;
2. have not used any accrued sick leave during a consecutive six-month period as established by the LAFCO; and
3. have been on paid status for at least 1040 hours in the respective six-month period.

Employees in the following classifications are not eligible to participate in the sick leave buy back program:

1. LAFCO Commissioners
2. LAFCO Executive Officer

The maximum amount of accrued sick leave that an employee can cash out at the end of the fiscal year shall not exceed 48 hours. To qualify, an employee must request this payment prior to June 1<sup>st</sup> of the year. Employees meeting the above eligibility criteria will be required to complete a Request for Sick-Leave Buy Back and submit it to Executive Office. The Executive Office will verify the accrued balances and sick-leave usage. Once verified, requests will be submitted to the LAFCO Accounting Manager for approval and payment. Payment will be made on, or before, July 30<sup>th</sup>.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>7.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE BENEFITS</b>		
<b>Subsection:</b>	<b>TRAVEL POLICY / MILEAGE REIMBURSEMENT</b>		

**PURPOSE**

It is the purpose of this policy to establish procedures and standards for travel procedures, authorization, and mileage reimbursement. This policy shall apply to all employees and Commissioners claiming mileage reimbursement associated with authorized travel.

**TRAVEL PROCEDURES**

LAFCO staff is responsible for making the necessary travel arrangements including hotel reservations, car rentals, flights, train tickets, etc. Between 3-7 days prior to departure, each attending employee/commissioner will be responsible for picking up their “travel package”. The travel package will include all printed confirmations, schedule of times and dates, and any documentation pertaining to the event/conference/meeting to which is being attended.

Upon return, each employee/commissioner is responsible for turning in any receipts acquired during their trip. LAFCO will reimburse any expenses accrued to the person including mileage, parking, etc. Meals are covered by a per diem set by the commission. Prior to an employee/commissioner receiving their check, they must sign a “travel affidavit” (see below).

**TRAVEL BY PRIVATE AUTOMOBILE**

Employees may be authorized by Executive Officer to use their private vehicle for LAFCO business. Mileage reimbursement may be claimed for using personal vehicles to travel to and from meetings, seminars, conferences, airports, or alternate work locations as authorized.

The use of motorcycles, mopeds, and similar types of vehicles or private airplanes for the conduct of LAFCO business travel is expressly prohibited.

The Executive Officer is responsible for travel authorization including determining the necessity for and the method of transportation. The general rule for selection of a mode of transportation is that which represents the lowest expense to the LAFCO.

## PERSONAL VEHICLE USE REQUIREMENTS

If an employee/commissioner is required to use his/her personal vehicle while in the course and scope of his/her employment, prior to using the vehicle, the employee *must*, do the following:

- a. Provide a copy of a valid driver's license, which is appropriate for the class of vehicle to be operated. A copy of the driver's license must be provided every time the license is renewed.

If any restrictions apply, the employee must notify his/her supervisor of the restrictions and/or any notable change in the license (such as driver's license suspension).

- b. All employees who use their personal vehicle for LAFCO business are required to possess minimum liability insurance (\$15,000/\$30,000 per person/per accident as required by law). Vehicles are required to have seat belts.
- c. An employee's private vehicle insurance must be maintained at all times while employed in a position where he/she is required or may be required to use personal vehicle in the course and scope of employment.

## OTHER PUBLIC AGENCY VEHICLE USE REQUIREMENTS

If an employee/commissioner chooses to use a vehicle belonging to another agency, such as a city or county, to attend any LAFCO function, the following requirements must be met:

- a. Prior to leaving for the function, he/she must inform office staff that they will be using another agency's vehicle.
- b. Provide a copy of a valid driver's license, which is appropriate for the class of vehicle to be operated. A copy of the driver's license must be provided every time the license is renewed.
- c. Upon return from the function, and prior to reimbursement, the employee/commissioner must sign and submit a LAFCO "Travel Affidavit" acknowledging that they will be responsible for any reimbursements due to another agency.

## MILEAGE REIMBURSEMENT

1. Employees/Commissioners who are authorized to use their personal vehicle for LAFCO business shall be reimbursed at rate established by IRS.

Reimbursement at the allowable rate shall be considered a full and complete payment for all necessary expenses for the use of the private automobile; i.e., insurance, maintenance, and all other transportation related costs. The LAFCO does not provide insurance for personal automobiles or other automobiles used on LAFCO business.

The vehicle owner is responsible for personal liability and property damage insurance when the vehicle is used on LAFCO business.

2. Employees must report mileage reimbursement claims for “in county travel” in writing and showing purpose. In the event that employees request reimbursement for “out of county mileage,” including other trip related expenses; these expenses must be reported in writing.
3. Reimbursement shall not be made for traveling from an employee’s residence to his/her primary work location or vice versa, or any other travel that would be considered as commute travel to and from work.
4. When an employee travels for official LAFCO business from his/her place of residence, mileage will only be reimbursed from his or her regularly assigned work location to the authorized destination they will travel, unless such mileage is shorter from the employee’s place of residence to his or her assigned work location.
5. When circumstances of the LAFCO requires an immediate change of assignment for a given work day, employees shall be entitled to mileage reimbursement from their regularly assigned work location to their reassigned work location.
6. Mileage is not approved when working additional days (overtime or emergency) at the regular work site.
7. Claims should be filed on the 1<sup>st</sup> working day of each month for mileage traveled the month before. Claims should be filed no later than 30 days from the date in which the expenses were incurred.
8. When appropriate, the LAFCO Executive Officer may authorize use of a private vehicle instead of travel by commercial airplane. However, the reimbursement amount should not exceed the cost of advertised commercial airfare.

## **TRAVEL AFFIDAVIT**

Before a reimbursement check can be dispersed, each employee/commissioner receiving a check is required to sign a “travel affidavit”. The affidavit acknowledges the following:

- a. If a vehicle is used for LAFCO travel that does not belong to its user, it will be the responsibility of the employee/commissioner to reimburse any other person/agency for any expenses related to the vehicle used.
- b. If an employee/commissioner charges or spends funds belonging to another person/agency, it is their responsibility to reimburse said person/agency.
- c. LAFCO will only disperse checks to its employees and commissioners. LAFCO will not be responsible for tracking down who the proper recipient of each dollar spent should be.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>8.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE DEVELOPMENT</b>		
<b>Subsection:</b>	<b>JOB RELATED TRAINING &amp; CONTINUED EDUCATION</b>		

## **MANDATORY TRAINING**

The LAFCO will periodically provide training to employees on harassment prevention, code of ethics, equal opportunity/discrimination policies or other training/education in which the LAFCO deems appropriate. The purpose of these mandatory training sessions is to inform and/or remind employees of the LAFCO’s policies as it relates to these matters.. Mandatory training will be funded by the LAFCO and employees will attend training sessions in a duty status. Employees will receive safety training as part of the LAFCO’s Injury and Illness Prevention Program.

## **VOLUNTARY JOB-RELATED TRAINING**

Employees may request to attend training sessions, conferences, or seminars on topics that are directly related to their current job and that are intended to improve their job knowledge and skills. Reimbursement for training and travel-related expenses in this category, including time off with pay) may be provided. It is within the sole discretion of the LAFCO whether to grant such a training request. In exercising such discretion, the LAFCO may consider:

- a. The degree of correlation between the employee’s job functions and the requested training;
- b. The likelihood that the requested training will increase current job knowledge and skill as well as add value to the LAFCO’s performance;
- c. The timeliness of the request (was sufficient time given to allow meaningful review);
- d. Whether the training will interfere or negatively affect LAFCO operations;
- e. Cost.

## TUITION REIMBURSEMENT

Employees may request reimbursement for courses offered through accredited colleges, universities, and technical schools, that are related to an employee's current work assignments or that prepare the employee for future LAFCO promotions.

For the purpose of reducing LAFCO expenditures, the LAFCO reserves the right to suspend this benefit.

### Eligibility

Regular full-time employees who have completed their initial LAFCO probationary period and who are performing their jobs satisfactorily are eligible for tuition reimbursement for certain courses, as set forth below. Reimbursement will be provided only to employees who are employed by the LAFCO at the time the LAFCO receives evidence of satisfactory completion of the course.

### Reimbursement

Courses covered under this plan include Undergraduate courses, Graduate courses, and Certificate programs. Employees may be reimbursed for up to three (3) classes per year and up to \$400 per class during a rolling twelve month period based upon the date the courses begin. Courses must be completed with a grade of "C" or better and will be reimbursed according to the following schedule:

<b>Grade</b>	<b>% of Reimbursement</b>
A	100%
B	80%
C	50%
Below	No reimbursement
Pass	100%
Fail	No reimbursement

All tuition reimbursements are subject to availability of funds. Tuition forms may be obtained in the Executive Office. Prior approval is required.

Employees are not eligible for reimbursement if funds from other sources or agencies are available to defray the costs. At the discretion of the LAFCO Executive Officer, employees who are reimbursed and who voluntarily leave the LAFCO within twelve (12) months of the end of the class, may be required to reimburse the LAFCO a proportionate amount received for the training according to the following schedule:

- 100% if employed less than 3 months after reimbursement
- 75% if employed at least 3 months but less than 6 months after reimbursement
- 50% if employed at least 6 months but less than 9 months after reimbursement
- 25% if employed at least 9 months but less than 12 months after reimbursement

## **PROCESS FOR APPROVAL**

A request for approval of tuition reimbursement must be submitted to the Executive Officer for approval at the time of enrollment in the course. Once approved, the Executive Officer will forward the approved request to the Accountant for additional processing and approval.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>9.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>HOLIDAYS</b>		

LAFCO holidays are the same legal holidays designated by the United States Federal Government. LAFCO employees are paid for a LAFCO holiday that falls on a regular working day. When a holiday falls on a Saturday or Sunday, the Friday preceding a Saturday holiday or the Monday following a Sunday holiday, shall be deemed to be a holiday in lieu of the day observed. To be eligible for holiday pay, an employee must be in a work or paid leave status on their regular working day immediately before and immediately after a holiday. Employees who work less than a full work week will receive pro-rated holiday pay. Temporary employees receive no holiday pay.

The following holidays are designated as LAFCO holidays:

1. January 1<sup>st</sup> – *New Year's Day*
2. The third Monday in January – *Martin Luther King, Jr. 's Birthday*
3. The third Monday in February – *Washington 's Birthday*
4. Spring Holiday – *Good Friday*
5. The last Monday in May – *Memorial Day*
6. July 4<sup>th</sup> – *Independence Day*
7. The first Monday in September – *Labor Day*
8. November 11<sup>th</sup> – *Veterans Day*
9. The Thursday in November appointed Thanksgiving Day - *Thanksgiving*
10. The Friday after Thanksgiving Day
11. December 25<sup>th</sup> – *Christmas Day*

## **FLOATING HOLIDAY**

The LAFCO offers one paid floating holiday per fiscal year to employees to use at their discretion if they meet the following eligibility requirements. Employee must be (1) a regular full-time, part-time or limited-term employee, (2) attend the required LAFCO training held and (3) on a work or paid leave status on their regular working day immediately before and immediately after the day in which they designate as their floating holiday. Employees who work less than full-time will receive pro-rated floating holiday pay based on their time base.

An employee who begins employment after the required scheduled training will be eligible for the floating holiday only in the calendar year in which they actually attend such mandatory LAFCO training.

Floating holidays are paid at the regular rate of pay and must be used by the end of the year in which the training was attended. Floating holidays must be taken in full and may not be split over more than one (1) day, and may not be carried forward to a new fiscal year.

## **PERSONAL HOLIDAY**

Permanent employees are entitled to a Personal Holiday. This holiday must be scheduled on or within one month of the employee's birthday. Said holiday shall not be carried over from year to year, and shall be scheduled in cooperation with the Executive Officer. The holiday shall be taken within a single day, according to the regular amount of hours the employee is scheduled to work on a regular basis.



Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	9.2	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	EMPLOYEE TIME-OFF		
<b>Subsection:</b>	VACATION		

## VACATION POLICY

The LAFCO provides employees with vacation to allow them to rest and relax away from work. Vacation is paid time off accrued on an hour-by-hour basis. The rate of accrual is based on each regular employee's years of service. Employees holding a regular position are entitled to an annual vacation of fifteen (15) working days computed at the rate of .05769 of an hour for each hour of paid time, up to a maximum of eighty (80) hours per pay period. Employees who have completed fifteen (15) years of continuous service may earn twenty (20) days vacation. Vacation credits may be accumulated up to thirty (30) working days by employees with less than fifteen (15) years of service or forty (40) working days for employees with fifteen (15) years or more of service. Vacation credits may be used after one (1) year of continuous service. All vacations and leave requests are subject to prior approval and scheduling of the Executive Officer. Vacation is accrued on the last day of the pay period and available for use on the following pay period.

1. **Part-time Employees** – Regular part-time employees earn vacation benefits on a pro-rata basis, proportional to full-time employees.
2. **Accrual Eligibility**– In order to earn vacation time, employees must work (or be on paid status) for a minimum of 80 hrs per pay period. Those employees who work less than the minimum shall not accrue vacation time for the pay period.
3. **Accrual Limit** – Employees may carry over their vacation time from one fiscal year to the next provided that the maximum accrual limit for employees with less than 15 years of service is 240 hours and for employees who have completed 15 years of service is 320 hours. At no time may any employee, regardless of position, have an accrual balance of more than 320 hours.
4. **Cash-Out at Separation** – Any person separating from the LAFCO shall be paid cash for all hours of accrued but unused vacation. Such payment shall be at the then-effective salary rate of the employee.

5. **Vacation Scheduling** – Employees are encouraged to use vacation each year, but are required to obtain approval of the Executive Officer prior to taking the time off. The request must be at least 5 days in advance.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>SICK LEAVE</b>		

## **SICK LEAVE POLICY**

The LAFCO provides paid sick leave to eligible employees to minimize the economic hardship that might otherwise result to employees due to an absence because of a short-term illness or injury of the employee or in some circumstances, his or her family member. Employees are encouraged to accumulate sick leave so that sufficient hours are available when needed.

The rate at which an employee accrues sick leave is .04615 hours with pay for each paid regularly schedule hour to a maximum of eighty (80) working hours in any paid period, with unlimited accumulation. All employees accrue sick leave from their date of hire and sick leave is accrued based on the employee's time base. Sick leave is accrued on the last day of the pay period and available for use on the following pay period. There is no payout for unused accumulated sick leave when an employee leaves employment with LAFCO.

### **1. Use of Sick Leave**

Paid sick leave may be used only in the following circumstances:

- a. When an employee is unable to perform assigned duties because of illness or injury, including pregnancy disability, or;
- b. When an employee has a doctor's appointment or;
- c. **Illness of Family Member**

An employee who is eligible to accrue sick leave may, in any calendar year, use up to 6 days of his or her accrued sick leave benefits for the care of family members as identified below:

- **Illness of Spouse, Child or Parent**

“Spouse” means a partner in marriage as defined in California Family Code section 300 or a domestic partner as defined in California Family Code section 297. “Child” means a biological, foster, or adoptive child or stepchild, a legal ward, or a child of a person standing in local parentis to the employee. [This does not extend the maximum period of leave to which an employee is entitled under Government Code section 12945.2 or the federal Family and Medical Leave Act of 1993.]

- **Critical Illness of Other Immediate Family**

Absence due to the critical illness of a member of the employee’s immediate family where death appears imminent. “Immediate family” for this provision shall be limited to the spouse, child, mother, father, grandparent or grandchild, brother, sister or the corresponding step-relationship, mother-in-law, father-in-law, sister-in-law or brother-in-law.

Sick leave to care for ill family members is subject to all policies and conditions that may apply to employee sick leave, including medical documentation. Additional sick leave above the six (6) days may be requested and approved on a case-by-case basis by the LAFCO Executive Officer or designee, provided that the employee has available accrued, unused sick leave.

## **2. Conditions and Requirements pertaining to the use of Sick Leave**

- a. The minimum charge to an employee’s sick leave account shall be one half hour (1/2) while additional actual absence over the one half hour (1/2) will be charged to the next full hour.
- b. An employee who is absent from work for sick leave reasons must contact their supervisor or Executive Officer as soon as practicable and no later than the start of his or her work shift to advise the supervisor of reason for the absence and the expected return to work date.
- c. An employee requesting sick leave, whether for the illness of the employee or his or her family member, must, upon request of the LAFCO Executive Officer, furnish a certificate signed by the licensed attending physician or health care provider (as recognized under the LAFCO’s health insurance plan), verifying there was a medical reason for the employee’s absence. The certificate shall indicate the length of time the employee was and can be expected to be off work. The LAFCO Executive Officer may require the employee to obtain a certificate verifying the employee is able to return to work.

- d. The LAFCO Executive Officer may require an employee to undergo a fitness for duty examination, including a physical or psychological examination by a LAFCO-designated health care provider when the ability of the employee to perform his or her job or the safety of the employee or others is an issue.
- e. Sick leave shall not be used merely because an employee is feeling tired or restless, in the absence of an underlying illness or serious health condition. With LAFCO Executive Officer approval, an employee may be permitted to use vacation or other accrued paid leave for such reasons.

### **3. Unused Sick Leave Benefits**

Any unused sick leave hours will be carried over from year to year. The LAFCO does not impose a maximum accrual for sick leave, but employees are not eligible to receive a payout of their unused accrued sick leave at the time of termination. Employees may, however, apply their unused sick leave to extend their service credit, thereby possibly increasing their retirement benefits upon retirement.

### **4. Reporting Absence due to Illness**

Except under extenuating or unusual circumstances, in order for sick leave to be approved, the employee must personally contact his or her supervisor or the Executive Officer as soon as practicable and no later than the start of his or her regular work shift. Use of sick leave will be approved only after the supervisor has determined the reason for the absence and expected date of return to duty; and, if the employee is under a doctor's care, obtained the name and address of the health care provider..

### **5. Performance Evaluation and Discipline**

- a. Management employees are responsible for reviewing and evaluating the use of sick leave. When reviewing an employee's sick leave usage, supervisors should determine if the absence was due to acceptable uses of sick leave such as worker's compensation leave, family care or medical leave, hospitalization from non-elective surgery, complications arising from elective procedures that require additional medical treatment, extended illness or injury (verified by doctor's statement), disabling pregnancy, or critical illness where death appears imminent to a member of their immediate family.
- b. If an employee appears to be abusing sick leave or has any incidents of flagrant abuse, the supervisor or manager shall discuss the matter with the employee and counsel or discipline as appropriate. The supervisor reserves the right to request medical certification supporting the sick leave usage.
- c. An employee who continues to abuse sick leave or has an incident of flagrant abuse shall be required by the supervisor to provide a medical certification signed by a licensed attending physician or health care provider as to the reason for any future occasion of sick leave usage.

- d. The fact that an employee's absence is covered by sick leave will not preclude the employer from counting those absences in evaluating the employee's performance.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>LEAVE OF ABSENCE</b>		

## **POLICY**

The LAFCO provides leaves of absence to eligible employees in a variety of circumstances in accordance with applicable federal and state laws.

## **REQUESTS FOR LEAVE**

As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to the Executive Officer. If the need for the leave is foreseeable, employees are required to provide at least 30 day’s advance notice. Approval of the leave may be delayed if timely notice is not provided.

## **DESIGNATION OF LEAVE**

An employee who requests Pregnancy Leave, Family Care Leave, or Medical Leave will be notified whether they meet eligibility requirements or of any additional information needed.

## **CERTIFICATION**

Medical certification that the employee is released to return to work is required before an employee will be permitted to return.

## **REINSTATEMENT**

An employee returning from a leave of absence ordinarily will be returned to the same or a comparable position, unless the position has been eliminated due to a reduction in force or reorganization, or unless the employee would have been terminated for some other business reason unrelated to the leave, or for any other lawful reason. If the employee fails to return upon the expiration of the approved leave of absence or who is absent without prior authorization, shall be considered to have voluntarily resigned. The LAFCO Executive Officer may rescind such resignation if the employee presents satisfactory reason for his or her absence within four (4) calendar days of the date his or her automatic resignation.

If the automatic resignation is not rescinded, the LAFCO Executive Officer will mail a notice to the employee's last known address documenting the employee's voluntary resignation of his or her employment with the LAFCO Executive Officer.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.5</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>WORKERS COMPENSATION</b>		

## **POLICY**

Worker’s compensation is a form of insurance covering all employees and provided by the LAFCO at no cost to employees. Worker’s compensation insurance may provide benefits to employees with a work-related illness or injury. Leaves of absence for work-related illness or injury will also be designated as leave in accordance with the federal and state Family Medical Leave Act of 1993 (FMLA) or the California Family Rights Act (CFRA), or both, if the employee is eligible for such leave and if the work-related illness or injury qualifies as a serious health condition under the FMLA or CFRA, or both. (See FMLA and CFRA policies.)

*Failure by an employee to report a worker’s compensation injury may preclude an employee’s coverage under worker’s compensation insurance.*

## **ELIGIBILITY**

Workers compensation leave is available to any LAFCO employee who is temporarily unable to work as a result of a work-related injury or illness.

## **CERTIFICATION**

Employees must provide medical verification regarding the status of their medical condition, including expected date of return to work and any changes in medical condition that may affect a return to work. Medical certification that the employee is released to return to work is required before the employee will be permitted to return.

## **BENEFITS**

Accrued benefits (i.e. vacation, sick, holiday pay) will continue to accrue during any period that paid leave is used and will accrue pro-rata during any reduced-schedule leave.

## USE OF ACCRUED LEAVE

Employees may elect to use sick leave and vacation benefits during the leave, but such leave benefits will only supplement any worker's compensation benefits such that the total amount received by the employee will not exceed his or her regular wages.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.6</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>PAID FAMILY LEAVE BENEFITS</b>		

## **POLICY**

Paid Family Leave benefits are a wage replacement program offered for either of the following reasons: (1) to care for a new child (whether by birth, adoption, or placement for foster care) during the first year after the birth, adoption, or placement; or (2) to care for the child, parent, spouse, or registered domestic partner of the employee with a “serious health condition” (see the definition that follows).

## **ELIGIBILITY**

An employee will be eligible for paid family leave benefits if his or her earnings during the base period exceed the minimum earnings required under the statute and the employee has suffered a wage loss as a result of the need to care for qualified family members or bond with a new child. Employees who wish to apply for paid family leave benefits should provide a written request for time off at least 30 days before the absence is expected to begin if the need for the absence is foreseeable. If the need for the absence is unforeseeable, the employee must provide notice as soon as possible and no later than the day on which the absence begins. Any request for paid family leave benefits must be submitted with a copy of the EDD claim form and appropriate medical certification. Failure to provide proper notice and documentation may result in an unexcused absence and disciplinary action, up to and including termination.

## **CERTIFICATION**

Medical certification of the need for leave is required for a leave due to the serious health condition of a family member. The certification must verify the family member’s serious health condition and that the condition warrants the participation of the employee to provide care. A “serious health condition” means an illness, injury, impairment, or physical or mental condition of a patient that involves inpatient care in a hospital, hospice, or residential medical care facility. This includes any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) or any subsequent treatment in connection with such inpatient care; or continuing treatment by a physician or practitioner.

## **DURATION**

Paid family leave benefits are available to eligible employees for up to six weeks in a 12-month period. Because the PFL program is only a wage replacement program, however, it provides partial wage replacement to eligible employees for qualifying events, but does not provide job protection or return rights.

## **USE OF ACCRUED LEAVE**

Employees must use their accrued vacation or paid time off, up to a maximum of two weeks, before they will be eligible to receive paid family leave benefits. If employees have less than two weeks of accrued vacation or paid time off, they must use all their accrued benefits before they will be eligible for paid family leave benefits.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.7</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>FAMILY CARE &amp; MEDICAL LEAVE</b>		

## **POLICY**

An employee may be entitled to take a family care and medical leave under the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or both, subject to the following requirements and/or limitations.

## **ELIGIBILITY**

To be eligible to request medical leave, an employee must:

- a. Have worked with the LAFCO for at least one year of service;
- b. Have worked at least 1,250 hours within the last 12 months prior to the start of the leave period;
- c. Work at a site where at least 50 employees are employed by the LAFCO at or within 75 miles of the employee's worksite.

## **REASONS FOR TAKING LEAVE**

Under the FMLA and CFRA, leave may be taken for the following reasons:

- a. The birth of a child;
- b. The adoption or foster care placement of a child;
- c. To care for an employee's parent, sibling, spouse, domestic partner (registered with the Secretary of State), or child (including natural, step-, foster, or adopted children, as well as children of a domestic partner) with a serious health condition; or
- d. The employee's own serious health condition that renders the employee unable to perform the essential functions of his/her job.

## **SERIOUS HEALTH CONDITION**

A serious health condition is an illness, injury, impairment, or physical or mental condition” that involves any of the following:

- a. Inpatient care in a hospital or other treatment facility and related treatment;
- b. Continuing treatment by a health care provider plus a period of incapacity of more than three consecutive calendar days related to the treatment;
- c. Continuing treatment or supervision by a health care provider following periods of incapacity;
- d. Any period of incapacity or treatment due to a chronic serious health condition (such as severe asthma, diabetes, epilepsy, etc.); or
- e. Any period of absence to receive multiple treatments for post-accident or injury restorative surgery or for a condition that would result in a period of incapacity in the absence of medical treatment (such as chemotherapy or radiation treatments for cancer or dialysis for kidney disease).

## **CERTIFICATION**

Medical certification of the need for leave is required when an employee is requesting leave for his or her own serious health condition, or that of a covered family member. Any requests for additional certifications will be made in accordance with the applicable statutes and regulations. Medical certification that the employee is released to return to work also required before an employee will be permitted to return to work after taking leave for his or her own serious health condition.

## **DURATION**

Any employee eligible for a medical leave under this policy may take up to a maximum of 12 workweeks of medical leave within a rolling 12-month period (measured backwards from the date the leave begins.) Where permissible by law, leave under FMLA and CFRA will run concurrently. The length of each absence will depend on the medical necessity for the leave as certified by the employee’s health care provider. As an alternative to a leave, an employee may request a part-time schedule or intermittent leave if medically necessary and if certified by the health care provider. Intermittent leave or work on a reduced schedule is also available when leave is taken for the birth, adoption or foster care placement of a child. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury. A reduced work schedule is a schedule that reduces the usual number of hours in the employee’s usual workday or workweek. Intermittent leave for the birth, adoption or foster care placement of a child generally must be taken in two-week increments. However, an employee can take leave in increments of less than two weeks on two occasions in connection with each birth, adoption or placement for foster care.

The amount of leave time taken on this basis will count toward the total amount to which the employee is entitled. If the need for intermittent leave or reduced work schedule is due to a foreseeable, planned medical treatment, the judicial branch reserves the right to require the employee to temporarily transfer to an alternative position that better accommodates the intermittent leave or reduced work schedule, so long as the employee is provided equivalent pay and benefits in such alternative position, and the employee is qualified for the alternative position.

## **HEALTH INSURANCE**

The LAFCO will continue to pay its share of the premium for health insurance for the employee for the first twelve (12) workweeks of leave at the same level and under the same terms and conditions as coverage was provided while the employee was actually working for the LAFCO. Following the twelve (12) workweeks, an employee is eligible for health insurance coverage through COBRA, provided that they are no longer employed with the LAFCO (resignation, abandonment of job and involuntarily terminated for cause. For key employees, as defined by the FMLA and CFRA, if an employee fails to return from leave for reasons other than the continuation, recurrence, or onset of the employee's own serious health condition or other circumstances beyond the employee's control, the LAFCO may recover the premiums paid by the LAFCO on behalf of the employee

## **OTHER BENEFITS**

In addition, during any period of medical leave that is unpaid (e.g., leave during which the employee is not using paid sick or vacation benefits), an employee may continue to participate in employee benefit plans, including life, short-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose.

## **STATUS OF EMPLOYEE**

An employee on a family care and medical leave retains his or her employee status, and the leave does not constitute a break in service for purposes of longevity, seniority under any Memorandum of Understanding, or any employee benefit plan. For purposes of layoff, recall, promotion, job assignment, and seniority related benefits, an employee who returns from leave will have no less seniority than the employee had when the leave commenced.

## **USE OF ACCRUED PAID LEAVE**

All accrued sick leave must be used during a period of medical leave, except if the employee is receiving temporary disability benefits. In that event, the employee may elect to use accrued sick leave.

An employee who has exhausted accrued sick leave must use vacation, except if the employee is receiving temporary disability benefits.

An employee who uses accrued leave will at no time receive pay that exceeds his or her regular wages.

## **FAMILY MEMBER MILITARY DUTY “EXIGENCY” LEAVE UNDER THE FMLA**

This benefit provides up to twelve (12) workweeks of time off under the Family and Medical Leave Act (FMLA) to eligible employees when a family member (spouse, son, daughter or parent) is on active duty or is notified of an impending call or order to active duty in the Armed Forces.

To be eligible for the unpaid leave benefit, the employee must:

- a. Have completed at least one year of service with his or her employer and worked at least 1,250 hours during the preceding 12-month period before the start of the leave; and
- b. Provide written documentation to the Executive Office Division, as soon as reasonably possible, certifying that the military family member will be on active duty during the time the employee requests time off from work.

Employees may use accrued, unused paid time off (e.g., vacation, annual leave, personal holidays, sick leave, or compensating time off) during the otherwise unpaid leave. Leave may be taken on an intermittent or reduced schedule basis.

## **CAREGIVER LEAVE FOR A RECOVERING SERVICE MEMBER UNDER THE FMLA**

This benefit provides eligible employees with up to twenty-six (26) workweeks of FMLA leave during a single 12-month period to care for a spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as (1) a member of the Armed Forces who incurred a serious injury or illness while on active duty in the Armed Forces that may render the person unable to perform the duties of the member’s office, grade, rank, or rating, or (2) a veteran who was a member of the Armed Forces at any time during the five years before the date the veteran receives medical treatment, recuperation, or therapy for a serious injury or illness incurred while on active duty. An injury or illness incurred while on active duty includes a pre-existing injury or illness or illness that was aggravated while on active duty.

To be eligible for the unpaid leave benefit, the employee must:

- a. Have completed at least one year of continuous service with his or her employer and worked at least 1,250 hours during the preceding 12-month period before the start of the leave; and
- b. Provide written documentation to the Executive Office Division, as soon as reasonably possible, certifying the need for leave (same requirements as medical certification to care for serious health condition of a family member except “serious illness or injury” replaces “serious health condition” for purposes of caregiver leave.)



Employees may use accrued, unused paid time off (e.g., vacation, annual leave, personal holidays, sick leave or compensating time off) during the otherwise unpaid leave. When medically necessary, leave may be taken on an intermittent or reduced schedule basis.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.8</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>PREGNANCY DISABILITY LEAVE</b>		

## **POLICY**

Pregnancy Disability Leave (PDL) is a leave of absence necessitated by an employee’s medical disability that is related to pregnancy or childbirth or related medical conditions, which prevents the employee from performing the essential functions of her job. It includes time off needed for severe morning sickness and prenatal care.

An employee is “disabled” by pregnancy if, in the opinion of her health care provider, she:

- a. is unable because of a pregnancy-related reason to work at all, or
- b. is unable to perform any one or more of the essential functions of her job, or
- c. is unable to perform these functions without undue risk to herself, to the successful completion of her pregnancy, or to other persons.

Employees may take up to a maximum of four months (or 88 workdays for a full-time employee) of PDL per pregnancy. For employees who work less than full-time, the amount of leave time available will be calculated on a pro-rata basis. The leave does not need to be taken in one continuous period of time. The employee may request a part-time schedule if medically necessary and if approved by her health care provider. PDL is in addition to any non-pregnancy-related family care and medical leave available to eligible employees under the CFRA. Because an employee’s medical disability that is related to pregnancy or childbirth or related medical conditions is considered a “serious health condition” under FMLA, leave under PDL and FMLA will run concurrently.

PDL is unpaid, except to the extent that other accrued paid time off is used as a substitute. Substitution of paid time off does not extend the total duration of PDL. Salary replacement benefits from non-industrial disability insurance may also be available during PDL leave.

The employer will grant an employee's request to transfer to a less strenuous or hazardous position or set of duties if:

- a. The request is based upon the certification of the employee's health care provider that such transfer is medically advisable; and
- b. The transfer can be reasonably accommodated.

The employer, however, is not obligated to create an additional position, discharge another employee, transfer another employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job as a means to accommodate the employee with the pregnancy-related disability.

If it is medically advisable for the employee to take an intermittent leave or leave on a reduced work schedule and it is foreseeable based on planned medical treatment because of pregnancy, the LAFCO reserves the right to require the employee to temporarily transfer to an alternative position that better accommodates the intermittent leave or reduced work schedule, so long as the employee is provided equivalent pay and benefits in such alternative position, and the employee is qualified for the alternative position.

If an employee takes a pregnancy disability leave of absence while on probation her probationary period shall be extended the same length of time as the maternity leave. Such extensions of salary anniversary dates and probationary periods, which arise as a result of this policy, shall not reflect negatively upon the employee's performance.

A request for pregnancy disability leave should be submitted by the employee as soon as the need for such leave arises. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin and the estimated time period that the employee will be actually disabled due to her pregnancy or childbirth. Before returning to work following a pregnancy disability leave, the employee must submit a medical certification releasing her to return to work.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.9</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>PERSONAL LEAVE OF ABSENCE</b>		

An employee with at least one year of continuous service may apply for an unpaid leave of absence for personal reasons. The LAFCO will not normally approve a request for a personal leave of absence in excess of one (1) month. An employee on a personal leave of absence has no right to reinstatement.

Examples of situations where a personal leave of absence might be requested include, but are not limited to:

- a. illness or disability
- b. partial leave (intermittent or reduced schedule) for personal reasons (child care, elder care, education, etc.)

The granting or denying of a personal leave of absence is at the sole discretion of the LAFCO Executive Officer and may not be grieved. In the event that a request for a personal leave is denied, the LAFCO Executive Officer will provide the employee with information on the reason for denial. Approval of a personal leave of absence will be based on consideration of a combination of factors including, but not limited to:

- the reason for the request
- the needs of the LAFCO
- employee performance
- the employee's length of service
- the employee's level of responsibility
- previous requests for personal leave of absence

## **USE OF ACCRUED LEAVE**

Employees who request a personal leave of absence must use all accrued time off (sick leave, floating holiday, administrative leave, or vacation) during the leave. The total amount received by the employee may not exceed his or her regular wages.

## **BENEFITS**

Employees on a personal leave of absence are without employer-paid benefits. Employees may elect to continue group health coverage in accordance with the law. Vacation, sick leave or holiday pay will not accrue during any period of personal leave.

Seniority and benefits do not accrue during a personal leave except during any period that accrued time off is used. An employee's anniversary date will be adjusted forward by the number of days equal to the time for which the leave is granted and not covered under accrued time off.

## **REINSTATEMENT**

An employee on a personal leave of absence will ordinarily be returned to the same or a comparable position. An employee who fails to return upon the expiration of the personal leave shall be considered to have automatically resigned.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>9.10</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>BEREAVEMENT LEAVE</b>		

## POLICY

The LAFCO provides bereavement leave to regular, limited-term and probationary employees necessitated by the death of an immediate family member as described below.

1. An “immediate family member” under this policy is limited to a spouse, domestic partner, child, mother, father, grandparent or grandchild, brother, sister, aunt, uncle, the corresponding step-relationships, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law and son-in-law, as defined in California Family Code section 297.
2. Bereavement leave is available for up to three (3) days but can vary. Bereavement leave will not be charged against accumulated sick leave or vacation. Unused bereavement leave does not accumulate from year to year.
3. An employee must notify their supervisor, in advance, of the need for bereavement leave and the expected duration of time that an employee will be on bereavement leave.
4. An employee may be asked to submit proof of the death of the immediate family member to their supervisor upon return to work (i.e. newspaper obituary, service program, declaration, etc).

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>9.11</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>JURY DUTY</b>		

## POLICY

It is the policy of the LAFCO to encourage regular full-time and regular part-time employees to fulfill their civic obligations. Toward that end, all employees are eligible for a leave of absence to attend to jury duty once in a twelve month period. If an employee is called upon for jury duty, the employee must notify his or her supervisor immediately.

Employees serving jury duty will continue to receive their regular pay for each full working day missed due to such duty. However, paid jury duty will not be considered regular worked time for the purpose of calculating overtime. Evidence of jury duty attendance must be presented to the LAFCO Executive Officer.

Employees are expected to report for work on those days or parts of days excused from jury duty, or when such duty does not conflict with the employee's regular work schedule. For example, if jury duty concludes before the end of the day, the employee is expected to return to their work station and continue their work until the conclusion of their day. In these instances, the employee will report regular hours for the time worked for the LAFCO. The remaining hours will be reported as jury time. In most cases an employee who is on jury duty will not report any more than eight (8) total hours in any one day.

Additional travel time to drive from the employee's home to jury duty, or additional travel time from jury duty to home are not compensable. Each juror is responsible for submitting their mileage to the jury department.

If an employee is serving as a juror on a trial, the employee must notify their supervisor immediately so that any files related to the case may be placed in a locked file cabinet to mitigate any allegations of jury misconduct. Additionally, all employees must refrain from speaking about the case in that employee juror's presence.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.12</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>ACTIVE MILITARY DUTY PERSONNEL (SPOUSES / DOMESTIC PARTNERS)</b>		

Any employee who works an average of 20 hours or more per week is eligible for up to 10 days of unpaid time off while his or her spouse or domestic partner is on leave from active duty during a period of active military duty. Active military duty includes service in a war declared by Congress or deployment to a combat zone as designated by the President of the United States.

Employees must notify their supervisor within two business days of receiving notice that the military spouse or domestic partner will be on leave from deployment. Employees must provide written documentation to the LAFCO Executive Officer certifying that the military spouse will be on leave during the time the employee requests time off from work.

Employees may elect to use accrued vacation or other paid time off, but not sick leave, during the otherwise unpaid leave. Leave may also be taken on an intermittent basis.



<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>9.13</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>EMPLOYEE TIME-OFF</b>		
<b>Subsection:</b>	<b>OTHER LEAVES</b>		

### **ADMINISTRATIVE LEAVE**

Employees in certain designed positions may earn paid administrative leave on a semi-annual basis with half of the annual leave balance available on the first pay period in July and the remaining half of the annual leave balance available on the first pay period in January. Employees eligible for administrative leave may not accumulate an administrative leave balance of more than their semi-annual allowance.

Employees entering positions after the July 1<sup>st</sup> or January 1<sup>st</sup> eligibility date will be allocated administrative leave on a pro-rated basis.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>10.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SELECTION &amp; PROMOTION</b>		
<b>Subsection:</b>	<b>RECRUITMENT, SELECTION, &amp; PROMOTION</b>		

## **POLICY**

Recruitment, selection, and promotion decisions will be made on the basis of the applicant’s relative knowledge, skills and abilities. Such decisions will be made without regard to race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law.

## **PROCEDURE**

**Recruitment, selection, and promotion decisions will be determined as follows (with the exception of the Executive Officer and temporary positions):**

1. The LAFCO Executive Officer or designee shall determine whether the recruitment for a position shall be open or promotional and the appropriate recruitment timeframe.
  - a. Open recruitment shall be open to any applicant.
  - b. Promotional recruitment shall be open to all regular I LAFCO employees who are in good standing.
2. Nothing in this policy shall prohibit the LAFCO from filling a vacancy by other recruitment means as deemed appropriate by the LAFCO Executive Officer, including but not limited to an immediate hire of a qualified person.
3. The Executive Office shall verify employment qualifications and will conduct a reference check on the candidate selected for the position. Selected candidates will be offered conditional employment subject to successfully passing pre-employment tests and/or examinations. Failure to pass such tests or examinations may cause the LAFCO Executive Officer to disqualify the candidate for employment.

## REINSTATEMENT

Any person previously employed by the LAFCO that had regular status and voluntarily left in good standing is eligible to be rehired within one year of having left employment with the LAFCO.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>10.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SELECTION &amp; PROMOTION</b>		
<b>Subsection:</b>	<b>COMPANION POSITION</b>		

## **PURPOSE**

To ensure uniformity in personnel management and assist the LAFCO in hiring temporary companion positions.

## **POLICY**

When the LAFCO has exhausted all reasonable means to meet workload, the LAFCO Executive Officer may authorize to fill a companion (temporary) position for employees who are anticipated to be on an extended leave of more than 180 calendar days. The LAFCO Executive Officer will approve companion positions after a determination that sufficient funding exists to hire an individual in a temporary position.

Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES			
<b>Section #:</b>	<b>11.1</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SEPARATION OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>VOLUNTARY SEPARATION</b>		

Employees who intend to resign their employment with the LAFCO should notify the Executive Officer in writing at least two weeks in advance of their last day of work. Employees should complete any outstanding work assignment obligations prior to their last day of work. On or before the last day, the Executive Officer will conduct an exit interview and will reclaim the employee's identification card, keys and other LAFCO property that employees may have in their possession.

Employees who do not return from leave when scheduled or who fail to report to work for three (3) consecutive days will be subject to discipline for job abandonment.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>11.2</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SEPARATION OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>FINAL PAYMENT</b>		

All wages and accrued but unpaid vacation will be paid to the employee.

**A. Resignation with 72 hours notice**

An employee who resigns from his or her employment and provides at least 72 hours notice will receive his or her final paycheck on the last day of employment with the LAFCO, not necessarily the last day worked.

**B. Resignation with less than 72 hours notice**

An employee who resigns from his or her employment and provides less than 72 hours notice will receive his or her final paycheck no later than 72 hours after the notice is provided.

**C. Involuntarily Termination**

An employee who is terminated by the LAFCO or who is laid off by the LAFCO will receive his or her final paycheck on his or her last day of employment.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>11.3</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SEPARATION OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>EXIT INTERVIEW</b>		

Prior to separation, the LAFCO requests that employees complete an exit interview questionnaire in order to solicit objective feedback on changes to improve all aspects of the working environment including employment conditions and operations. The exit interview includes an assessment of the separating employee’s working relationship with their co-workers and how they viewed their job, working conditions and practices. Exit interview questionnaires will be kept confidential when at all possible.

<b>Imperial Local Agency Formation Commission (LAFCO) PERSONNEL POLICIES</b>			
<b>Section #:</b>	<b>11.4</b>	<b>Date Adopted:</b>	October 24, 2013
<b>Section:</b>	<b>SEPARATION OF EMPLOYMENT</b>		
<b>Subsection:</b>	<b>VERIFICATION OF EMPLOYMENT</b>		

Requests for reference checks on current or former employees must be directed to the Executive Office. Unless the current or former employee signs an authorization and release regarding the disclosure of further specific information, the only information that will be disclosed upon written request is the employee’s current or final job title, dates of employment, and current or final rate of pay.