

# Attachment 2

# PERSONNEL RULES AND REGULATIONS

## CHAPTER 1

### INTRODUCTION

#### 1.1 PERSONNEL SYSTEM

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

#### 1.2 GENERAL PROVISIONS

Paragraph 1: Adoption, Amendment, and Revision. Municipal Code Sections 2.60.030 and 2.60.050 authorize the adoption and revision of “personnel policies and procedures” by the City Manager, subject to review by the City Council except those policy matters which require commitment of financial resources which will be recommended to and approved by the City Council. These Personnel Rules shall be adopted and amended from time to time as “personnel policies and procedures” in accordance with the Municipal Code. The City Manager shall determine which if any policies or revisions will be recommended to and adopted by the City Council.

Paragraph 2: Fair Employment. No employee shall be promoted, demoted, terminated, or in any way favored or discriminated against, because of political opinions or affiliations, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), physical or mental disability, medical condition, marital status, military ~~and or~~ veteran status, sexual orientation, age (40 and over), or any basis protected by applicable federal, state, or local law; or because of the exercise of his or her rights under the Meyers-Miliias-Brown Act.

Paragraph 3: Violation of Rules. Violation of the provisions of these Personnel Rules shall be grounds for rejection or discipline, up to and including dismissal.

### 1.3 COMPETITIVE SERVICE

The provisions of these Personnel Rules shall apply to all officers and employees in the competitive service of the City. The following officers and employees shall be excluded from the competitive service:

- A. Members of the City Council.
- B. Members of the appointive boards, commissions, and committees.
- C. Persons engaged under contract to supply expert, professional, or technical services for a definite period of time.
- D. Volunteer personnel, who receive no regular compensation from the City.
- E. City Attorney and City Manager.
- F. Department Directors, City Clerk, City Treasurer, and other management positions so designated in writing by the City Manager, except where expressly provided.
- G. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as an extraordinary fire, flood, or earthquake that threatens life or property.
- H. Any position primarily funded under a State or Federal employment program.
- I. Part-time, seasonal, provisional, or temporary employees. Also excluded are employees who are not full-time regular employees.
- J. Any new position hereafter created by the City Council, unless declared by the City Council to be in the competitive service at the time of creation or thereafter.

Employees excluded from the competitive service under this Section shall serve at the will of their appointing authority.

#### 1.4 APPLICABILITY OF RULES TO CERTAIN POSITIONS EXCLUDED FROM COMPETITIVE SERVICE

##### Paragraph 1: City Manager, Department Directors, City Clerk, City Treasurer, Probationary Employees, and Designated Positions.

The following provisions of these Personnel Rules do not apply to the City Manager, Department Directors, City Clerk, City Treasurer, probationary employees, and designated positions, unless otherwise specified:

Chapter 2: Sections: 2.1, 2.2 Paragraph 1, 2.4, 2.5, 2.6, 2.7, 2.9  
Paragraphs 2 and 3  
Chapter 3: All  
Chapter 5: Section: 5.2  
Chapter 6: Sections: 6.1, 6.3

##### Paragraph 2: Part-Time, Seasonal, Provisional, and Temporary Employees.

The following provisions of these Personnel Rules do not apply to part-time, seasonal, provisional, or temporary employees, unless otherwise specified:

Chapter 2: Sections: 2.1, 2.2 Paragraph 1, 2.4, 2.5, 2.6, 2.7, 2.9  
Chapter 3: All  
Chapter 5: Section: 5.2  
Chapter 6: Sections: 6.1, 6.2, 6.4, 6.9  
Chapter 7: Sections: 7.1, 7.2, 7.3, 7.4, 7.9, 7.10, 7.11, 7.12  
Chapter 8: Sections: 8.1, 8.2, 8.3, 8.6, 8.8, 8.10

#### 1.5 PERSONNEL OFFICER

The City Manager or the City Manager's designee shall be the Personnel Officer except in those instances provided for in the Lake Forest Municipal Code. The City Manager may delegate any of the powers and duties conferred on the Personnel Officer under the Personnel Ordinance and these Personnel Rules to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 9.4, "Right to Contract for Special Services." The Personnel Officer shall:

- Administer all the provisions of the Personnel Ordinance and of the Personnel Rules not specifically reserved to the City Council.

- Prepare and recommend to the City Manager, Personnel Rules and revisions and amendments to such Personnel Rules subject to City Council review, or approval when deemed required.
- Prepare or cause to be prepared a Position Classification Plan, including class specifications and revisions of the Plan. The Plan, and any revisions to it, shall become effective upon approval by the City Council.
- Provide for the publishing or posting of notices of vacant positions within the competitive service, the receiving of applications therefore, the conducting and grading of any necessary tests, and the certification to the appointing authority of a list of all persons eligible for appointment to the appropriate position in the competitive service.

## 1.6 PERSONNEL REPORTS AND FILES

Paragraph 1: Personnel File. The Personnel Officer shall maintain a service or personnel file for each employee in the service of the City showing the name, title, or position held; the department to which assigned; salary; change in employment status; and such other information as may be considered pertinent.

Paragraph 2: Change of Status Report. Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as he/she may prescribe.

Paragraph 3: Maintenance of Personnel Records. The City will maintain a copy of each employee's personnel record for a period of not less than ~~six~~<sup>three</sup> years after termination.

Paragraph 4: Inspection of Personnel Records. Current and former employees have a right to inspect their personnel files. When requested, the City will make the contents of the personnel files available to current or former employees, or their representatives, at reasonable intervals and at reasonable times, but no later than 30 calendar days from the date which the employer receives the written request and will provide a copy upon request.

## CHAPTER 2

### RECRUITMENT, SELECTION, APPOINTMENT, AND PROBATION

#### 2.1 GENERAL PROVISIONS REGARDING APPOINTMENTS

- A. Appointments to vacant positions in the competitive service shall be made in accordance with the Personnel Rules. Appointments and promotions shall be based on merit and fitness to be ascertained by selection techniques that will test fairly the qualifications of candidates. Examinations, such as written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests, may be used and conducted to aid in the selection of qualified employees. In any examination, the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests and set minimum standards thereof.
- B. Appointments shall be made by the City Council when required by the Lake Forest Municipal Code for City Council appointments; otherwise, they shall be made by the City Manager.

#### 2.2 APPLICATIONS AND APPLICANTS

Paragraph 1: Announcement. When vacancies occur in the competitive service, all such vacancies shall be publicized ~~by posting announcements in City Hall, on official bulletin boards, and by~~ by such other methods ~~as~~ the Personnel Officer deems appropriate.

Paragraph 2: Application Forms. Applications shall be made as prescribed on the announcement of the vacancy. Application forms shall require information covering training, experience, and other pertinent information, and may include references, background checks, and fingerprinting.

Paragraph 3: Disqualification. The Personnel Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the applicant is deemed unable or unfit to perform the duties of the position, has made any false statement of any material fact, or practiced any deception or fraud in his or her application.

Paragraph 4: Proof of Right to Work. Under Federal law, all newly hired employees must produce original documentation establishing their

identity and right to work in the United States, and complete INS Form I-9, swearing that they have a right to work in the United States. The City will require new employees to complete the I-9 and provide documentation on the first day of work. Required documentation must be presented to the Personnel Officer, who will be responsible for processing the documents. Failure to comply with this paragraph will result in termination.

## 2.3 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

Paragraph 1: Physical examination. All applicants, who are offered a position with the City of Lake Forest, ~~shall~~ may be required to undergo a pre-employment physical examination at the City's expense if; ~~in the discretion of the Personnel Officer;~~ determines such an examination is ~~believed~~ necessary for the position (job related and consistent with business necessity) to determine whether an applicant is able to perform the essential functions of the job, with or without accommodations. All applicants entering the same job classification will be subject to the same examination.

Paragraph 2: Drug Testing. As part of the City's pre-employment screening process, ~~any~~ applicants who are deemed "safety sensitive" as determined by the Personnel Officer; who are offered employment with the City of Lake Forest, will ~~may~~ be required to pass a test for controlled substances, under procedures described in the City of Lake Forest's Substance Abuse Policy.

## 2.4 EXAMINATIONS

Paragraph 1: Nature and Types of Examinations. The selection of techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of Department Directors, and approved by the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques that will test fairly the qualifications of candidates. When an oral board or panel is used, the majority of the board or panel shall be composed of persons, who are not City personnel, with similar experience or expertise in the field as the position being filled.

Paragraph 2: Promotional Examinations. Promotional examinations may be conducted whenever, in the opinion of the Department Directors and Personnel Officer, they are required. Only regular, probationary, and part-time employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

Paragraph 3: Conduct of Examinations. The City may contract, with any competent agency or individual, for the preparation and/or administration of examinations. In the absence of such a contract, the Personnel Officer will see that such duties are performed. The Personnel Officer shall arrange for the use of the necessary equipment and facilities to conduct the examinations.

## 2.5 EMPLOYMENT LISTS

Paragraph 1: Employment Lists. As soon as possible after the completion of the selection process, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified.

Paragraph 2: Duration of Lists. Employment lists shall remain in effect for one year unless sooner exhausted or abolished by the Personnel Officer upon the recommendation of the appointing authority. An employment list may be extended for six months upon approval of the Personnel Officer.

Paragraph 3: Lay Off and Reemployment Lists. The names of regular and probationary employees laid off, or demoted in lieu of lay off, shall be placed on reemployment lists for two years for those classes requiring the same qualifications, duties, and responsibilities of the class from which lay off or demotion in lieu of lay off was made, unless such persons are sooner reemployed.

- A. Persons whose names are placed on reemployment lists in accordance with this Paragraph, and who are reemployed within the prescribed period, shall be regarded as having been on unpaid leave of absence during this period of absence.
- B. When a reemployment list is to be used to fill vacancies, the Personnel Officer shall certify all of the names on the list for consideration by the appointing authority.

Paragraph 4: Removal of Names From List. The name of any person appearing on an open-employment, reemployment, or promotional-employment list shall be removed by the Personnel Officer if the eligible person requests in writing that his/her name be removed, if he/she fails to respond to a notice of certification mailed to his/her last known address, or for any of the reasons specified in these Personnel Rules. The person affected shall be notified of the removal of his/her name by a notice mailed to his or her last known address. The names of persons on promotional-



employment lists who resign or are terminated from the service shall automatically be dropped from such lists.

Paragraph 5: Employment Lists Confidential. Employment lists are confidential and the relative position of an eligible person on a list or his/her score shall not be made available except to the person or to the head of the department or division where he/she is considered for appointment.

## 2.6 METHOD OF FILLING VACANCIES

Paragraph 1: Types of Appointments. All vacancies in the competitive service shall be filled by transfer, demotion, reinstatement, or from eligible persons certified by the Personnel Officer from an appropriate employment list. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with the Personnel Ordinance and these Personnel Rules.

Paragraph 2: Notice to Personnel Officer. If a vacancy in the competitive service is to be filled, the appointing authority shall notify the Personnel Officer in the manner prescribed.

Paragraph 3: Transfer or Demotion. If the appointing authority determines to fill the vacancy by transfer or demotion, the Personnel Officer shall post notice of such vacancy in areas accessible to all personnel and utilize all reasonable means to assure that employees are informed. Interested employees will be expected to apply to the Personnel Officer in the manner prescribed in the notice. The Personnel Officer shall certify the eligibility of those screened for availability with the Department Director of whom they are assigned and the appointing authority – if different.

Paragraph 4: Certification of Eligible Persons. If the appointing authority determines to fill the vacancy from an employment list, certification shall be made from an appropriate promotional-employment list or an open-employment list.

- A. When the appointing authority requests a vacancy be filled by appointment from a promotional-employment list or from an open-employment list, the Personnel Officer should certify (from the specified list of names) all individuals willing to accept appointment.

Paragraph 5: Appointment. After interviewing and investigating, the appointing authority shall make an appointment from among those certified and shall immediately notify the Personnel Officer of the person appointed.

The Personnel Officer shall notify the appointee of the selection and the date for processing. The person accepting appointment shall present himself/herself to the Personnel Officer, or the designated City representative, for processing on or before the date of appointment. If the applicant does not present himself/herself within such period of time, he/she shall be deemed to have declined the appointment.

Paragraph 6: Provisional Appointment For Vacancies in Competitive Service.

- A. In the absence of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. The term of a provisional appointment shall not exceed six (6) months.
- B. When a position in the competitive service is temporarily vacant due to a leave of absence of the employee appointed to that position, the appointing authority may provisionally appoint an individual to temporarily serve in that position while the permanently appointed individual is on leave. The term of such provisional appointments shall be at-will and may exceed six (6) months.
- C. A provisional employee may be removed at any time without the right of appeal or hearing. No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-employment or promotional-employment lists for service rendered under a provisional appointment.

2.7 PROBATIONARY PERIOD

Paragraph 1: Term of Probationary Period. All original appointments shall be tentative and subject to a probationary period of one (1) year unless the employee is notified of a longer period. Promotional appointments shall be subject to a probationary period of six (6) months unless the employee is notified of a longer period. Probationary periods may be extended if an employee is absent from work for more than one month total during their probationary period.

Paragraph 2: Purpose of Probationary Period. The primary purpose of the probationary period is to provide an effective environmental orientation for the employee, educating him/her in prevailing management attitudes, policies, and procedures, and training him/her in the tasks associated with the

assignment. The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to this position, and for determining if he/she is capable of meeting the requirements of the assignment.

Paragraph 3: Extend Probationary Period.

- A. The Department Director may determine to extend the probationary period if more on-the-job training is warranted, or if further observation of the employee is desired based on unique circumstances to allow a full and fair evaluation of the probationary employee during the probationary period. The Department Director, upon approval of the City Manager, may extend a probationary period a maximum of six (6) months, but extensions may not be used to uniformly change the length of the probationary period.
- B. ~~The use of any~~A leave of absence, ~~including, but not limited to a workers' compensation leave,~~ in excess of fifteen (15) working days will cause the employee's probationary period to automatically be extended by the length of the leave of absence. An employee who is suspended will have his or her probation automatically extended by the length of the suspension unless the suspension results in the employee's termination.

Paragraph 4: Rejection of Probationer. During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without the right of appeal. Additionally, no probationary employee has property or vested rights to his or her position with the City and will not be entitled to an appeal or a hearing. Written notification of rejection shall be given by the appointing authority to the employee and a copy filed with the Personnel Officer. Notice shall be given to the employee personally or by mail at the employee's last known address. This paragraph will apply only to original appointments and not to promotional appointments.

Paragraph 5: Rejection Following Promotion. Any employee rejected during the probationary period following a promotional appointment is entitled to be reinstated to the position from which the employee was promoted if it is vacant. If the employee's former position has been deleted or abolished, or is not vacant, the employee may be placed in a vacant position in the same classification from which the employee was promoted. If there are no such vacant positions, the employee shall be terminated from City service. An employee will also not be reinstated to the position or class

if the employee is terminated in the manner provided in the Personnel Ordinance and these Personnel Rules.

Paragraph 6: Regular Appointment Following Probationary Period. If the service of the probationary employee has been satisfactory to the Department Director, then the Department Director is entitled to file with the appointing authority or Personnel Officer a written evaluation to such effect and stating that the retention of such an employee in the competitive service is desired after completing probation. The probationary employee shall become a regular employee at the end of the probationary period unless the probationer is rejected, during the probationary period in accordance with Section 2.7, Paragraph 4 above.

## 2.8 BACKGROUND INVESTIGATION

Following an offer of employment, an applicant ~~may will~~ be subject to a background photographed and fingerprinted check investigation, which may include fingerprinting from for a criminal records search, checking references and employment history, a DMV check and a credit check for applicable positions. ~~An applicant and~~ must successfully undergo any ~~further~~ investigation deemed necessary by the Personnel Officer as a prerequisite for employment. A criminal conviction will not be an automatic bar to employment, and the City will undertake an individualized assessment.

## 2.9 TRANSFER, PROMOTION, AND REINSTATEMENT

Paragraph 1: Transfer. No employee shall be transferred into a position for which the employee does not possess the minimum qualifications. Upon notice to the Personnel Officer, an employee may be transferred by the appointing authority, at any time, from one position to another position in the same or comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties, and requires the same basic qualifications.

If the transfer involves a change from one department to another, both Department Directors must consent thereto, unless the City Manager orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance and these Personnel Rules. The employee may appeal denial of transfer by the releasing department to the City Manager. The City Manager will review such actions to ensure that consideration is given to the employee's rights and operational requirements of the City administration. The decision of the City Manager shall be final.

Paragraph 2: Promotion. The appointing authority may choose to fill vacancies in the competitive service by promotion.

Paragraph 3: Reinstatement. The appointing authority may reinstate, a former employee, within two (2) years of the effective date of resignation, who resigned with a good record to a vacant position in the same or comparable class formerly held. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. Credit for the former employment may be granted in computing salary, vacation, sick leave, or other benefits by the appointing authority.

## **CHAPTER 3**

### **DISCIPLINE**

#### **3.1 STANDARD FOR DISCIPLINE**

Disciplinary measures may be taken for reasonable cause. The extent of the disciplinary action taken shall be commensurate with the offense, provided that the prior employment history of the employee may also be considered pertinent. Reasonable cause may include violation of the Personnel Ordinance, these Personnel Rules; any written City policy or City procedure; any department rule or regulation; any act of insubordination or act detrimental to the public service of the City; failure to adhere to or follow policies and rules; refusal or inability to comply with the duties of the position occupied by the employee; or any other type of misfeasance, malfeasance, or nonfeasance relating to the employee's duties, office, or position.

#### **3.2 RANGE OF DISCIPLINARY ACTION**

The types of disciplinary actions are verbal reprimands, written reprimands, suspensions without pay, involuntary demotion, reduction in pay, and termination. For each type of disciplinary action, certain steps and due process procedures must be followed. Before taking any action, a supervisor or Department Director who is considering a disciplinary action should discuss the circumstances of the situation with the Personnel Officer unless the particular situation requires immediate action. A supervisor or Department Director, after considering the specific circumstances of each violation, may determine which disciplinary action(s) is(are) appropriate.

#### **3.3 PROGRESSIVE DISCIPLINE**

Disciplinary action may, but is not required to be taken in progressive steps as follows:

Paragraph 1: Verbal Reprimands. The supervisor should hold a meeting with the employee. The purpose of the meeting is to explain the employee's conduct or acts which are in violation of City rules, policies, or practices, or are not meeting the expectations of the position; to remind the employee of the behavior that is expected in the future and the consequences of not meeting the performance expectations. The supervisor shall document the meeting by preparing a memorandum of the matters discussed. This memorandum to file shall be retained by the supervisor.

Paragraph 2: Written Reprimands. The supervisor should prepare a written reprimand. The written reprimand shall constitute notice of the infraction(s) including date, time, and circumstances, as well as a reminder

that failure to correct the infractions may result in further disciplinary actions up to and including termination. The supervisor shall present the written reprimand to the employee, who shall be asked to acknowledge receipt, by signing and dating the written reprimand, which shall be placed in the employee's personnel file and a copy given to the employee.

- A. Employees who have received written reprimands are entitled to the following due process:
- (1) A meeting with the supervisor to receive the written reprimand and to be informed of its contents.
  - (2) The employee has five (5) business days from receipt of the written reprimand in which to write a response and/or to request and to informally meet with the person issuing the reprimand to discuss its contents. The employee must submit any written response to the Department Director, to be forwarded to the issuer of the written reprimand for consideration. The issuer of the written reprimand will then consider the response and either withdraw the written reprimand or submit it to the Personnel Officer, to be placed in the employee's personnel file. The employee's written response, if any, will also be placed in the employee's personnel file.

Paragraph 3: Suspension Without Pay. An employee may be suspended without pay for up to thirty (30) days. Employees who are exempt from overtime pay under the Fair Labor Standards Act ("FLSA") shall only be suspended without pay for less than one full week for violations of written workplace conduct rules (not performance or attendance issues). Exempt employees may be suspended without pay for one week or in increments of full weeks for any cause. When placing an employee on suspension for forty (40) hours or less, the supervisor shall prepare a memorandum describing the disciplinary action, the supervisor's expectations, the employee's failure to meet the expectations, and a warning that the failure to comply with the reasonable expectations of the supervisor in the future may be grounds for disciplinary action up to and including termination. Employees who are placed on suspension for forty (40) hours or less are entitled to the same due process rights as listed above in Paragraph 2 Section A. The suspension, if any, shall not be served until the procedures described above have been completed.

When placing a competitive service employee on suspension without pay for more than forty (40) hours, the Department Director shall follow all of the

steps listed under Section 3.4, Paragraph 2, subsections (A) - (E) and Section 3.11.

Paragraph 4: Involuntary Demotion. The Department Director may demote an employee whose ability to perform his or her required duties falls below standards or for other disciplinary purposes. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. An employee may be demoted to a classification having a lower salary range. When demoting a competitive service employee, the supervisor shall follow all of the steps listed under Section 3.4, Paragraph 2, subsections (A) - (E) and Section 3.11.

Paragraph 5: Reduction in Pay. An employee may be reduced in salary rate of pay. When reducing the salary of a competitive service employee for disciplinary reasons, the Personnel Officer shall follow all of the steps listed under Section 3.4, Paragraph 2, subsections (A) - (E) and Section 3.11.

Paragraph 6: Termination. When it is necessary to terminate a competitive service employee, the Department Director shall follow all of the steps listed under Section 3.4, Paragraph 2, subsections (A) - (E) and Section 3.11.

### 3.4 IMPOSITION OF DISCIPLINE

#### Paragraph 1: Imposition by Supervisor/Department Director.

- A. Any discipline described in Section 3.3, Paragraphs 1 - 3, (provided suspension without pay is for forty (40) hours or less) may be imposed by the supervisor with the concurrence of the Department Director.
- B. Appeal Rights. Any discipline described in Section 3.3, Paragraph 3 (provided the suspension without pay is for ~~less than~~ forty (40) hours or less) shall have the right to appeal the action to the Personnel Officer in writing. The employee shall initiate an appeal by the filing of a written appeal with the Personnel Officer within ten (10) business days of the imposition of discipline. The written appeal shall set forth the reasons and basis for the employee's disagreement with the discipline.
  - (1) The Personnel Officer shall prepare and deliver to the affected parties a written decision on the appeal. The decision of the Personnel Officer shall be the final administrative decision of the City.



Paragraph 2: Imposition by Department Director/Personnel  
Officer/City Manager or Designee.

- A. Any discipline described in Section 3.3, Paragraph 3 (provided the suspension without pay is for more than forty (40) hours) or Paragraphs 4, 5, and 6 may only be imposed by the Department Director with the prior written concurrence of the Personnel Officer, the City Manager or designee.
- B. Notice of Intent to Discipline Required: A notice of intent to discipline shall be given to the employee whenever the City intends to impose any discipline described in Section 3.3, Paragraph 3 (provided the suspension without pay is for more than forty (40) hours) or Paragraphs 4, 5, and 6.
- C. Content of Notice of Intent to Discipline: The notice of intent to discipline shall inform the employee of the disciplinary action intended and the effective date of the intended action. Further, it shall set forth the nature of the infraction(s), any previous disciplinary actions taken, how the employee's conduct has had an adverse impact on the City's or department's operation, all materials upon which the action is based, and notification that the employee has the right to respond, orally or in writing to the proposed discipline.
  - (1) Whether delivery is made in person or by mail, the notice of intent to discipline shall contain a "statement of delivery or mailing" indicating the date on which the notice of intent was personally delivered or deposited in the United States mail. Such date of delivery or mailing shall be the "date of issuance" of the notice of intent.
- D. Written Response to Notice: The employee shall be entitled to respond in writing to the notice of intent to discipline. Such response, if any, must be received by the Personnel Officer, or a designee, within five (5) business days from the date of issuance of the notice of intent to discipline if personally served and ten (10) business days if served by mail.
- E. Oral Response to Notice: An employee who receives a notice of intent to discipline may request to respond to the notice of intent. The request for such a response shall be delivered to the Personnel Officer, or a designee, within five (5) business days of the issuance of the notice of intent to discipline if personally served and ten (10) business days if served by mail. Upon the receipt of a request for an oral response, the Personnel Officer, or a designee, shall schedule a meeting to take place with the employee and supervisor to receive the oral response. An employee who has requested an

oral response in accordance with this subsection may at their own election and cost retain representation for the presentation of the oral response conducted under this subsection.

- F. Personnel Officer Determination: Following the review of the oral or written response, the Personnel Officer, or a designee — with the Personnel Officer's approval — shall issue and deliver to the employee a written statement of its decision to uphold, modify, or reject the proposed disciplinary action. Such action to be taken may not include discipline more severe than that described in the notice of intent; however, the City may reduce such discipline without the issuance of an additional notice of intent.

### 3.5 PLACEMENT IN PERSONNEL FILE

Official disciplinary action documents shall be placed in the employee's personnel file. Official disciplinary documents include disciplinary documents and any evidence supporting the discipline provided to employees in accordance with this Chapter, except that documentation of a verbal reprimand will be retained by the supervisor and not placed in the personnel file.

### 3.6 EMPLOYEE ACKNOWLEDGMENT

Whenever a disciplinary action is taken, the employee may be asked to sign the document to acknowledge that it was received. Signing to acknowledge receipt by an employee does not indicate that the employee agrees with the facts stated in the document or agrees to the discipline. If an employee refuses to sign the document, the supervisor or Personnel Officer delivering the document will note the employee's refusal to sign the document and that the employee has received the document.

### 3.7 ADMINISTRATIVE LEAVE

Paragraph 1: Investigatory Leave. An employee may be placed on an Investigatory leave with pay to allow the employee's supervisor to review the facts of an alleged violation. Pursuant to Government Code Section 53243, *et seq.* which became effective of January 1, 2012, if an employee is convicted of a crime involving an abuse of his/her office or position, and the employee has been provided with administrative leave pay pending an investigation, the employee shall be required to fully reimburse such amounts paid. For this Section, abuse of office or position means either: (1) an abuse of public authority, including waste, fraud, and violation of the law under color of authority; or (2) a crime against public justice, including a crime described in Title 7 commencing with Section 92 of the Penal Code.

Paragraph 2: Leave Pending Disciplinary Action. An employee may be placed on Administrative leave with pay pending an employee's response to the notice of intent and a determination by the Personnel Officer, or a designee, of the disciplinary action.

### 3.8 EMERGENCY SUSPENSION

An employee may be removed from the workplace immediately without pay pending an investigation because of an employee's apparent gross misconduct which has resulted in a potential emergency situation, including, but not limited to, situations which may endanger life or property. Such removal shall not exceed twenty-four (24) hours, at which time the employee shall be given a notice of intent to impose discipline, or returned to full-pay status. If no discipline is imposed, the employee will be repaid for any time off without pay.

### 3.9 TIME EXTENSIONS

Any time limitations or requirements, as set forth under Chapter 3 may be extended or changed by mutual written agreement of all parties.

### 3.10 DELIVERY OF NOTICE

When notice is required, the notice shall be given to the affected employee either by delivery of the notice of intent to the employee in person; or by placing the notice of intent in the United States mail, first class, postage paid, and by certified mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the Personnel Officer in writing, of his or her current home address and of any change in such address, and the information so provided shall constitute the employee's "last known home address." Such personal delivery or mailing shall be presumed to provide actual notice to the affected employee.

### 3.11 RIGHT OF APPEAL

- A. Employees shall have the right to appeal any disciplinary action described in Section 3.3, Paragraph 3 (provided the suspension without pay is for more than forty (40) hours), Paragraph 4, Paragraph 5, and Paragraph 6 to the City Manager or designee. This right is limited where the right to appeal is specifically prohibited by Chapter 2.60 of the Lake Forest Municipal Code, these Personnel Rules, or elsewhere. The right to appeal provided in accordance with these Personnel Rules is exhausted with an appeal to the City Manager level.

- B. All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in these Personnel Rules.

### 3.12 RULES ON APPEAL TO THE CITY MANAGER

Paragraph 1: Right of Appeal. Any employee in the competitive service shall have the right to appeal to the City Manager, within seven (7) business days of any discipline as described in Section 3.3, Paragraph 3 (provided the suspension without pay is for more than forty (40) hours), Paragraph 4, Paragraph 5, and Paragraph 6, except in instances where the right of appeal is specifically prohibited by these Personnel Rules.

Paragraph 2: Method of Appeal. Appeals shall be in writing, signed by the employee (appellant), and filed with the Personnel Officer who shall, within three (3) business days after receipt of the appeal, inform the City Manager, or the appointing authority, and such other persons or officers named or affected by the appeal, of the filing of the appeal. The appeal shall be addressed to the City Manager, explaining the matter appealed from and setting forth therein, a statement of the action desired by the appellant with his/her reasons, therefore. The formality of a legal document is not required.

Paragraph 3: Notice. Upon the filing of an appeal, the City Manager may reject it if the appeal is untimely, ambiguous, incomplete, or appeals an issue that is not subject to appeal under these Personnel Rules. The City Manager may also direct the Personnel Officer, or designee, to set a date for a hearing on the appeal, before the City Manager or designee, not more than fifteen (15) days from the date of filing.

Paragraph 4: Investigation. The City Manager or designee may request information relevant to the matter as he/she may deem necessary, and such information shall be made a part of the record of the proceedings.

Paragraph 5: Hearing. The appellant or his/her representative may appear personally before the City Manager or designee at the time and place of the hearing. The parties may produce relevant oral or documentary evidence at the hearing. The City's case shall be stated first, and at the conclusion, opposition material may then be presented by the appellant. Rebuttal matter which is not repetitive may be allowed at the discretion of the City Manager or designee. The conduct and decorum of the hearing shall be under the control of the City Manager or designee, with due regard to the rights and privileges of the parties appearing before him or her. Hearings need not be conducted according to technical rules relating to evidence and

witnesses. The hearing shall be closed to the public unless the appellant, in writing, requests an open hearing.

Paragraph 6: Subpoenas. A subpoena may be issued when it is deemed necessary to secure the presence of a witness or evidence at a hearing before the City Manager or designee. The party requesting a subpoena must submit the request to subpoena (either evidence or a witness) to the Personnel Officer. The Personnel Officer shall determine if the request for subpoena is appropriate. If the request is appropriate, the Personnel Officer shall cause the subpoena to be prepared and submit it for approval to the Mayor and City Clerk.

Paragraph 7: Findings and Decision. The City Manager or designee shall, within ten (10) business days after the conclusion of the hearing, certify his or her findings and decision in writing, which shall be the final administrative decision of the City.

## CHAPTER 4

### **COMPLAINT AND GRIEVANCE PROCEDURE**

#### 4.1 **PURPOSE OF COMPLAINT AND GRIEVANCE PROCEDURE**

It is the City's purpose to provide an effective and acceptable system whereby employees can seek resolution of complaints or grievances, at the lowest possible level, on matters affecting their jobs. Department Directors and other managers excluded from the competitive service are not eligible to file grievances against the City. All levels of administration and supervision are expected to inform and encourage employees to discuss matters affecting their employment.

#### 4.2 **DEFINITIONS**

- A. **Complaint**: An allegation or charge by an employee that a wrong has been committed.
- B. **Complaint Procedure**: The process by which a determination is made as to whether or not a wrong has been committed.
- C. **Grievance**: An expressed claim by a regular employee that the City has violated, misinterpreted, or misapplied an obligation to the employee during their employment as such obligation is expressed and written in the City Personnel Ordinance, these Personnel Rules, or other written City policies. Disciplinary actions, the content of performance evaluations, rejection from probation, and denial of merit increases are not subject to the complaint or grievance procedure.
- D. **Grievance Procedure**: The process by which the validity of a grievance is determined.
- E. **Representative**: A person who, at the request of the employee or management, is invited to participate in grievance conferences.

#### 4.3 **COMPLAINT PROCEDURE**

- A. **Step 1**: The employee should present and review any complaint with the immediate supervisor. At least one conference shall be held between the employee and the immediate supervisor within two (2) business days after the employee has expressed the complaint. The immediate supervisor is required to review every complaint and attempt to settle it as quickly and fairly as possible.

- B. Step 2: If the action taken by the immediate supervisor is not satisfactory, the employee may take the complaint to successive levels of supervision up to and including the Personnel Officer. The decision of the Personnel Officer is the final administrative decision.

#### 4.4 GRIEVANCE PROCEDURE

Paragraph 1: Informal Grievance Procedure. The employee shall inform the immediate supervisor orally of the grievance and relevant facts within five (5) business days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. At least one conference shall be held between the employee and the immediate supervisor within two (2) business days after the employee has expressed the grievance. The immediate supervisor shall orally advise the employee of the decision within five (5) business days following the conference.

Paragraph 2: Formal Grievance Procedure.

- A. Step 1: If the grievance is not resolved informally, the employee shall put the grievance in writing and submit copies to the immediate supervisor no later than five (5) business days following completion of the informal grievance procedure. The written grievance shall include a citation of the sections of the Personnel Ordinance, Policy, or these Personnel Rules alleged to have been violated and the remedy sought by the employee. A conference shall be held between the employee and the immediate supervisor within two (2) business days after the written grievance is received. The supervisor shall review the grievance and render a written decision to the employee within five (5) business days following the date of the Step 1 grievance conference. The issuance of a decision will complete Step 1.
- B. Step 2: In the event that the grievance is not resolved in Step 1, the employee may submit it to the Department Director no later than five (5) business days following completion of Step 1. A conference shall be held between the employee and the Department Director within two (2) business days from the receipt of the Step 2 grievance. The Department Director shall have five (5) business days following the Step 2 grievance conference, in which to review the matter. At the conclusion of this review, a decision in writing shall be given to the employee. The issuance of a decision will complete Step 2.

- C. Step 3: In the event that the grievance is not resolved in Step 2, the employee may submit it to the Personnel Officer or designee no later than five (5) business days following completion of Step 2. A conference may be held between the employee and the Personnel Officer within two (2) business days from the receipt of the Step 3 grievance. The Personnel Officer shall have ten (10) business days following the Step 3 grievance conference in which to review the matter. At the conclusion of this review, a decision in writing shall be given to the employee. The decision issued by the Personnel Officer is the final administrative decision of the grievance procedure.

#### 4.5 GENERAL PROVISIONS

- A. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures by reason of such use.
- B. Forms for filing and processing grievances and other documents necessary under these procedures shall be prepared by the Personnel Officer and given appropriate distribution.
- C. All documents, communications, and records dealing with the processing of grievances shall be filed separately from personnel files.
- D. Failure at any step of this procedure to communicate the decision on the grievance within specified time limits shall permit the aggrieved employee to proceed to the next step.
- E. Failure at any step of this procedure to seek review of a decision on a grievance within specified time limits shall be deemed acceptance of the last decision rendered and waiver of further steps.
- F. The time limits specified at any step in this procedure may be extended by mutual written agreement of all parties.
- G. Reasonable time off without loss of pay shall be given to an employee who has a complaint or grievance and to the employee's representative in order to participate in the complaint and grievance procedures.



## CHAPTER 5

### SEPARATION FROM SERVICE

#### 5.1 DISCHARGE/TERMINATION

An employee in the competitive service may be discharged at any time by the appointing authority for reasonable cause. Discharge shall be pursuant to these Personnel Rules, the Personnel Ordinance, and in accordance with law. Employees not in the competitive service of the City are employed at-will and can be terminated at any time with or without cause and without notice.

#### 5.2 LAY OFF

Paragraph 1: Elimination of Position. Whenever, in the judgment of the City Council, it becomes necessary in the interest of economy or because the necessity for a position no longer exists, the City Council may abolish any position or employment in the competitive service, and the employee holding such position or employment may be laid-off without the right of appeal.

Paragraph 2: Lay Off Procedure. The order of lay off of employees shall be established by the Personnel Officer on the recommendation of the Department Director involved. The Department Director shall take into consideration the job performance and length of service of employees in preparing a recommended lay off list, provided that no regular or probationary employees shall be laid off from their position in any department while any temporary, seasonal, provisional, or part-time employees are serving in the same class within the department. Employees to be laid off shall be given at least fourteen (14) days prior notice.

#### 5.3 RESIGNATION

An employee wishing to leave City employment in good standing shall file a written resignation with the appointing authority, stating the effective date and reasons for leaving, at least two (2) weeks before leaving the service. Such time limit may be waived by the appointing authority if the employee furnishes evidence that such notice would result in unreasonable hardship or loss of opportunity. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule may be cause for denying future employment by the City.

#### 5.4 JOB ABANDONMENT

An employee is deemed to have resigned if the employee is absent for five (5) consecutive business days without prior authorization and without notification during the period of absence. Employees have no right to appeal if deemed to have resigned as a result of job abandonment. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment which made it impossible not only to come to work, but also to communicate that inability to his/her supervisor.

#### 5.5 RETIREMENT

Employees covered by the contract between the California Public Employee's Retirement System (CalPERS) and the City of Lake Forest shall be eligible to retire based upon meeting CalPERS eligibility requirements.

## CHAPTER 6

### COMPENSATION AND HOURS

#### 6.1 CLASSIFICATION POLICY

Paragraph 1: Preparation of Plan. The Personnel Officer, or a person or agency employed for that purpose, shall ascertain, and record the duties and responsibilities of all classifications in the competitive service and, after consulting with the appointing authority and Department Directors, shall recommend a classification/compensation plan for such positions. The classification/compensation plan shall consist of classifications of positions in the competitive service defined by classification specifications, including the title. The classification/compensation plan shall be so developed and maintained that all positions similar with respect to duties, responsibilities, authority, and character of work are included within the same classification; and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same classification.

Paragraph 2: Adoption, Amendment, and Revision of Plan. The classification/compensation plan shall be adopted and may be amended from time to time by resolution of the City Council. The Personnel Officer shall determine which, if any, amendments will be proposed to the City Council. Amendments or revisions to the classification/compensation plan proposed by the Personnel Officer shall be publicly posted for at least seventy-two (72) hours prior to consideration by the City Council.

Paragraph 3: Allocation of Positions. Following the adoption of the classification/compensation plan, the Personnel Officer shall allocate every position in the competitive service to one of the classifications established by the Plan.

Paragraph 4: New Classification. When a new classification is created, before any position may be filled, the appointing authority shall notify the Personnel Officer, and except as otherwise provided by the Personnel Ordinance or these Personnel Rules, no person shall be appointed or employed to fill any such position until the classification/compensation plan has been amended to include such position.

Paragraph 5: Reclassification. When duties have changed so materially as to necessitate reclassification, such duties shall be allocated by the Personnel Officer to a more appropriate class. Reclassifications shall not

be used for the purpose of avoiding restrictions concerning demotions and promotions. When a reclassification occurs, no person shall be appointed or employed to fill the reclassified position until the classification/compensation plan has been amended to include a position not already in the plan.

## 6.2 FULL-TIME SALARY ADMINISTRATION POLICIES

The following salary policies shall govern the administration of the compensation plan for all full-time classifications:

- A. The minimum rate is normally the hiring rate for the grade. An employee may be assigned, upon appointment, to a rate other than the normal entering salary rate upon the recommendation of the Department Director, and with approval of the City Manager when it is decided that such action is in the best interest of the City.
- B. The comprehensive wage and salary plan is based on a 40-hour work week for all full-time employees.

## 6.3 PART-TIME WAGE ADMINISTRATION POLICIES

The following salary policies shall govern the administration of the wage schedule for part-time classifications:

- A. An employee shall be assigned, upon appointment, to an hourly wage rate upon the recommendation of the Department Director and with approval of the City Manager. The wage must be that as set forth in the wage schedule.
- B. The wage is an hourly rate and represents the comprehensive rate.
- C. The wage schedule shall be adopted by Resolution of the City Council.
- D. Part-time employees shall be eligible for a step increase after working at least 500 hours, completing one (1) year of service, and receiving a "Meets Minimum Job Requirements" performance evaluation overall rating. If an employee works less than 500 hours after one (1) year of service, they will be eligible for the increase upon reaching 500 hours, or upon the completion of two (2) years of service, whichever comes first. The effective date of the increase shall be the employee's anniversary date, or upon reaching the 500 hours. Part-time employees can be eligible for a double step increase for outstanding performance upon the approval by the Department Director and City Manager.

- E. Part-time employees promoted within one (1) month of their eligibility for a step increase will receive a double step increase upon promotion. Part-time employees promoted within three (3) months of their eligibility for a step increase are eligible for a double step increase upon promotion subject to approval by the Department Director and City Manager.

6.4 PERFORMANCE COMPENSATION PLAN (Does not apply to the City Manager or the City Attorney).

Paragraph 1: Purpose. The purpose of this Pay for Performance Plan is to establish a compensation plan and policy that will not only attract, retain, and motivate people with a high degree of commitment and excellent skills to the City for employment, but will compensate employees equitably for the value of the work they perform and the contributions their efforts make to achieving the City's goals and long-term objectives. The Plan will recognize and reward employees for the results they achieve and the behaviors they demonstrate consistent with the City's vision and values. With exceptional results for the citizens and stakeholders in the City will come exceptional rewards for those who accomplish them.

Paragraph 2: Background. While the City appreciates and values long-term service from good employees and rewards such service tenure through other programs, the City recognizes that compensation programs and policies are among the most critical tools in setting a high-performance bar and focusing energy, effort, and commitment to meeting and exceeding performance standards. This Plan is established to institutionalize the concept that salary ranges present the opportunity to earn higher salary and are not a guarantee of annual salary increases. When merit increases are awarded on the basis of work results compared to performance targets equitably established and communicated, employees are empowered to be individually accountable — to influence the pay they receive by the level of their performance.

Paragraph 3: Policy. The Pay for Performance Plan shall apply to all full-time employees who receive an annual performance evaluation except for the City Manager and City Attorney. Compensation adjustments under this Plan will be considered in conjunction with the employee's annual performance evaluation. When an employee receives their annual performance review, an employee rating shall be determined based on the criteria outlined in the evaluation form. Only employees who are recommended by their Department Director and approved by the City Manager as rating "Meets Minimum Job Requirements" or higher shall be

eligible for adjustments to base pay and lump sum performance incentives in accordance with this Plan. An employee's eligibility for salary movement may be based on three types of increase policies:

- A. Performance – based merit increase policy. To be eligible to receive a performance – based merit increase, an employee must receive a performance rating based on the criteria outlined in the evaluation form used in the annual performance review of all full-time employees performed each year after the completion of the fiscal year. Employees who are hired during the fiscal year will be eligible for a pro-rata share of the performance-based merit increase based on the date of their hire and their rating. The following reflects the pro-rata percentage of the increase that will be available to employees based on their hire date:

Month of Hire	Pro-Rata Percentage
July	100%
August	92%
September	84%
October	75%
November	67%
December	59%
January	50%
February	42%
March	34%
April	25%
May	17%
June	9%

The following conditions are also part of the performance-based merit increase policy:

- (1) The increase will be applied to salary if possible. However, the salary increase will be limited by the pay range maximum for each position.
- (2) Any amount of increase which cannot be accommodated within the pay range maximum will be paid in a lump-sum payment after the employee's evaluation each year. However, employees are not eligible to receive a lump-sum performance incentive award unless they are at the maximum salary of their range.

- (3) All increases made under this policy, whether in the form of salary increases or lump-sum payments, must be according to law.
  - (4) Lump-sum payments will not be included as compensation for purposes of disability benefits, vacation or holiday pay, or other pay related to City benefits to an employee.
  - (5) Performance based merit increases are discretionary, and subject to City Manager review and approval. The City Manager is also authorized to adjust and/or limit the percentage increases based upon City financial conditions and budgetary considerations.
- B. Promotional increase policy. A promotional increase will be granted to an employee who is promoted to a position at least one grade higher than the employee's previous class. The amount of the increase will be as determined by the City Manager but will be a minimum increase of five (5%) percent over the prior salary. The City Manager's determination will be based on, but not limited to, the "size" of the promotion (one grade versus five grades), the "time" since the employee's last increase, and an assessment of the employee's "readiness" for full job performance in the new position.
- C. Structural movement increase policy. This policy provides for review and adjustment of the salary structure (if necessary) at least every two years. When the salary structure is adjusted, employees with salaries that fall below new range minimums after any pay-for-performance increase will receive a structural increase to the minimum.

## 6.5 WORKING HOURS

Actual working hours will be determined on the basis of operational efficiency and employee preference. Supervisors will establish normal working schedules subject to approval of the Department Director or the City Manager. Any deviation from normal work schedules shall be approved by the Department Director and the Personnel Officer.

## 6.6 PAY PERIODS AND PAY DAYS

All officers and employees of the City of Lake Forest shall be paid once every two weeks. Compensation shall be made available on an every-other Friday basis. In the event that a payday falls on a holiday, all warrants or checks in payment of compensation shall be made available on the day preceding the holiday.

## 6.7 PAYROLL DEDUCTIONS

The City can lawfully withhold amounts from an employee's wages only: (1) when required or empowered to do so by state or federal law, or (2) when a deduction is expressly authorized in writing by the employee to cover insurance premiums, benefit plan contributions or other deductions not amounting to a rebate on the employee's wages, or (3) when a deduction to cover health, welfare, or pension contributions is expressly authorized by a wage or collective bargaining agreement.

The following payroll deductions may be made from the salary of employees, where applicable:

Paragraph 1: Obligations to the City. The City, if deemed necessary by the City Manager, may deduct from the employee's pay amounts equal to the obligations incurred through cash advances and damage to City property entrusted in the care of the employee, if said damage results from proven negligence on the part of the employee, when authorized by the employee.

Paragraph 2: Health and Life Insurance Benefits. The City will make deductions of those amounts authorized by the employee equal to the employee's share of the health and life insurance benefits made available to the employee.

Paragraph 3: Income Tax --Medicare and Social Security. The City shall make deductions from the salary in the amount required by Federal and State law.

Paragraph 4: Public Employees' Retirement System. The City shall deduct from the employee's salary the amount required to be contributed to the Public Employees' Retirement System (PERS) after considering Section 7.2 "Public Employees' Retirement System."

Paragraph 5: Credit Union Deductions. The City shall deduct from the employee's salary authorized deductions to the credit union and pay such amounts to the credit union.

Paragraph 6: Charitable Deductions. The City shall deduct charitable contributions periodically, when authorized by the employee.

Paragraph 7: Deferred Compensation. The City, upon authorization by the employee, shall deduct eligible amounts as determined by the employee for contribution to the Deferred Compensation Program.



Paragraph 8: Miscellaneous Deductions. The City, upon authorization by the employee, shall deduct amounts as determined by the employee.

Paragraph 9: Court Ordered Garnishment. The City shall deduct an amount from an employee's salary when so ordered by a court of competent jurisdiction.

## 6.8 COMPENSATION FOR OVERTIME

Paragraph 1: General Overtime Provisions. Subject to approval of the City Manager and to the following provisions, an authorized supervisor may prescribe reasonable periods of overtime work to meet the operational needs of the department. Except as otherwise provided herein, overtime shall be paid at one and one-half times the hourly equivalent of the employee's salary rate, based on the number of overtime hours actually worked.

- A. Overtime is defined as work required by an authorized supervisor on a form approved by the Personnel Officer in excess of forty (40) hours in a work week.
- B. In the event a bona fide emergency arises that dictates the need for immediate overtime and the employee's supervisor is not available for authorization, the employee shall seek approval from a management employee prior to working the overtime and on the next working day shall prepare a memorandum to the responsible supervisor outlining the same.
- C. Time off taken for purposes of sick leave, vacation, compensatory time, jury duty, holiday, bereavement, and other leave shall not serve as time worked when computing the forty (40) hours in a work week.
- D. Compensatory-time In Lieu of Compensation. An employee is entitled to elect to receive compensatory-time in lieu of compensation for overtime. The maximum hours of compensatory time that an employee shall receive in lieu of compensation is forty (40) hours. Once an employee has reached the maximum level of compensatory-time the City shall directly compensate the employee, until the employee's balance of compensatory-time falls below the forty (40) hour maximum level.
  - (1) Part-time employees are not entitled to receive compensatory time in lieu of overtime pay.

Paragraph 2: Personnel Not Entitled to Overtime. For the purpose of this section all exempt employees as defined by the Fair Labor Standards Act

(FLSA) are not entitled to overtime. However, these personnel may be granted compensation for work beyond the normal work week at the sole discretion of the City Manager.

Paragraph 3: Court Time. Employees, other than those covered by Paragraph 2 above, who are required to appear in court during their off-duty hours in connection with City business shall receive overtime compensation at one and one-half times the number of hours they spend in court.

## 6.9 PAY FOR SERVING IN HIGHER JOB CLASSIFICATION

Paragraph 1: Prior Approval for Serving in Higher Job Classification. Prior to an employee serving in a higher job classification for more than [ten \(10\) consecutive](#) business days, the Department Director must submit a memo to the City Manager requesting authorization. The memo must document reason for need, estimated duration of service, and specific job responsibilities to be covered. The job responsibilities to be covered shall be approved by the Department Director and the Personnel Officer.

Paragraph 2: Pay for Serving in Higher Job Classification. An employee who is required, on the basis of acting appointment, to serve in a class with a higher salary range to that of the class in which the employee is normally assigned, shall receive the greater of the minimum salary rate of the higher salary range or a five percent (5%) increase from the employee's current salary rate on the eleventh business day of serving. This increase is conditional provided the employee performs all of the duties and assumes all the responsibilities of the higher class, and only after the employee has served more than ten (10) consecutive business days in the higher classification. [The ten \(10\) consecutive days is exclusive of time off.](#) If each of these conditions is met, the increase in salary shall be retroactive to the eleventh business day of such qualifying service. This section only entitles an employee to the salary of the higher class and not the benefits of the higher class. Compensation under this section shall not be permitted for any position which is subject to City Council appointment unless specifically authorized by the City Council.

## CHAPTER 7

### EMPLOYEE BENEFITS

#### 7.1 HEALTH AND LIFE INSURANCE

Paragraph 1: Health Insurance. Full-time employees and their dependents will have medical, dental, and vision insurance made available. The City retains the right to make health insurance benefits available to part-time employees in specific situations, at the part-time employee's own cost. The City shall pay for medical, dental, and vision insurance for full-time employees and their dependents in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules. The City will pay the cost of the dental and vision plans offered by the City to full-time employees. Additionally, employees may select to be covered by any one of the medical plans offered by the City.

Paragraph 2: Life Insurance Benefits. Group term life insurance will also be made available to these employees. The amount of life insurance made available will be in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules.

#### 7.2 PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Does not apply to part-time except as set forth below or required by law).

##### New Members

"New member" employees will be required to contribute at least fifty percent (50%) of the total annual normal cost rate or the current contribution rate of similarly situated employees, whichever is greater (equal sharing of normal cost) as dictated per PEPR. Employee contributions will be deducted from employees' base salary on a pre-tax basis and paid to PERS.

##### Classic Members

"Classic member" employees will be required to contribute the full seven percent (7%) employee contribution to PERS (employee normal contribution). Employee contributions will be deducted from employees' base salary on a pre-tax basis and paid to PERS.

## Part-Time Employees

Part-time employees who are eligible to participate in PERS will be required to contribute based upon their membership status as stated above. Employee contributions will be deducted from employees' base salary on a pre-tax basis.

### 7.3 PHYSICAL EXAMINATION ALLOWANCE

Full-time employees are entitled to an annual allowance on a reimbursement basis for a physical examination by a licensed physician of the employee's choice. Department Directors may receive a maximum allowance of Five Hundred Dollars (\$500.00) each fiscal year. All other eligible employees may receive a maximum allowance of Three Hundred Dollars (\$300.00) each fiscal year. This allowance can only be used to pay that portion of the cost of the physical, which is not covered by the employee's insurance plan, or for preventive medical tests ordered by a physician as part of the physical exam such as pap smear, cholesterol testing, mammogram, colonoscopy, diabetes testing, prostate cancer screening, and bone density testing.

### 7.4 CELL PHONE ALLOWANCE

Some employees may receive a cell phone allowance to reimburse them for business use of their personal cell phones when it is determined that an employee may need to be available by telephone during non-business hours or when an employee is away from City facilities when it is determined that it would be a benefit to the City and the employee. The City shall will pay for a cell phone allowance in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules. The Assistant City Manager may receive a maximum allowance of Seven Hundred Twenty Dollars (\$720) each fiscal year. Department Directors and the Assistant to the City Manager may receive a maximum allowance of Three Hundred Sixty Dollars (\$360.00) each fiscal year.

### 7.5 WORKERS' COMPENSATION

In the event that an employee incurs a job-related accident or injury, the employee may supplement his or her workers' compensation payments with a fractional amount of earned sick leave or vacation to bring employee's total compensation up to the employee's maximum wage.

### 7.6 DEFERRED COMPENSATION

City employees, including part-time, provisional, temporary, and seasonal employees, are eligible for a Deferred Compensation Program. All contributions will be made by the employee.

7.7 TRAINING OF EMPLOYEES (Paragraph 2 does not apply to part-time, seasonal, provisional, or temporary employees).

Paragraph 1: Purpose of Training and Policy. It is the policy of the City to develop maximum efficiency in the performance of official duties by City employees by providing for the training of employees in the performance of their official duties, and by assisting them in fulfillment of their duties and responsibilities as well-informed citizens of the community.

- A. The Personnel Officer shall monitor training programs, provide support and assistance to Department Directors in the administration of internal training programs, and submit recommendations to the City Manager.
- B. The development of a continuous program of post-entry training as a part of the normal operation of City administration shall be encouraged. All other things being equal, priority consideration shall be given to training opportunities sponsored by and conducted by the City.

Paragraph 2: Tuition Reimbursement. The City will provide to employees a maximum of Fifteen Hundred Dollars (\$1,500) per fiscal year per employee for tuition reimbursement for courses which relate to their job assignments, or when they are pursuing a degree in a major with potential value to the City. Tuition reimbursement may only be applied to the cost of tuition; incidental costs including those for books, parking, or other fees are not reimbursable. The City's program is intended to qualify as an Educational Assistance Program under federal and state tax laws. The completion date of the class shall be used in determining the fiscal year in which the benefit shall apply.

- A. To be eligible, an employee must:
  - (1) have full-time status for one year;
  - (2) receive no other duplicate benefits under any student aid programs;
  - (3) receive prior written approval by the employee's supervisor on a form approved by the City Manager before registering for the class;
  - (4) forward to the Personnel Officer proof of payment of tuition for which City reimbursement is being requested; provide the Personnel Officer with evidence of satisfactory completion of a course (a "C" grade or better or a "pass" in a pass/fail grading system) within thirty (30) days of the end of the course. If good cause is demonstrated, the

City Manager may approve payment of the course following registration and;

- (5) remain in City employment for at least one year after course completion.
- B. The City may withhold from an employee's paycheck sums equal to any amounts which may have been advanced or reimbursed if an employee does not provide evidence of satisfactory completion of a course within thirty (30) days; or, an employee terminates within one year after course completion.

## 7.8 EXPENSE ALLOWANCES

### Paragraph 1: Mileage Reimbursement.

- A. Expense claims for use of private automobiles must be approved by the Department Directors or City Manager. Such use will be reimbursed at the official Internal Revenue Service (IRS) mileage rate that is in effect at the time of the travel. The City Manager may authorize advance payment of estimated expenses to employees, i.e., gasoline or mileage. The employee may elect to be reimbursed by actual mileage in lieu of the car allowance if an employee expects to exceed his/her allowance.
- B. Use of private vehicles for business trips out of the metropolitan area may be approved by the City Manager when use of commercial transportation is not practical or for other acceptable justifications.

Paragraph 2: Car Allowance. (Does not apply to part-time, seasonal, provisional, or temporary employees). A car allowance instead of mileage for normal day-to-day operation may be made available in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules. The car allowance is not applicable to employees who are assigned a City vehicle or do not possess or use a private vehicle in the scope of their employment.

Paragraph 3: Travel Expenses. When air, rail, or public transportation is used, expenses for local transportation such as taxi cab or automobile rental will be allowed when necessary for the conduct of City business.

- A. Expenses for lodging will be reimbursed in accordance with the City's Expense Reimbursement Policy.

- B. Expenses for meals will be reimbursed in accordance with the City's Expense Reimbursement Policy.

#### 7.9 LONG-TERM DISABILITY

Full-time employees are entitled to benefits under a Long-Term Disability Plan provided by the City. Employees who are eligible for the use of sick leave in accordance with Personnel Rule Section 8.4, Sub-paragraph 1.A(1) are entitled to benefits ~~at the~~ according to the plan waiting period ~~contract.~~  
~~expiration of a 90-days' waiting period.~~

#### 7.10 SHORT-TERM DISABILITY

Full-time employees are entitled to benefits under a Short-Term Disability Plan provided by the City. Employees who are eligible for the use of sick leave in accordance with Personnel Rule Section 8.4, Sub-paragraph 1.A(1) are entitled to benefits according to the plan waiting period ~~at the~~  
~~expiration of a 30-days' waiting period.~~

#### 7.11 CONFERENCES, SEMINARS, AND MEMBERSHIPS

Employee attendance at conferences and seminars may be authorized in accordance with the City's Travel Policy.

#### 7.12 INSURANCE/BENEFIT PLANS

The City retains the right to select the vendor(s) for the various insurance plans and to amend the benefits provided by these various plans. Nothing shall limit the City's right to make any changes or guarantee the continuation of the benefits as outlined in these policies.

## CHAPTER 8

### LEAVE

#### 8.1 VACATION LEAVE

Paragraph 1: Full-Time Employees. Employees working full-time for the City accrue vacation hours each pay period according to the following schedule:

After completion of the following years of continuous service employees begin to accrue this number of hours annually.

<u>Years in Service</u>	<u>Annual Hours</u>
0-4	80
5-9	120
10	128
11	136
12	144
13	152
14 or greater	160

Some employees are entitled to earn an additional forty (40) hours of vacation each year. This additional annual vacation accrual shall be provided to employees in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules.

Employees shall accrue vacation beginning the first year of employment. Employees are not allowed to accumulate more than two hundred-eighty (280) hours of vacation. Once an employee accumulates two hundred-eighty (280) hours of vacation, the employee shall stop accruing vacation. Accrual shall not begin again until the vacation leave is less than two hundred-eighty (280) hours.

Paragraph 2: Sell Back of Accumulated Vacation. The City allows for sell back of accumulated vacation based upon the approved annual operating budget. The City Manager will have the final authority to review, modify, and approve all requests. A qualified employee may request a sell back of accumulated vacation during two months of the year, June, and December. In order to qualify for the sell back, an employee must:

- A. Have at least eighty (80) hours of accumulated vacation remaining after the sell back is completed, and



- B. Have taken at least forty (40) hours of vacation/management leave, of which at least twenty-six (26) vacation/management leave hours must be consecutive, within the last twelve (12) months preceding the sell back.

If the employee is qualified and desires the sell back, the employee must follow any additional procedures established by the Personnel Officer.

## 8.2 MANAGEMENT LEAVE

Management leave may be made available in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules.

The accrual of this leave is in a lump-sum in January of each year. New employees, who are eligible for this leave, shall accrue on the first of the month following the date of employment. However, the amount accrued in the first year of employment shall be on a prorated basis. Management leave received pursuant to this Section shall be either taken as time off with pay or will be paid off in a pay period in January .~~December~~.

## 8.3 HOLIDAYS

Employees shall have the following holidays as time off with pay:

New Year's Day (January 1)  
Martin Luther King Day (3rd Monday in January)  
President's Birthday (3rd Monday in February)  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (1st Monday in September)  
Veteran's Day (November 11)  
Thanksgiving Day (4th Thursday in November)  
Friday after Thanksgiving  
Christmas Day (December 25)

In the event that a holiday occurs on a regular day-off and is not observed on a preceding or following day by the City, each employee who is employed prior to the holiday shall receive eight (8) hours of floating holiday. Floating holiday hours may be used hour by hour or in the full eight (8) hour increment. Floating holiday hours must be used within the same calendar year they are received and will not carry over to future years.

## 8.4 SICK LEAVE

Paragraph 1: Sick Leave Generally. The granting of sick leave shall be determined by the following rules:

A. Accrual of Sick Leave: Sick leave, in the forms described below, may be made available in accordance with the benefits matrix contained in Exhibit A to these Personnel Rules:

- (1) Full-time employees shall accrue sick leave with pay at a rate of eight (8) hours per month. Any such leave accrued but unused in any year shall be credited to the following year. At separation, the City will compensate the employee leaving City service for one-half of accumulated sick leave, for separation reasons other than discharge/termination or job abandonment as defined in Chapter 5.
- (2) In accordance with the Healthy Workplaces, Healthy Families Act, and as documented in the Lake Forest Healthy Workplaces, Healthy Families (Paid Sick Leave) policy, part-time employees who, on or after July 1, 2015, work in California for 30 or more days within a year from the beginning of employment are entitled to paid sick leave. Part-time employees shall accrue sick leave with pay at a rate of one hour per every 30 hours worked, beginning at the commencement of employment or July 1, 2015, whichever is later. The accrual of paid sick days cannot exceed 48 hours. Accrued and unused paid sick days shall carry over year to year based on the original hire date. A part-time employee shall be entitled to use accrued paid sick leave beginning on the 90<sup>th</sup> day of employment, after which the employee may use paid sick leave as it accrues. At separation, part-time employees may be eligible for one-half of accumulated sick leave for separation reasons other than discharge/termination or job as defined in Chapter 5 if approved by the City Manager.

B. Permitted Uses of Sick Leave: An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

- (1) Personal illness or physical incapacity.
- (2) Enforced quarantine of the employee in accordance with community health regulations.
- (3) Doctor and dental appointments.
- (4) For an employee or their child who is a victim of domestic abuse, sexual assault, or stalking for specified purposes.

- (5) Absence from duty because the employee's presence is needed to attend to diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member. "Family member" means any of the following:

(a) A child, meaning a biological, adopted, or foster child, stepchild, child of a domestic partner, legal ward, or a child to whom the employee stands in loco parentis. This definition of child is applicable regardless of age or dependency status.

(b) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

~~(b)~~(c) A designated person defined as "any individual related by blood or whose association with the employee is the equivalent of a family relationship."

~~(e)~~(d) A spouse,

~~(d)~~(e) A registered domestic partner.

~~(e)~~(f) A grandparent.

~~(f)~~(g) A grandchild.

~~(g)~~(h) A sibling.

Full-time employees may use accrued sick leave up to the amount earned during six months of employment each calendar year (48 hours) for purposes other than their own illness or medical/dental care. Part-time employees may use accrued sick leave up to 48 hours each calendar year.

- C. Conditions on Use of Sick Leave: Sick leave is not a right which an employee may use at his or her discretion. Sick leave is subject to the following:

- (1) Observed holidays occurring during the sick leave will not be counted as sick leave.

- (2) An employee must call no later than thirty (30) minutes after the regular starting time of their assigned shift and report to their supervisor. An employee has an obligation to keep their supervisor informed regarding their condition and whereabouts during working hours.
- (3) Except in extraordinary circumstances, failure to call before the thirty (30) minute time limit is a basis for denying use of sick leave.
- (4) An employee who misses work shall, upon return to work, ensure sick leave request is input into the City's leave system.
- (5) An employee who misses five days or more of work shall, upon return to work, furnish a certificate issued by a medical provider indicating the employee was on medical leave.
- (6) In cases of suspected abuse of sick leave, a supervisor may require a doctor's statement for any illness. Failure to validate an absence with a doctor's statement may be grounds for denying use of sick leave. Continued abuse will be cause for discipline.

Paragraph 2: Sick Leave Sell Back. The City allows for sell back of accumulated sick leave based upon the approved annual operating budget. The City Manager will have the final authority to review, modify, and approve all requests. A qualified employee may request a sell back of accumulated sick leave in December. In order to qualify for the sell back, an employee must:

- A. Employees who have accumulated more than 360 hours of sick leave may sell all or part of those hours in excess of 360 back to the City at the rate of one hour of pay for each two hours sick leave. If the employee is qualified and desires the sell back, the employee must follow any additional procedures established by the Personnel Officer.

Paragraph 3: Sick Leave Donation Policy.

- A. Purpose: The purpose of this Policy is to establish a program and procedures for employees to donate a portion of their accumulated sick leave time to fellow employees who have exhausted their paid leave entitlements and (1) who are suffering from a catastrophic illness or injury or (2) whose absence from duty is caused by the need to attend to the catastrophic illness or injury of their child, spouse, parent, or domestic partner.

- B. Background: The City’s employees accrue paid sick leave and other various forms of paid leave for their use when the employees are absent from work. There have been occasions when a City employee, due to a serious health condition, has exhausted all forms of paid time off. Such employees have been forced to go without compensation for a length of time. This Policy is designed to address such circumstances during that medical and financial emergency.
- C. Policy: This Policy allows City employees to provide assistance to a fellow employee who is facing a crisis due to their own or a family member’s catastrophic illness or injury. A catastrophic illness or injury is one that is expected to incapacitate a person for an extended period of time and that creates a financial hardship because the employee has exhausted all of his or her accumulated leave. Participation by donors or recipients in the Sick Leave Donation Program is entirely voluntary.
- D. Catastrophic Leave Donation Banks: The Sick Leave Donation Program will allow an employee, who is absent from work due to his or her own serious health condition or due to the need to attend to the serious health condition of their child, spouse, parent, or domestic partner to request that a Catastrophic Leave Donation Bank be established on his or her behalf. A Catastrophic Leave Donation Bank shall not be established unless the City Manager or the City Manager’s designee has approved the employee’s request. Leave donations will be credited to a particular recipient’s Catastrophic Leave Donation Bank and will be for use by that designated recipient only.
- (1) Eligibility of Employee for Catastrophic Leave Donation Bank. To be eligible to receive Catastrophic Leave Donation Bank donations, an employee must meet all the following conditions:
- (a) Must be eligible for the accrual of sick leave in accordance with Personnel Rule Section 8.4; and,
  - (b) Must have been employed by the City in a regular position for at least one year or if good cause can be demonstrated, the City Manager can waive the one year requirement; and,
  - (c) Must submit a confidential statement from his or her treating physician which indicates that the employee’s absence is due to the employee’s own “serious health

condition” or is due to the need to attend to the “serious health condition” of their child, spouse, or parent, or domestic partner as defined according to state and federal laws, in the Federal Family and Medical Leave Act. The statement must also estimate the duration of the employee’s absence from work; and,

- (d) Must have applied for short~~long~~-term disability insurance or for Workers’ Compensation benefits, if eligible, and have authorized the City to integrate any such awarded benefits with available leave balances; and,
- (e) Must have exhausted all earned leave balances (including sick, vacation, management leave, and compensatory time). However, the City Manager may approve the solicitation and acceptance of sick leave donations prior to all balances being exhausted when the physician’s statement and existing leave balances indicate that all such balances will be exhausted within the next two pay periods.

- (2) Catastrophic Leave Donation Bank Guidelines. Leave donations will be credited to a recipient’s Catastrophic Leave Donation Bank on an hour-for-hour basis, regardless of the hourly pay rate of any particular employee. While using leave from the recipient’s Catastrophic Leave Donation Bank, the recipient will be treated as though he or she was merely using the recipient’s own sick leave. Thus, the recipient will accrue additional annual vacation or sick leave, as usual, during the use of hours from the Catastrophic Leave Donation Bank. The maximum amount of sick leave which may be donated, in total, by City employees to a particular Catastrophic Leave Donation Bank is a total of four hundred eighty (480) hours. Any hours of donated sick leave remaining in the Catastrophic Leave Donation Bank at the time the Bank is abolished will be forfeited. The donated hours used by the recipient are taxable to him or her in accordance with Internal Revenue Service regulations and are subject to withholdings as required by law.

- E. Leave Donations: Donations of sick leave are subject to the following requirements:

- (1) Full-Time Employees Only. Only full-time employees, who are eligible for the accrual of sick leave in accordance with Personnel Rule Section 8.4, Sub-paragraph 1.A, may make sick leave donations to a Catastrophic Leave Donation Bank.
- (2) Type of Donations. Employees may donate from his or her accumulated sick leave balance only. Transitional sick leave balances are not available for donation.
- (3) Minimum Donations. Employees wanting to donate will be notified of the hours needed per pay period. Employees may donate a minimum of one hour from his or her accumulated sick leave balance. No donation from an employee will be permitted that would result in the donor's accumulated sick leave balance, immediately after the donation, being below eighty (80) hours of accumulated sick leave.
- (4) Whole Hour Donations. Leave donations must be in whole hours. No fractions of hours may be donated.
- (5) Donation's Impact on Sick Leave Sell-Back. Sick leave donations may affect the donor's ability to annually sell sick leave back to the City.

F. Responsibilities Under the Policy: The development and use of a Catastrophic Leave Donation Bank carries with it a shared responsibility between City's management and individual employees desiring to participate in the program. The respective responsibilities are set forth below:

- (1) The Requesting Employee: The requesting employee will prepare and submit to the Personnel Office a "Request to Establish a Catastrophic Leave Donation Bank" form. Additionally, the requesting employee should submit a "Certification of Physician or Practitioner" form to the Personnel Office in a sealed envelope labeled "Confidential – Request to Establish a Catastrophic Leave Donation Bank." If the requesting employee is unable to make the request on their own behalf, the employee's Department Director may submit a request on the employee's behalf.
- (2) The Program Administrator: The City Manager, or the City Manager's designee, will serve as the administrator of the Sick Leave Donation Program. The Administrator will receive the

confidential statement from the requestor's physician in a manner consistent with ~~the Federal Family and Medical Leave Act~~federal and state laws. The Administrator will approve or deny the establishment of a requested Catastrophic Leave Donation Bank. If the request is approved, the Bank shall be established, and the Administrator will publicize the request with the statement approved by the requestor. The Administrator shall approve or deny each offered donation, if any, to the Catastrophic Leave Donation Bank in accordance with the requirements of this Policy. The Administrator shall determine when the Catastrophic Leave Donation Bank shall be abolished.

- (3) The Donating Employee: A donating employee will prepare and submit to the Personnel Office a "Request to Donate to Catastrophic Leave Donation Bank" form.
- (4) The Finance Department: The Finance Department will make the appropriate payroll and leave balance adjustments for both the recipient and any donors. The Finance Department will coordinate the usage of hours from the Catastrophic Leave Donation Bank and the integration of any other benefits therewith, if applicable. Any hours remaining in the Catastrophic Leave Donation Bank at the time it is abolished will be forfeited.

G. Forms: The forms utilized in the Sick Leave Donation Program are attached as follows:

- (1) Request to Establish a Catastrophic Leave Donation Bank
- (2) Request to Donate to Catastrophic Leave Donation Bank

The Sick Leave Donation Program forms are available from the intranet or Human Resources.

## 8.5 FAMILY AND MEDICAL LEAVE POLICY

Family and Medical Leave shall be provided in accordance with state and federal law and the Lake Forest Family and Medical Leave Policy.

## 8.6 BEREAVEMENT LEAVE

Full-time employees are eligible for a maximum of three (3) days per year paid bereavement leave in the event of the death of a member of the employee's immediate family. Should additional time be required due to unusual circumstances, an additional



two (2) days may be approved by the City Manager. For the purpose of this Section, immediate family is limited to a parent, stepparent, spouse, domestic partner, child, stepchild, brother, sister, mother-in-law, father-in-law, grandfather, grandmother, grandchild, son-in-law, daughter-in-law, aunt, or uncle of the employee, regardless of residence.

An employee is eligible for bereavement leave once they have been employed for at least 30 days prior to the commencement of leave. The employee can use bereavement leave for each qualifying occurrence, but full-time employees are only eligible for three (3) days per year paid bereavement leave. Employees may use- vacation, compensatory time, floating holiday, and management leave for an additional bereavement leave beyond the three days.

The five days of bereavement leave do not need to be taken consecutively; and can be intermittent. The employee must complete the bereavement leave within three months of the family member's date of death.

## 8.7 MILITARY LEAVE

Military leave shall be granted in accordance with ~~state and federal law, including the provisions of Division 2, Part I, Section~~ California Military and Veteran's Code ~~and the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA)~~ and the City of Lake Forest Military Leave Policy. ~~the U.S. Code~~ All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

## 8.8 LEAVE OF ABSENCE WITHOUT PAY

- A. Department Directors may grant employees leave of absence without pay for not more than five (5) business days. Such leave shall be reported to the Personnel Officer.
- B. The City Manager may grant employees leave of absence without pay or seniority, not to exceed three (3) months. After three (3) months, the leave of absence may be extended, if authorized by the City Council. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and such approval shall be made in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee to return to duty within five business days ~~twenty-four (24) hours~~ after notice to return shall be considered an absence without leave and be cause for immediate termination, and such employee automatically waives

all rights under the Personnel Ordinance and these Personnel Rules. Deposit in the United States mail of a first-class letter, postage paid, addressed to the employee's last known place of residence, shall be reasonable notice.

- C. Employees placed on an unpaid status will not accrue sick or vacation leave. An employee will be eligible for an unpaid status after exhausting all accrued paid vacation, management leave, compensatory leave, and sick leave balances.

## 8.9 FAMILY SCHOOL PARTNERSHIP SCHOOL ACTIVITY LEAVE

~~Employers with 25 or more employees must provide employees~~ Employees are entitled to with up to 40 hours of unpaid leave per year to attend or otherwise be involved with their child's school or day care facility, upon reasonable advance notice.

~~This includes: An employee who wishes to visit the school of his/her child in kindergarten or grades 1 through 12 must~~

- a) ~~— To find, enroll or reenroll his or her child in a school or with a licensed childcare provider, or to participate in activities of the school or childcare provider, limited to 8 hours per month; or~~
- a) \_\_\_\_\_
- b) ~~— To address a school emergency or childcare provider emergency (including a situation where a child cannot stay at school or with a childcare provider due to behavioral or discipline problems); or~~
- b) \_\_\_\_\_
- c) ~~\_\_\_\_\_ To appear at their child's school after the child has been suspended.~~

~~, prior to taking the time off, If possible, the employee should~~ give reasonable written notice to his/her supervisor of his/her intent to do so. The written notice must include the date and time of the visit, ~~as well as,~~ as well as the child whose school the employee will be visiting. The City may deny the request if it will result in undue disruption to City operations.

The employee may take off up to a maximum of 40 hours per school year, but not more than 8 hours in one month, per child. The employee may utilize existing vacation, compensatory time, or management leave, if applicable, for purposes of this planned absence.

The employee's supervisor may require the employee to provide written documentation from the school as proof of these visits.

#### 8.10 JURY DUTY LEAVE

All employees required to serve as a juror shall be compensated for the difference between their normal wage and the compensation for jury duty, less travel pay, during the period of such service.

#### 8.11 ADMINISTRATION OF LEAVE

Employees shall attend their work location in accordance with these Personnel Rules regarding hours of work, holidays, and leaves. All departments shall keep attendance records of employees which shall be reported to the Personnel Officer when and in the manner the Personnel Officer specifies. Failure on the part of an employee to return to duty within ~~five business days~~twenty-four (24) hours after notice to return shall be considered an absence without leave, and be cause for immediate termination, and such employee automatically waives all rights under the Personnel Ordinance and these Personnel Rules. Deposit in the United States mail of a first-class letter, postage paid, addressed to the employee's last known place of residence, shall be reasonable notice.

## CHAPTER 9

### MISCELLANEOUS

#### 9.1 NON-DISCRIMINATION POLICY

No employee shall be promoted, demoted, terminated, or in any way favored or discriminated against because of political opinions or affiliations, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), physical or mental disability, medical condition, marital status, military ~~and-or~~ veteran status, sexual orientation, age (40 or over), or because of the exercise of his/her rights under the Meyers-Milias-Brown Act, or any basis protected by applicable federal, state, or local law.

#### 9.2 POLITICAL ACTIVITY

The political activities of City employees shall conform to pertinent provision of the Ethics in Government Act of 1990; Section 89500 et seq. of Title 9, Chapter 9.5 of the Government Code. Also, employees shall conform to the limits on the expenditure of City funds for political activities in accordance with Section 54964 of Title 5, Chapter 9.5 of the Government Code.

#### 9.3 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

Employees may not solicit political funds or contributions from other employees during working hours or on City property, nor may employees participate in political activities while in any uniform which would represent the City, while on City property or during working hours. Employees are prohibited from soliciting political contributions from other City employees or applicants on an employment list unless the solicitation is made as part of a request to a significant segment of the public. Also, candidates for City office may not use or threaten to use political authority or influence over City employees and City employees will not have any adverse job actions taken as a result of failing to contribute to a political campaign or engage in political activities. The purpose of these restrictions is clearly to keep the City employee's job free from political influence.

#### 9.4 RIGHT TO CONTRACT FOR SPECIAL SERVICES

The City Manager shall consider and make recommendations to the City Council regarding the extent the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The City Council may contract with any qualified entity to perform any or all of the responsibilities and duties imposed by the Personnel Ordinance, including, but not limited to the following:

- A. The preparation of Personnel Rules and its subsequent revisions and amendments.
- B. The preparation of a position Classification/Compensation Plan and its subsequent revisions and amendments.
- C. The preparation, conduct, and grading of competitive tests.
- D. The conduct of employee training programs.
- E. Special and technical services of advisory or informational character on matters relating to personnel administration.

#### 9.5 SEVERABILITY

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

#### 9.6 CONFIDENTIAL POSITIONS

As provided for in Government Code Section 3507.5 (the Meyers-Milias-Brown Act), the City has designated the following positions as confidential: City Manager and Department Directors, and any other employees who have access to confidential employee relations information or who have responsibilities within the employee relations function. The City Council hereby authorizes the City Manager to make further designations of confidential positions by preparing a memorandum stating the same. A copy of this memorandum shall be sent to those employees impacted by such designation.

#### 9.7 ADDITIONAL POLICIES [INCORPORATED HEREIN](#)

In addition to the rules and policies set forth in these Personnel Rules, the following additional rules and policies are [on file with Human Resources: incorporated herein by this reference as if set forth in full](#)

Paragraph 1: Family and Medical Leave Policy.

Paragraph 2: Disability Discrimination Policy.

Paragraph 3: Harassment, Discrimination, and Retaliation Policy.

Paragraph 4: Substance Abuse Policy.

Paragraph 5: Conflict of Interest Code.

Paragraph 6: Computer and Telecommunications Equipment Use Policy.

Paragraph 7: Electronic Communication Usage and Retention Policy.

Paragraph 8: Violence in the Workplace Policy.

Paragraph 9: Military Leave Policy.

## 9.8 DEFINITION OF TERMS

**ALLOCATION:** The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

**APPOINTING AUTHORITY:** The City Council shall appoint the City Manager and City Attorney. The City Manager shall appoint all other positions within the City administration which are exempt from the “competitive service.”

**AT-WILL:** An employee who can be terminated at any time with or without cause and without notice.

**CLASS:** All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title in the application with equity of common standards of selection, transfer, promotion, and salary.

**COMPARABLE CLASS:** Refers to jobs in classes which require equal skill, effort, and responsibility, and that are performed under similar working conditions.

**COMPETITIVE SERVICE:** All positions of employment in the service of the City except those specifically excluded by the Lake Forest Municipal Code and these Personnel Rules.

**DAYS:** Means calendar days, unless otherwise stated.

**DEMOTION:** The movement of an employee from one class to another class having a lower maximum rate of pay.

**DOMESTIC PARTNER:** Individuals registered as domestic partners with the Secretary of State of California pursuant to the California Family Code.

**ELIGIBLE:** A person whose name is on an employment list.

## EMPLOYMENT LIST:

Open-Employment List: A list of names of persons who have qualified for appointment to a class in the competitive service.

Promotional-Employment List: A list of names of persons who have qualified for promotion to a class in the competitive service.

Reemployment List: A list of names of probationary and regular employees who have been laid off or demoted in lieu of lay off.

## EXAMINATION:

Open Competitive Examination: An examination for a particular class that is open to all persons meeting the qualifications for the class.

Promotional Examination: An examination for a particular class which is open only to employees meeting the qualifications for the class who, with no subsequent break in City service except for approved leave of absence, are classified as part-time or full-time regular employees, or six (6) months of probationary status.

**FULL-TIME EMPLOYEE**: Is an employee who is regularly scheduled to work no less than forty (40) hours per work week.

**FULL-TIME REGULAR EMPLOYEE**: Is an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than forty (40) hours per work week, has successfully completed the probationary period, and has been retained by the City.

**MANAGEMENT LEAVE**: Is paid leave granted by Section 8.2 of these Personnel Rules designed to recognize the hours worked beyond the normal work week by an employee .

**PART-TIME EMPLOYEE**: An employee who is hired into a position for less than forty (40) hours per week.

**PERSONNEL OFFICER**: The City Manager or the individual designated by the City Manager to administer the personnel system.

**PERSONNEL ORDINANCE**: Lake Forest Municipal Code Chapter that creates a personnel system for the City.

**POSITION:** A group of duties and responsibilities in the competitive service requiring full-time or part-time employment of one (1) person.

**PROBATIONARY EMPLOYEE:** An employee who has been appointed to a position, who is currently in the working test period where the employee is required to demonstrate the fitness for the position to which he/she is appointed by actual performance of the duties of the position.

**PROBATIONARY PERIOD:** A working test period during which an employee is required to demonstrate the fitness for the position to which he/she is appointed by actual performance of the duties of the position.

**PROMOTION:** The movement of an employee from one class to another classification having a higher maximum rate of pay.

**PROVISIONAL EMPLOYEE:** A temporary appointed employee who possesses the minimum training and experience qualifications for a particular position and appointed to a vacant position in the absence of available eligible individuals from an employment list or during a temporary vacancy due to another employee's leave of absence.

**REGULAR EMPLOYEE:** An employee who has successfully completed his/her probationary period and has been retained as provided in these Personnel Rules.

**REINSTATEMENT:** The employment without examination of a former regular employee or probationary employee.

**SALARY:** The amount of compensation provided to an employee in the classified service, within a maximum and minimum range of pay that corresponds to the classification of the position held by that employee and is based upon the classification plan and compensation schedule, adopted by the City Council.

**SUSPENSION WITHOUT PAY:** The temporary separation from the service of any employee, without pay, for disciplinary purpose.

**TEMPORARY EMPLOYEE:** An employee who is hired into any classification to meet a short-term need of the City. A temporary employee is employed at-will, does not receive most City provided benefits (except CalPERS benefits if determined to be required by law) and shall be hired for a specified term, not to exceed six (6) months and/or ~~98099~~ hours per year, with the express written approval of the City Manager.

**TRANSFER:** A change of an employee from one position to another position in the same classification or in a comparable class with the same maximum rate of pay.



WAGE: The amount of compensation provided to a part-time, temporary, or seasonal employee, as an hourly rate of pay that corresponds to the position held by that employee as set forth in the Classification Plan and Compensation Schedule, adopted by the City Council.

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# Exhibit A

Benefits By Category Matrix  
Effective January 1, 2023

Category	Car Allowance	Life Insurance	Additional Vacation	Administrative Leave (Hours)	Cell Phone <sup>1</sup>	City's 20 <del>22</del> <sup>32</sup> Health Contribution (monthly)	City's 202 <del>22</del> <sup>32</sup> Dental Contribution (monthly)	City's 202 <del>22</del> <sup>32</sup> Vision Contribution (monthly)
A	\$400/month or City vehicle per City discretion	1 x Annual Salary	40 hours	40	\$100 ACM \$80 DH	Employee only: <del>\$752.01</del> <sup>752.01</sup> <del>691.95</del> <sup>701.01</sup> <del>645.09</del> LA) or 95% of the selected premium, whichever is less Employee + 1: <del>\$1,504.08</del> <sup>1,504.08</sup> <del>383.95</del> <sup>(\$1,402.03</sup> <del>289.87</del> LA) or 95% of the selected premium, whichever is less Family: <del>\$1,955.25</del> <sup>1,955.25</sup> <del>799.09</del> <sup>(\$1,822.64</sup> <del>677.21</del> LA) or 95% of the selected premium, whichever is less	<b>HMO</b> Employee Only: \$15.05 Employee + 1: \$27.47 Family: \$40.51 <b>PPO</b> Employee Only: \$66.74 Employee + 1: \$135.26 Family: \$204.28	Employee Only: \$18.16 Employee + 1: \$26.30 Family: \$46.76
B	\$250/month or City vehicle per City discretion	1 x Annual Salary or 75,000 <sup>2</sup> (max)	No	24	\$80 ATCM \$30 MGR			
C	No	\$50,000	No	16	No			
D	No	\$50,000	No	No	No			
A			B			C	D	
Assistant City Manager			Accounting Manager			Associate Planner	Accountant	
City Clerk			Administrative Services Manager			Accounting Supervisor	Assistant City Clerk	
Deputy City Manager			Assistant Director of Community Development			Code Enforcement Supervisor	Accounting Technician	
Director of Community Services			Assistant Director of Finance			Communications & Marketing Analyst	Administrative Specialist	
Director of Community Development			Assistant to the City Manager			Communications & Marketing Specialist	Assistant Planner	
Director of Economic Development			Communications & Marketing Manager			Environmental Compliance Inspector	Audio Visual Technician	
Director of Finance			Economic Development/Housing Manager			Executive Assistant	Building Permit Technician	
Director of Management Services			Economic Development Manager			Facilities Supervisor	Code Enforcement Officer	
Director of Public Works/City Engineer			Engineering Services Manager/Assistant City Engineer			Finance Analyst	Community Preservation Technician	
			Environmental Manager			GIS/Applications Analyst	Engineering Aide	
			Facilities Manager			Information Technology Analyst	Engineering Technician	
			Housing Manager			Information Technology Specialist	Facilities Maintenance Specialist	

**Benefits By Category Matrix**  
Effective January 1, 2023

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	Human Resources Manager	Landscape Administrator	GIS/Applications Technician
	Information Technology Manager	Management Analyst	Human Resources Technician
	Planning Manager	Management Assistant	Management Aide
	Public Safety Manager	Principal Civil Engineer	Permit Technician
	Public Works Maintenance Manager	Principal Planner	Planning Aide
	Recreation Manager	Public Works Supervisor	Receptionist/Cashier
	Traffic Engineer Manager	Recreation Supervisor	Records Coordinator
		Senior Accountant	Records Specialist
		Senior Communications & Marketing Analyst	Senior Accounting Technician
		Senior Finance Analyst	Senior Building Permit Technician
		Senior Landscape Administrator	Senior Code Enforcement Officer
		Senior Management Analyst	Senior Office Specialist
		Senior Planner *2	Senior Permit Technician
		Senior Recreation Supervisor	Street Maintenance Administrator

<sup>1</sup> May receive cell phone allowance or City paid cell phone but not both

<sup>2</sup> Grandfathered as of 08/22/2012. Positions filled prior to 08/22/2012 will receive the benefits of Category B, positions filled on or after 08/22/2012 will receive the benefits of Category C.