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# **TEMPORARY, PART-TIME AND SEASONAL EMPLOYEES**

## **HANDBOOK**

**May 2015**

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## **CHAPTER 1: INTRODUCTION**

### **Section 1.1 Purpose and Intent of Rules**

The purpose of the rules, policies and procedures contained in this document are intended to govern employment and personnel matters in the City of El Centro (“the City”).

Nothing in this chapter is intended to be construed as or create any employment contract. The contents herein are intended to be used as the primary source of authority in the City’s management of employment relationships.

## **CHAPTER 2: EMPLOYMENT**

### **Section 2.1 Temporary Employees**

- A. Temporary employees are those hired for a definite period of time, not to exceed one-thousand (1,000) hours and can be either full-time or part-time employees. Compensation is set on a per diem or hourly basis. Temporary employees are not eligible for paid holidays, vacation, leaves of absence credits, retirement, health and life insurance or other compensation benefits. Retirement benefits shall be paid by the City if hours worked exceed one thousand (1,000) per year. Temporary employees serve at the will of the City and are subject to termination at any time without cause and have no right of appeal or hearing.
- B. Seasonal employees are those employees hired part-time for a specific assignment. The assignment is seasonal in nature and the work cannot exceed one thousand (1,000) hours per year. Seasonal employees are not eligible for paid holidays, vacation, leaves of absence credits, health and life insurance or other compensation benefits. Retirement benefits shall be paid by the City if hours worked exceed one thousand (1,000) per year. Seasonal employees serve at the will of the City, and are subject to termination at any time without cause and have no right of appeal or hearing.
- C. Temporary or seasonal employees hired through an outside employment agency are not subject to the one thousand (1,000) hour limit relating to the CALPERS retirement system.
- D. Approval to extend the one-thousand (1,000) hours must be requested through Human Resources and the City Manager.

### **Section 2.2 Hiring Family Members or Member of Employee’s Household**

For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other member of the employee’s household.

A member of an employee’s immediate family or member of the household will be considered for employment by the City if the applicant possesses all the qualifications for employment. An immediate family member or any other member of the employee’s household may not be hired if the employment would:

- A. Create either a direct or indirect supervisor/subordinate relationship with a family member or member of the household; or
- B. Create either an actual conflict of interest or the appearance of a conflict of interest.

### **Section 2.3 Transferring Family Members**

The criteria in Section 2.2 will also be considered when assigning, transferring or promoting an employee.

### **Section 2.4 Employees Who Marry or Become Members of Employee's Household**

Employees who marry or become members of the same household may continue employment as long as there is not:

- A. A direct or indirect supervisor/subordinate relationship between the employees; or
- B. An actual conflict of interest or the appearance of a conflict of interest.
- C. Should one of the above situations occur, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

### **Section 2.5 Confidentiality**

Confidentiality is an important consideration in the recruitment process and pertains to the names of the applicants, those who serve on the interview panel and those who are selected or not selected for employment with the City. The Human Resources Department strives to maintain and protect this confidentiality in conformity with Federal and State law.

Under no circumstances shall any party with knowledge of any aspect of the recruitment process divulge information about applicants who have applied for City employment, the composition of an oral interview panel or any other confidential matter related to this process. Examples of such restricted activity would include contacting an applicant's current or former employer or coworker, contacting a panel member regarding the proceedings of an interview and advising other individuals about who has applied for a particular position with the City. Matters pertaining to the recruitment process shall be addressed by the Human Resources Department only. To ensure confidentiality, panel members will be required to sign a confidentiality agreement. Employees of the City serving on an interview panel will be subject to discipline for breach of confidentiality unless information could be used to verify the legitimacy of a candidate's response. Under such circumstances, information shall only be shared with members of the Human Resources Department or background investigator

## **CHAPTER 3: EMPLOYEE BENEFITS**

### **Section 3.1 Health Insurance Eligibility**

- A. Eligibility: The City of El Centro defines "temporary eligible employee" as employees who, from January through December, average at least thirty (30) hours a week. Those who start mid calendar year will start a five (5) month measurement period the day after date of hire. Seasonal employees are excluded.
- B. Dependent Eligibility: Eligible dependents include: spouse or domestic partner (as defined by California law) and unmarried/married child(ren) up to twenty-six (26) years of age. Unmarried/married child(ren) includes the child(ren) placed under a "qualified medical child support order," or adopted child(ren) and student status is not required. Age twenty-six (26) or older and physically or mentally disabled and incapable of self-support. Documentation proving dependency and/or disability will be required upon enrollment or at any time requested by the Plan Administrator.
- C. If the covered dependent is close to reaching the plan age limit, you must notify the Human Resources Department immediately for COBRA information.

- D. When is a Dependent Eligible? Dependents are eligible on the employee's eligibility date, the date the dependent is added, or the date of the qualifying life event.
- E. Adding/Deleting Dependents: New dependents may be added to the health insurance plans throughout the year, or you may terminate coverage for yourself or your dependent if you have experienced an IRS qualifying life event, such as:
1. Change in Martial Status (marriage, divorce, or legal separation)
  2. Birth or adoption of a child
  3. Death of a Spouse
  4. Loss of or change in other group coverage
  5. Dependent child aging out of the plan
  6. Change in Employment Status
- F. What happens if I waive health insurance coverage? If an eligible employee waives coverage in any of the medical, dental, and vision benefits being offered, they will be forfeiting their eligibility, and will not be able to enroll until the next open enrollment period without a qualifying life event. The measurement period will be re-evaluated if necessary. The City of El Centro open enrollment period annually is during the month of December for changes to be effective January 1st.

## **CHAPTER 4: SICK LEAVE**

### **Section 4.1 AB 1522 – Paid Sick Leave**

At this time there are many questions still to be answered regarding the sick leave but the City of El Centro will comply with AB 1522 effective July 1, 2015.

## **CHAPTER 5: ATTENDANCE AND ABSENCE FROM WORK**

### **Section 5.1 Attendance and Punctuality**

It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

Supervisors should notify employees of their starting, ending and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.

Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Human Resources Department. Failure to notify the City properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action, up to and including termination.

Employees who report for work without proper equipment or in improper attire may not be permitted to work. Additionally, employees who report for work in a condition considered not fit for work, whether due to illness or any other reason, will not be allowed to work.

Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

Temporary employees who are absent from work for three (3) consecutive days without giving proper notice to the City will be considered to have voluntarily quit.

## **Section 5.2 Workweek Designated**

The standard work period for City employees shall be as follows:

- A. For miscellaneous employees, the work period is seven (7) days commencing at 5:01 a.m. on Tuesday and continuing through 5:00 a.m. the following Monday.
- B. Employees of police, fire and dispatch will work shifts as assigned by their Department Head.

## **Section 5.4 Recording Actual Time Worked**

Employees must record their actual time worked for payroll and benefit purposes from the time work begins and ends. Employees must also record any departure from work for any non-work related reason. Employee time records should be checked and signed by the supervisor involved.

Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

## **Section 5.5 Pay-Periods**

Pay periods for all employees shall be bi-weekly and paydays shall be paid on alternate Fridays. When a regular payday coincides with a holiday, paychecks will be issued on the workday nearest that holiday. Except for employees being terminated, employees will be paid only on regular paydays. The method of distributing payroll checks shall be established by the City Manager.

Employees who discover a mistake in their pay check, lose their pay check or have it stolen should notify Payroll immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new check to the employee. However, the employee is solely responsible for the monetary loss, and the City will not be responsible for the loss or theft of a check if it cannot stop payment on the check.

## **Section 5.6 Family and Medical Leave Act of 1993/California Family Rights Act**

To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by State and Federal law. Rights and obligations are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA") and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this policy, leave under this policy shall mean leave pursuant to the FMLA and CFRA.

A. Leave is only permitted for the following reasons:

- 1. The birth of a child or to care for a newborn of an employee;
- 2. The placement of a child with an employee in connection with the adoption or foster care of a child;
- 3. Leave to care for a child, parent, spouse or domestic partner who has a serious health condition;
- 4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- 5. Leave for a qualifying exigency may be taken arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (under the FMLA only, not the CFRA); or
- 6. Leave to care for a spouse, son, daughter, parent or next of kin service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on

active military duty (this leave can run up to twenty-six (26) weeks of unpaid leave during a single twelve (12) month period) (under the FMLA only, not the CFRA).

#### B. Employees eligible for leave

An employee is eligible for leave if the employee:

1. Has been employed for at least twelve (12) months; and
2. Has been employed for at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the leave.

#### C. Amount of Leave

Eligible employees are entitled to a total of twelve (12) workweeks (or twenty-six (26) weeks to care for a covered service member) of leave during any twelve (12) month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

1. **Minimum Duration of Leave:** If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one (1) year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two (2) weeks. However, an employee is entitled to leave for one (1) of these purposes (i.e., bonding with a newborn) for at least one (1) day, but less than two (2) weeks duration on any two (2) occasions.
  - a. If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.
2. **Spouses Both Employed By The City:** In any case in which a husband and wife both employed by the City are entitled to FMLA/CFRA leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to twelve (12) workweeks during any twelve (12) month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).
  - a. In any case in which a husband and wife both employed by the City are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled may be limited to twenty-six (26) workweeks during any twelve (12) month period.
  - b. Except as noted above, this limitation does not apply to any other type of leave under this policy.

#### D. Employee Benefits While on Leave

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job. Employees may make the appropriate contributions for continued coverage under any voluntary plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City will inform you whether the premiums should be paid to the carrier or to the City. Employee contribution rates are subject to any change in rates that occur while the employee is on leave.

Your coverage on a particular plan may be dropped if you are more than thirty (30) days late in making a premium payment. However, you will receive a notice at least fifteen (15) days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (i.e., unpaid wages, vacation pay, etc.).

#### F. Substitution of Paid Accrued Leaves

If an employee requests leave for his/her own serious health condition, the employee must also exhaust accrued sick leave (if eligible for sick leave accrual). Sick leave cannot be used if leave is taken for bonding purposes. In cases where it would otherwise be appropriate for the employee to utilize sick leave, the employee can choose to utilize sick leave. The exhaustion of accrued leave will run concurrently with the leave under this policy.

##### 1. The City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves:

- i. If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's twelve (12) week FMLA/CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code §4850.

##### 2. The City's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either FMLA or CFRA:

- i. If an employee requests to utilize accrued sick leave without reference to a FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the City may require the employee to exhaust accrued leave as described above.

#### G. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for a covered service member who is a child, spouse, parent

or next of kin of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, the employer may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

#### 1. Time To Provide A Certification

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

#### 2. Consequences for Failure to Provide An Adequate or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

#### 3. Second and Third Medical Opinions

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

#### 4. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

## H. Employee Notice of Leave

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least thirty (30) days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be given verbally. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

## I. Reinstatement Upon Return From Leave

### 1. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City the employee will be reinstated within two (2) business days, where feasible, after the employee notifies the employer of his/her readiness to return.

### 2. Employee's Obligation To Periodically Report On His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

### 3. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

## J. Required Forms

Employees must fill out the following applicable forms in connection with leave under this policy:

1. Request for Family or Medical Leave
2. Medical certification either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse;
3. Authorization for payroll deductions for benefit plan coverage continuation; and
4. Fitness for duty to return from leave form.

## **Section 5.7 Pregnancy Disability Leave**

The City will grant an unpaid pregnancy disability leave for up to four (4) months if an employee is disabled because of pregnancy, childbirth or a related medical condition.

A. Notice and Certification Requirements

Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or Department Head before the leave begins. The request must be supported in writing by an attending physician that the employee is disabled from working by pregnancy, childbirth or a related medical condition, and must state the expected duration of the disability and date of return to work.

All granted leaves must be confirmed in writing, have an agreed-upon specific date of return and be submitted to the Human Resources Department prior to being taken. Requests for an extension of leave must be submitted in writing to Human Resources prior to the agreed date of return and must be supported in writing by the statement of the attending physician that the employee continues to be disabled by pregnancy, childbirth or a related medical condition. California law provides that the maximum pregnancy disability leave right is four (4) months.

Failure to return to work after the maximum four (4) month leave period will result in loss of reinstatement rights.

B. Compensation during Leave

Pregnancy disability leaves are without pay. However, an employee may utilize sick leave (if eligible to accrue) during the leave.

C. Benefits during Leave

The City will maintain, for up to a maximum of twelve (12) work weeks, any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off duty as if the employee had continued to work, if the employee is eligible for concurrent family medical leave, and if the employee has not already exhausted this insurance coverage benefit in the current family medical leave eligibility period. In some instances, the City may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave. Employee should contact their supervisor for further information.

D. Reinstatement

Upon return from an approved pregnancy leave on the original date agreed to, the employee will be immediately reinstated to her original or an equivalent position so long as it was not eliminated for a legitimate business reason. In the event the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities and geographic location as the employee's original position.

If upon return from a pregnancy disability leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will engage in an interactive process with the employee in order to identify a reasonable accommodation that will not cause undue hardship.

## **Section 5.8 Workers' Compensation Disability Leave**

The City will grant a workers' compensation disability leave to employees with occupational illnesses or injuries in accordance with state law. As an alternative, the City will try to reasonably accommodate such employees with modified work when appropriate and if able to do so.

## **Section 5.9 Breaks**

It is the policy of the City to provide rest breaks and meal breaks during the course of each workday. Supervisors are responsible for scheduling the time for employees' breaks and should consider the work load and the nature of the job performed.

### **A. Rest Breaks**

Employees are required to take a rest period of fifteen (15) minutes for every four (4) hours worked. Time spent on rest breaks will be compensated as working time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees who remain at work during rest breaks are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time and will not receive extra pay for the time worked.

Employees are not permitted to leave the City's premises during this period. Employees on rest breaks may not interfere with other employees who are continuing to work.

### **B. Meal Breaks**

Employees are required to take a minimum of one-half (.5) hour meal break for every five (5) hours worked. Employees may voluntarily give up their meal breaks if the workday does not exceed six (6) hours. Employees required to work more than ten (10) hours in any workday will be allowed a second meal break no later than six (6) hours after returning from their first meal break.

Unless otherwise agreed upon in an appropriate adopted MOU between the City and a recognized employee bargaining unit, the standard work week does not include employee lunch periods. Employees will not be compensated for their meal break unless they are required to work during their breaks.

No employee may consume food in work areas unless the employee is specifically required to remain at a work station during meal breaks.

## **CHAPTER 6: HEALTH & SAFETY**

### **Section 6.1 Risk Management**

The City has a Risk Management Division that is a division of the City's Human Resources Department that handles among other things city insurance matters, the City's Injury Illness Prevention Program ("IIPP"), safety program and training, workers compensation claims, safety committee, vehicle usage policy, and cellular telephone use policy.

### **Section 6.2 The City's Safety Program and IIPP Program**

It is the policy of the City to maintain a safe and healthful work environment for each employee and to comply with all applicable occupational health and safety regulations. The program covers employees in all job classifications, students, volunteers, and outside contractors. This written policy is provided to

fully comply with the California Code of Regulations, Title 8, General Industry Safety Orders §3203, Construction Safety Orders §1509, Division of Labor Statistics and Research §14001 and California Labor Code §6401.7 (SB198).

The IIPP is intended to formalize and coordinate existing safety programs at the operational level, such as hazard communication, fire prevention and emergency action plans. It is also intended to establish a framework for identifying and correcting workplace hazards within each department.

A. Guidelines: Diligent implementation of this program will reap many benefits for the City and its employees. Most notably it will:

1. Protect the health and safety of employees and decrease the potential risk of disease, illness, injury and harmful exposure.
2. Improve employee morale and efficiency as employees see that their safety is important.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to find and train replacement employees.
4. Reduce workers' compensation claims and costs.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with Health and Safety Codes.
6. Conducting its operations and activities in a safe manner to minimize the risk of injury to people and minimize property damage at all locations where operations and/or activities occur.

B. Responsibility

The ultimate responsibility for establishing and maintaining effective environmental health and safety policies specific to the City facilities and operations rests with the City Manager. The City Manager has the full support of the City Council for the implementation of this program. General policies governing the activities and responsibilities of the safety programs are established under the City Manager's final authority.

Under the guidance of the City Manager, the Risk Management Division of Human Resources is responsible for implementing the provisions of this program.

Other responsibilities for injury and illness prevention are as follows:

1. Department Head:

- a. Maintains a place of employment that is safe and healthful.
- b. Provides and enforces the use of safety devices, personal protective equipment and safeguards.
- c. Adopts and uses methods and processes are reasonably adequate to assure work performed and place of employment are safe
- d. Takes every reasonable precaution to protect the life and safety of employees.
- e. Maintains communication with work-injured employees and cooperates with efforts to return employees to productive employment.
- f. Provides hazard information to contractors working on City facilities, equipment, and apparatus and maintains safety supervision over contracts.

2. Supervisor

- a. Presents the proper attitude toward job safety performance and encourages the same in his/her subordinates.
- b. Trains employees in job safety and health practices.
- c. Reports work-related injuries and illnesses in accordance with City policies and procedures and State law.

- d. Investigates every accident and report of injury promptly and thoroughly to determine cause and prevent recurrence.
- e. Requires all employees to comply with safety and occupational health standards, rules and regulations that are applicable to his/her own actions and conduct.
- f. Provide safety inspections of facilities, equipment and job sites where City employees are assigned to work and provide the proper training and information to the employees to maintain the City's safety standards.

3. Employee:

- a. Complies with all safety and occupational health standards, rules and regulations that are applicable to his/her own actions and conduct.
- b. Takes every reasonable precaution to protect the health and life of other employees.
- c. Does not remove, displace, damage, destroy or carry off any safety device, notice or warning furnished for use in any place of employment or interfere in any way the use thereof by any other person.
- d. Reports work-related injuries and illnesses promptly to his/her supervisor and cooperates with City efforts to provide timely, fair and equitable benefits pursuant to State law and City policies and procedures.

4. Human Resources/Risk Management:

- a. Assists departments in the management of the IIPP.
- b. Provides consultation to the departments and sections on matters of health and safety.
- c. Interprets external regulations and recommends appropriate compliance strategies.
- d. Assists with training and resources not readily available to the individual departments or sections.

C. Safety and Health Hazards

The system used by the City for identifying, evaluating and controlling occupational safety and health hazards includes the following:

- 1. Review of applicable general industry safety orders and other safety orders that apply to the agency.
- 2. Review of industry and general information (including material safety data sheets for chemicals used) for potential occupational safety and health hazards.
- 3. Investigation of all accidents, injuries, illnesses and unusual events that have occurred.
- 4. Periodic and scheduled inspections of general work areas and specific workstations.
- 5. Preparation of job hazard analysis for specific job operations.
- 6. Evaluation of information provided by employees.
- 7. Communication of relevant injury and illness prevention information through periodic safety meetings and communication aids such as posters, pamphlets, memorandums, etc.

D. Occupational Injury and Illness Reporting

All work-related accidents will be reported to Human Resources/Risk Management within twenty-four (24) hours of knowledge of the injury. Risk Management and the supervisor will review each accident reported and action will be taken to correct the situation in order to prevent recurrence.

Serious occupational injuries, illnesses, accidents or exposures to hazardous substances (as defined by the California Division of Occupational Safety and Health ("Cal/OSHA")) must be reported to Human Resources/Risk Management immediately. These include fatalities and injuries that cause permanent disfigurement or require hospitalization for a period in excess of twenty-four (24) hours. These

injuries must be reported to Cal/OSHA within eight (8) hours of knowledge of the event. Human Resources/Risk Management will perform the required reporting to Cal/OSHA.

Serious injury or illness is defined in Title 8 §330(h), as any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of twenty-four (24) hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, except an accident on a public street or highway.

#### E. Accident Investigation

Supervisors will investigate all reported accidents, injuries, occupational illnesses and near-miss incidents to identify causal factors and attendant hazards. Human Resources/Risk Management will provide assistance if desired. Appropriate repairs or procedural changes will be implemented promptly to mitigate the hazards identified in the investigation.

Human Resources/Risk Management, in conjunction with the injured employee's supervisor, will also follow up on serious accidents. For near-miss incidents, departmental personnel may conduct the investigation and retain documents at the departmental level.

Procedures for investigating workplace accidents and hazardous substance exposures include:

1. Inspect the accident scene as soon as possible.
2. Interview injured employees and witnesses.
3. Examine the workplace for factors associated with the accident/exposure.
4. Determine the cause of the accident/exposure.
5. Take corrective action to prevent the accident/exposure from recurring.
6. Record findings and corrective actions that have been taken.

#### F. Inspections

Periodic inspections provide a method of identifying existing or potential hazards in the workplace, and eliminating or controlling them. The frequency will be at least annually, but may depend on additional factors such as operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes and the history of work place injuries and illness. Corrective actions will include such measures as engineering controls, operational controls, physical changes and training.

Employees should report safety and health hazards immediately to their supervisor.

The supervisor is responsible for conducting inspections of their work areas and retaining the records of the inspections for three (3) years.

#### G. Correcting Unsafe or Unhealthy Conditions

All hazards identified from the above activities will be promptly investigated and all necessary alternate procedures will be implemented as indicated. Procedures for correcting unsafe or unhealthy conditions, work practices and work procedures are:

1. When observed or discovered.
2. Corrected in a timely manner based on the severity of the hazard.
3. When an imminent hazard exists which cannot be immediately abated without endangering employees and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees needed to correct the hazardous condition shall be provided the necessary safeguards.

## H. Safety Communications

Communications with employees on matters relating to occupational safety and health must be readily understandable by all affected employees. Employees should be encouraged to inform the employer of hazards at the worksite without fear of reprisal. Employees shall be informed of the following safety issues by:

1. Communication of safe working conditions and work practices.
2. Required personal protective equipment in initial and subsequent training.
3. Safety posters, letters, memos and meetings.
4. Safety Manual.

## I. Safety Committee

The Safety Committee will provide employees a voice to Management to ensure all mechanical and physical facilities required for personal safety and health are controlled and maintained in keeping the highest standards. Duties are:

1. All areas of employment are represented.
2. To meet periodically.
3. Review reported occupational injuries and illnesses and submit recommendation to Management.
4. Develop, support, and maintain interaction between management and employees to sustain an active and positive interest in safety.
5. Provide a method for employees to take part in discussions on accident causes and preventive measures.
6. Provide a means for employees to submit safety hazards, problems, conditions or concerns to the committee.

Employees will be instructed how to protect themselves from the hazards specific to their individual job duties. This will entail how to use workplace equipment, safe handling of hazardous materials, and use of personal protective equipment. Training must be completed prior to working on assigned equipment and whenever new hazards or changes in procedures are implemented.

## J. Training

Safety and health training is required for all employees. Each supervisor is responsible for training employees under their supervision in safe work procedures for their specific tasks. The supervisor is the key figure in the success of the IIPP. They are responsible for being familiar with safety and health hazards to which their employees may be exposed, being able to recognize these hazards, the potential effects they have on the employees and the rules, procedures and work practices for controlling exposure to those hazards. They must convey this information to employees by setting good examples and instructing and ensuring the employees fully understand and follow safe procedures.

To ensure all employees are knowledgeable of safe working procedures and practices a variety of training will be provided when:

1. Employees are hired.
2. Employees are given new job assignments for which training has not previously been received.
3. New substances, processes, procedures or equipment are introduced to the workplace.
4. The City is made aware of new or previously unrecognized hazards. All training will be documented and retained in departmental files.

Employees will be instructed how to protect themselves from the hazards specific to their individual job duties. This will entail how to use workplace equipment, safe handling of hazardous materials and use of personal protective equipment. Training must be completed prior to working on assigned equipment and whenever new hazards or changes in procedures are implemented.

Managers are responsible to provide supervisors with the training necessary so that they are familiar with the safety and health hazards employees are exposed to in the workplace.

It is the responsibility of each supervisor to know the hazards related to employee’s job tasks and ensure that all employees receive appropriate training.

**K. Compliance**

One (1) or more of the following will reinforce employee compliance:

1. Recognizing employees who perform safe and healthful work practices.
2. Appropriate comments on performance evaluations.
3. Recognition at safety meetings.
4. Written commendation or letters of recognition.

One (1) or more of the following may be utilized to address employee non-compliance:

1. An immediate discussion between the supervisor and the employee who is discovered working in an unsafe manner.
2. Corrective safety training.
3. Appropriate disciplinary action up to dismissal pursuant to these Personnel Rules or applicable MOUs.

**L. Safety Suggestion/Follow-up**

Safety suggestions (Attachment “C”) may be submitted anonymously to Human Resource/Risk Management located at City Hall, 575 Main Street, El Centro, CA 92243. All safety suggestions shall have a follow up in a timely manner. Safety suggestions may also be submitted to supervisors at safety meetings and the Safety Committee.

**M. Recordkeeping**

Standards and regulations of Cal/OSHA contain requirements for maintenance and retention of records on occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this IIPP are being implemented, the following records will be kept on file for the time indicated:

<b>DOCUMENTATION</b>	<b>RETENTION</b>	<b>LOCATION</b>
Safety inspections & forms	Three (3) years	Department and facility
Hazard correction	Three (3) years	Department and facility
Supervisor report of injury and illness	Duration of employment	Workers’ Compensation file
Vehicle accident report	If no injury, two (2) years	Department
Vehicle accident report	If injured, duration of employment	Workers’ Compensation file
Training records	Duration of employment	Department
Employee safety suggestion	Three (3) years	Department

Medical surveillance records	Duration of employment plus thirty (30) years	Human Resources (confidential records)
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Each department/division will ensure that these records are maintained and present them to Cal/OSHA or other regulatory agency representatives if requested. Human Resources/Risk Management may conduct a review of these records during routine inspections to determine compliance with safety and health programs and standards. Human Resources/Risk Management will be available to assist supervisors with training, safety meetings and tailgate sessions. A safe and healthy workplace must be the goal of everyone at the City with responsibility shared by management and employees alike. Questions regarding this IIPP may be directed to Human Resources/Risk Management.

### **Section 6.3 Workers' Compensation Policy**

The City subscribes to and carries workers' compensation insurance for its employees who may be injured or suffer illness while at work. Injuries occurring in the course of employment are paid for by workers' compensation insurance. Workers' compensation insurance pays all medical costs, without a deductible provision, and is paid for exclusively by the City.

#### **A. Workers Compensation Guidelines**

The following are well-defined provisions that must be met to ensure that employees qualify for workers' compensation benefits:

1. Any work-related injury or illness must be immediately reported in writing to the employee's supervisor;
2. The workers' compensation insurer will investigate all late reported claims;
3. When facts cannot be verified, the claim may be denied;
4. Any claim for an injury or illness caused by an employee's willful misconduct, alcohol or drug usage or that occur during the employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the City will not be compensable;
5. Workers' compensation fraud is a felony, punishable by fines and/or jail time. The City will prosecute any individual found to be claiming a work-related illness or injury fraudulently;
6. An approved physician must treat the injured employee. The City and its carrier in certain cases will assign specialists. Any treatment other than that approved by the City and its carrier will not be compensable.

#### **B. Worker's Compensation Benefits**

There are two (2) types of workers' compensation benefits paid to an employee with a approved work-related injury or illness:

1. Medical benefits:
  - a. Physician's Fees: The approved physician who provides treatment is paid through the workers' compensation insurer;
  - b. Hospital Fees: Paid in full;
  - c. Pharmacy Costs: Paid in full if prescribed by an approved physician;
  - d. Special Costs: Any other medical costs including but not limited to braces, crutches, physical therapy and rehabilitation therapy if deemed necessary by an approved physician will be paid in full according to State law.
2. Wage Replacement Benefits:

- a. Wage replacement benefits are paid during the time employees are temporarily disabled from an approved work-related injury or illness. Employees receive a percentage of their salary as set by State law.
- b. The workers' compensation laws provide for a waiting period before injured employees become eligible for wage replacement benefits. Employees will be covered for the period of disability to the limit allowed under State workers' compensation law.

### C. Compensation During Leave

Employees may utilize eligible accrued sick time as allowed by law during the leave. At no time shall an employee receive a greater total payment than the employee's regular salary.

### D. Return to Work<sup>1</sup>

The City may provide transitional or modified duty assignments for an employee who has been determined by a physician to be medically unable to perform all of their job duties because of an injury or illness. The return to work ("RTW") program is an important component in workers' compensation management, second only to the IIPP. Once an injury has occurred, the goal of the RTW program is to return the injured employee to work as quickly as possible.

Human Resources/Risk Management will act as the RTW program coordinator. Human Resources/Risk Management will also function as the liaison with the workers' compensation claims administrator.

### E. Identifying RTW Assignments:

Periodically the RTW coordinator will ask each department to identify the possible RTW assignments.

#### Employee Placed on RTW by a Treating Physician:

1. If the employee has work restrictions, the treating physician must list the specific work restrictions on the RTW form.
2. The RTW program coordinator will coordinate with the employee's supervisor if the division is able to accommodate the restrictions.
3. The employee's supervisor will ensure that the employee is complying with and working within the work restrictions imposed by the treating physician.
4. The City has established a maximum timeframe of ninety (90) calendar days for employee participation in the RTW program. The City Manager or RTW coordinator can approve an extension of that timeframe where circumstances warrant.
5. The employee will not be allowed to return to work, regular duty or modified duty, without a written release from the treating physician.
6. Employees that do not cooperate with the RTW program may have their disability benefits suspended.
7. The RTW status form will be completed by the RTW coordinator and discussed with the supervisor and employee to confirm work status. Note: The RTW status forms are available from Human Resources or on the J drive, common folder, forms.

F. Unavailability of RTW Assignment:

1. If the employee's division is unable to accommodate the restrictions, the RTW coordinator will contact other divisions for possible RTW assignments based upon the employee's restrictions.
2. If no RTW assignment is available, the employee will be put off work.
  - a. Employees off work are to contact the RTW coordinator on a weekly basis to check on the availability of RTW assignment.
  - b. Failure to timely contact the RTW coordinator may result in disciplinary action.

G. Intermittent Assignment:

If an employee completes a temporary assignment and there is no additional transitional work available, the employee will be put off work.

H. Failure to Return to Work:

An employee who fails to return to work after being released by an approved physician, as determined by the City's carrier, will be deemed to have resigned and will be separated from employment with the City.

## **Section 6.4 Reporting Injuries and Illnesses**

This section outlines the procedure for the management of a work-related injury or illness claim.

A. Reporting Injuries and Illnesses

1. Assisting the employee in obtaining medical treatment.
  - a. For a serious injury or illness call 9-1-1 so the employee can be transported to the nearest medical facility.
  - b. Employee must call Company Nurse at 1-855-339-1895 to report injury and for direction regarding medical treatment.
  - c. If the injury or illness requires immediate medical attention but is not life-threatening, the supervisor/designee should take the employee to the City's designated medical facility.
  - d. If the injury occurs after normal business hours when the designated medical facility is not open, the injured employee will go the nearest medical facility.
  - e. Minor injuries that only require first aid can be treated at the employee's work place. First aid is defined as a one (1) time treatment of minor scratches, cuts, burns, splinters, etc.
  - f. All injuries that require medical treatment must be reported to Human Resources/Risk Management.
2. Completing the Injury Reports
  - a. The forms are:
    - Supervisor's Report of Injury or Illness
      - The supervisor must complete this form and submit to Human Resources/Risk Management with twenty-four (24) hours of knowledge of the incident.
    - Employee's Claim for Workers' Compensation Benefit, DWC-1
      - This form is given to the injured employee to complete their portion if they wish to file a claim.
      - Prior to giving the DWC-1 to the employee, the supervisor should fill in the date on line 5.
      - Once the employee has completed their portion, the DWC-1 is returned to their supervisor to complete the employer portion. The employee will keep the

temporary receipt until the form is completed by the supervisor. Once completed, the supervisor will give the employee their completed copy.

- The original and claims administrator's copy will be submitted to Human Resources/Risk Management immediately.

Note: The DWC-1 forms are available from Human Resources or on the J drive, common folder, forms.

#### B. Pre-Designated Physician

1. If an employee has been injured on the job, they have the right to be treated by their personal doctor if they have notified the employer of the doctor's name and address in writing before the injury. The employee must complete a personal physician Pre-Designation form and submit to Human Resources/Risk Management. A written authorization from the pre-designated physician must also be in file in Human Resources.
2. A pre-designated physician must be their personal physician. Pursuant to Title 8, California Code of Regulations §9780, "personal physician" is defined as:
  - A doctor of medicine or doctor osteopathy,
  - Who, prior to the injury, has directed medical treatment of the employee and retains the medical records and medical history of the employee.

#### C. After the Doctor's Visit

Once the employee has received medical treatment, he/she will need to submit a work status form from the doctor to Human Resources/Risk Management. This form must be brought to Human Resources/Risk Management prior to returning to work. Human Resources/Risk Management will notify the appropriate personnel of the return to work status.

If it is after normal working hours and the injured employee may return to work after the medical care, the employee will take the work status form to the immediate supervisor and then forward to Human Resources/Risk Management the next business day.

If the employee has work restrictions, Human Resources/Risk Management and supervisor will determine if accommodations are available. Refer to Policy Statement #409, Return to Work Program.

### **Section 6.5 Smoking Policy**

In order to promote public health by providing City employees and the public with a smoke-free environment in City facilities, it is the policy of the City Council to prohibit smoking in certain areas, which are used by or open to City employees and the public. This policy applies to employees, students and the general public.

#### A. Consistency with the City Ordinance on Clean Indoor Air

The City's policy is consistent with the provisions of City Ordinance No. 93-1, which requires each employer to adopt a written policy on workplace smoking, and also prohibits smoking in all City facilities. This policy was written to comply with both of those requirements.

#### B. Definition

"Smoking" as defined in this policy means inhaling, exhaling, burning or carrying any lighted cigar, pipe, cigarette, weed, plant or other combustible substance.

### C. Designation of Non-Smoking and Smoking Areas

#### 1. General

Smoking is prohibited in all enclosed buildings and within twenty (20) feet of main entrances, exits and operable windows of any building owned, leased and occupied by the City.

#### 2. Vehicles

Smoking is prohibited in all City vehicles whether located on or off City premises.

### D. Responsibilities and Enforcement

1. City Manager and Department Heads: The City Manager is authorized to enforce and interpret this policy. Department Heads are responsible for the implementation and enforcement of this policy in those areas occupied by their respective departments. Department Heads are responsible for the dissemination of information to their employees regarding the implementation of this policy.
2. Signage: The Building Official is responsible for posting “No Smoking” signs within twenty (20) feet of all City facilities. Ash receptacles should be located twenty (20) feet away from the entrances of City facilities where smoking is prohibited.
3. Meetings and Training: Persons responsible for meetings or training may allow breaks at least every ninety (90) minutes to permit those who smoke to do so in a designated outdoor smoking area.
4. Conflict Resolution: The resolution of any conflicts in the implementation of this policy shall be based on reasonable accommodation for non-smokers and smokers and shall include the expectation that employees will demonstrate a cooperative attitude and a willingness to compromise in order to maintain harmonious working relationships. City employees violating provisions of this smoking policy may be subject to appropriate disciplinary action.

## Section 6.6 Vehicle Usage Policy

### A. Responsibility

1. Human Resources Department: Human Resources receives pull notice reports from the California Department of Motor Vehicles and communicates results to the Department Heads and Human Resources Department when necessary. Human Resources will ensure that the appropriate proof of insurance is maintained for each employee.
2. Department Heads: Department Heads are responsible for keeping a list of employees who have the potential to drive pool or private vehicles on City business. The list will include each employee’s name and driver’s license number. Human Resources will coordinate with the Department Heads to keep employee lists current.
3. Employees: Employees are responsible for complying with the specifics of this policy. Employees that have had their license suspended or revoked must immediately notify their supervisor. Employees that neglect to do so shall be subject to disciplinary action.

### B. Definitions

1. Authorized Driver – an employee, volunteer, Council Member or appointed member of a City board to whom permission has been given to drive a City-owned vehicle for the purpose of conducting City business only.
2. DMV – Department of Motor Vehicles
3. Pool Vehicles – A City vehicle available to any Authorized Driver for the purpose of conducting City business. City Pool Vehicles are generally used for a single trip or specific job assignment that is short in duration.

4. POV – Privately-owned vehicles
5. Motorized Equipment – Tractors, lifts, backhoes, forklifts, dump trucks, etc.

#### C. General Provisions

It is the policy of the City that Authorized Drivers requiring transportation for official business will be provided with a City vehicle or will be reimbursed for use of their POV.

This policy is not intended to address every issue, exception or contingency that may arise in the course of vehicle use. Accordingly, the basic standard that should always prevail is to exercise good judgment in the use and stewardship of the City's resources.

#### E. General Conditions

1. Use of City vehicles for any purpose other than authorized City business is prohibited.
2. Only Authorized Drivers possessing a valid California driver license of the proper class for the vehicle being operated shall operate City vehicles.
3. Use of a City vehicle for transportation to home or a restaurant for meals is prohibited unless the following conditions exist:
  - a. The employee is en route while on field duty or attending a meeting on official City business;
  - or
  - b. The employee has been authorized to use a City vehicle after normal business hours.
4. Transportation of any person not connected with City business is prohibited in City vehicles except where (1) with prior approval of the Department Head, such transportation is in the furtherance of City business, or (2) in situations imposing immediate personal danger an employee or volunteer may assist any such person to another location.
5. All vehicles, unless exempt, must have operational seat belts installed.
6. Seat belts shall be worn while operating or riding in City vehicles. The vehicle operator shall be responsible for ensuring that the driver and all passengers use seat belts, and have them adjusted properly before starting the engine of the vehicle.
7. City vehicles are considered an employee workplace and in accordance with State and local ordinances, the use of tobacco products or smokeless tobacco is prohibited in all City vehicles.
8. An Authorized Driver operating a City vehicle is protected against claims for damage, injury or death only if the Authorized Driver is acting within his/her authorized capacity. An Authorized Driver who operates a vehicle outside the scope of his/her authorized capacity is not protected by the City's insurance, and may be subject to personal liability for damages in addition to other appropriate disciplinary action.
9. Authorized Drivers causing vehicle damage due to gross negligence may be responsible for the cost of repairs.
10. Only authorized personnel or persons performing authorized City business may ride in a City vehicle. Family members of City employees shall not ride in City vehicles. On certain occasions, spouses or significant others may accompany City employees, on authorized City business, such as conferences and local professional association or League dinners and banquets.
11. City vehicles may ONLY be operated by Authorized Drivers with a legitimate City business transportation need.

#### F. Use of Pool Vehicles

1. Use of Pool Vehicles offers the City a greater amount of control over the mileage costs, vehicle usage, quality of maintenance, inspections, operation of safety equipment, insurance and other critical factors.
2. All City-owned Pool Vehicles are restricted to official City business.
3. Only Authorized Drivers are allowed to operate City-owned Pool Vehicles.

4. City-owned Pool Vehicles may carry only those employees whose duties require the use of a motor vehicle, and such other persons whose business activities are important to the City interests.

#### G. Use of POVs

1. An employee may use his/her POV when there may be a transportation need for City business and upon written authorization by his/her supervisor.
2. Employees authorized to use POVs on City business must provide proof of insurance in accordance with Section J, Evidence of Financial Responsibility. In the State of California, insurance follows the vehicle. Insurance Code §11580.9 states that where two (2) or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed the insurance afforded by the policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
3. Employees who regularly use his/her POV on City business should notify his/her insurance company of that use. It is the responsibility of the individual utilizing his/her POV to maintain accurate records of the purpose and extent of his/her travel and to make substantiated claims for reimbursement.
4. The vehicle and/or mileage allowance is intended to cover the employee's cost of operating the POV on City business, including the cost of insurance. Further, all operating expenses of the POV are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
5. The City is not liable for any damage to an employee's POV, unless it is caused by the City's negligence.
6. It is the responsibility of the employee involved in an accident to notify his/her immediate supervisor, the DMV and the insurance company.
7. If an employee is responsible for an accident while driving his/her POV, insurance premiums may be increased.

#### H. Driver Training

1. New employees expected to drive for City business shall be required to complete the first appropriate defensive driver course offered after employment begins. All new employees must be instructed regarding policies related to driving City vehicles before they are allowed to drive such vehicles.
2. All employees who are required to participate in defensive driver training shall be required to repeat such training at least one (1) time every three (3) years.

#### I. Driver Responsibility

1. When using any vehicle on City business the Authorized Driver will:
  - a. Operate the vehicle in a safe, reasonable manner consistent with the intended use of the vehicle.
  - b. Observe all traffic laws, rules and regulations. Fines and penalties imposed for violation of traffic laws, rules and regulations while on City business, other than those due to City equipment violations, are the responsibility of the driver.
2. When using a POV on City business the Authorized Driver will:
  - a. Ensure that the vehicle has a current registration.
  - b. Ensure that the vehicle is insured by a company authorized to do business in the State of California.

#### J. Evidence of Financial Responsibility

1. City-Owned Vehicles: The State of California requires evidence of financial responsibility be carried at all times in all vehicles. In accordance with the provision of Vehicle Code §16051, the City Clerk will complete and sign a Statement of Government Ownership for each City-owned vehicle. The statements shall be laminated and given to the Equipment Maintenance Supervisor for placement in each vehicle.
2. POVs
  - a. Proof of insurance will be required before use of a POV for City business is authorized.
    - i. Insurance Requirements
      - Employees who receive a monthly vehicle allowance shall maintain coverage in an amount not less than one hundred thousand dollars (\$100,000) per person/three hundred thousand dollars (\$300,000) per occurrence (or a combined single limit of three hundred thousand dollars (\$300,000)) and property damage coverage in an amount not less than one hundred thousand dollars (\$100,000) per occurrence. Employees that are reimbursed for mileage shall maintain a minimum coverage in an amount not less than fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000) per occurrence (or a combined single limit of one hundred thousand dollars (\$100,000)) and property damage coverage in an amount not less than fifty thousand dollars (\$50,000) per occurrence.
      - The City is not legally liable for any damage sustained to the employee's POV when used on City business.
      - The City shall not be responsible for any increase in the employee's premium rate as a result of an accident.
      - In the event of an accident, the employee is responsible for paying any deductibles the insurance company may require.
      - If insurance coverage is canceled, terminated, lapsed or for any other reason curtailed, the immediate supervisor and Human Resources/Risk Management must be notified and the POV shall not be used for City business.
      - Employees authorized to use POVs shall provide an insurance policy, certificate or other proof of coverage to Human Resources/Risk Management in January of each year.
    - b. Should an employee using his/her POV on City business be involved in an accident with resulting injury or property damage, the employee's own insurance carrier will respond to defend the employee. Should a claim exceed the limits of the employee's liability insurance coverage, the California Joint Powers Insurance Authority ("JPIA") liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

#### K. Use of City Vehicles After Normal Business Hours

1. Authorized Drivers who respond to emergencies after normal business hours may be assigned a City vehicle on a twenty-four (24) hour basis. The City vehicle generally will be used only for responding to emergencies, in call back situations or on other authorized City business such as employees whose regular work schedule is before or after regular City business hours. Personal use of the vehicle while on-call is at the discretion of the Department Head.
2. City vehicles that might require overnight use shall be pre-approved by the Department Head.
3. City vehicles are provided solely for carrying out authorized City business and shall not be considered the personal transportation of the Authorized Driver unless personal use is authorized by the Department Head for employees placed on-call.
4. Employees on leave exceeding three (3) days, who are assigned a City vehicle on a twenty-four (24) hour basis, shall leave the vehicle at City facilities during the leave period.

#### L. Accident Policy

1. All accidents involving City vehicles shall be reported as follows:
  - a. Summon medical care for any injured parties.
  - b. Notify appropriate law enforcement agencies.
  - c. Notify the employee's supervisor.
  - d. The supervisor shall immediately notify Human Resources/Risk Management.
  - e. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommending follow-up preventative actions.
  - f. In the event of a serious bodily injury, a significant incident report shall be completed and submitted by Human Resources/Risk Management to the California JPIA.
  - g. When the employee is determined to be at fault in the vehicle accident, the supervisor shall recommend disciplinary action subject to review and approval by the Department Head.

#### M. Driver License

1. All City employees authorized to use City-owned or POVs on City business must possess a valid California driver license and provide proof of licensing upon hire.
2. Employees must maintain driver licenses appropriate for the class of vehicle to be driven.
3. An employee whose driver license has been suspended, revoked or restricted for any reason must immediately notify their supervisor and shall not be allowed to operate any City-owned or POV on City business.

#### N. DMV Pull Program and Record Review

1. Prior to hiring, all applicants for regular or temporary positions that will operate City vehicles or equipment must provide (at applicant's expense) the Human Resources Department with a current driving record from the DMV. The date on which the driving record was obtained shall be no more than five (5) business days prior to the proposed hire date. The Human Resources Department will review the driving record to determine whether the applicant can be authorized to drive City vehicles and/or equipment, and will submit enrollment forms to the DMV pull-notice program as appropriate. Through this program the City will be automatically notified if any employee has been convicted of a driving offense, is accumulating a negligent operator's record, has had their driver license suspended/revoked or has had any other action taken against the driving privilege or certificate.
2. Those employees whose duties require them to operate any licensed motor vehicle on City business will be required to possess and maintain a valid California driver license. The Human Resources Department shall maintain all DMV employer pull notice and licensing requirement documents and shall notify the appropriate supervisor immediately upon being put on notice by the DMV of any change in the status of an employee's license or other action which affects the employee's ability to perform his/her job requirements or which may require action by the City.
3. In compliance with Vehicle Code §1808.47, all information received from the DMV will be used solely for the intended purpose. All information will be stored in locked areas and no addresses or other information will be given to a third party.
4. The appropriate supervisor shall investigate all cases in which an employee's state driver license is suspended, if the employee's job duties require driving a motor vehicle.
5. The Department Head shall review each case and if necessary take appropriate disciplinary action based on the facts presented and the recommendations of the supervisor and Human Resources.
6. Any Authorized Driver who is convicted of a reportable DMV violation or whose license or required endorsement is suspended/revoked or expired must report this situation to the Authorized Driver's supervisor and the Human Resources Department within one (1) business day. Failure to make a timely report of this information may result in suspension or revocation of driving privileges of City-owned vehicles and/or disciplinary action. The Human Resources Department will confer with the Department Head regarding appropriate action.

7. Any conviction for driving under the influence of alcohol or drugs or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of City driving privileges.
8. Employees that the DMV considers negligent operators (those that have an accumulation of four (4) or more points in a twelve (5) month period or six (6) in a twenty-four (24) month period or eight (8) in a thirty-six (36) month period) may have City driving privileges suspended at the discretion of the City. Appendix A contains a partial list of violation point counts.
9. An employee who has been determined to be at fault in two (2) or more accidents within a thirty-six (36) month period while driving a City-owned vehicle or POV in the performance of official City business shall be subject to disciplinary action up to and including suspension of City driving privileges.
10. Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.

O. Department of Transportation (“DOT”) Drug and Alcohol Testing

Operators shall comply with the most current DOT drug and alcohol-testing protocol as discussed in the City’s drug and alcohol testing policy for employees driving commercial vehicles.

P. Use of Cellular Telephones or Other Devices

See Section 6.8 for information on utilizing cellular telephones while operating a City vehicle.

Q. Travel Outside Imperial County

1. City vehicles used for business purposes outside Imperial County shall be in accordance with the City’s travel policy subject to the following:
  - a. Advanced approval by the Department Head or City Manager;
  - b. No reasonable air transportation is available; or
  - c. Time and cost of City vehicle is less than by air transport.
2. Private vehicles may be used for business purposes outside Imperial County in accordance with the City’s travel policy subject to the following:
  - a. Advance approval by the Department Head or City Manager and the amount of reimbursement for mileage will not exceed the cost of air transport;
  - b. Mileage rates, if any, will not apply if eligible reimbursement costs exceed air transport cost.

R. Rental Vehicles

Rental vehicle shall be in accordance the City’s travel policy.

S. Equipping and Marking Vehicles

1. Unless it is impractical or unsafe, the Equipment Maintenance Supervisor will equip each new vehicle with the following articles:
  - a. First aid kit
  - a. Fire extinguisher
  - b. Flares
  - c. Flashlight
  - d. Litterbag
  - e. Vehicle registration form
  - f. Statement of Government Ownership
2. Vehicle Markings:

All City vehicles shall be properly marked as described below unless (1) the vehicle is used for undercover law enforcement purposes or (2) has been exempted by the City Manager.

- a. All City vehicles will be marked with a City identification number in a conspicuous area near the rear of the vehicle and/or consistent with City custom and practice. “Emergency – Dial 911” and “[www.cityofelcentro.org](http://www.cityofelcentro.org)” will appear on the rear of all vehicles except motorcycles.
- b. General purpose sedans, station wagons, mini vans and passenger vans, pickup trucks and heavy motorized equipment will be marked with the current standard City logo on each side.
- c. Police patrol sedans and patrol motorcycles will be marked so that they will be immediately recognizable as City public safety vehicles.
- d. Emergency response and other vehicles in the fire fleet will be marked with the words “El Centro Fire Department” and the vehicle number.

#### T. Maintenance of Vehicles

1. Departments assigned City vehicles are responsible to ensure that proper and regular maintenance is performed, and that the vehicle is washed and cleaned inside and outside as necessary to maintain an orderly appearance. Vehicles assigned to a department, but not to a particular individual, shall have an individual assigned to ensure that the department’s vehicles are cleaned and washed to maintain an orderly appearance
2. Cleaning and washing of City Hall Pool Vehicles shall be the responsibility of Building Maintenance.

#### U. Replacement of Vehicles

Vehicles should be considered for replacement if one of the following criteria is met:

1. Nine (9) years or older
2. High mileage (generally defined as one hundred thousand (100,000) miles or sixty (60,000) miles for law enforcement vehicles)
3. Poor mechanical condition
4. Other factors i.e., safety problems, wrecked, blown engines, rust out, etc.

#### V. Violations of the Vehicle Policy

Violations of this vehicle policy may subject employees to disciplinary action, up to and including termination.

#### W. Department of Motor Vehicles, Vehicle Code §5810, Partial List of Violation Point Values (updated 5/16/2003):

1. Violations With a Value of Two (2) Points:
  - Any conviction of reckless driving
  - Any conviction of a violation of any of the following sections:
    - Penal Code §192 (manslaughter)
    - Vehicle Code §22348 (driving over 100 mph)
    - Vehicle Code §21651 (illegally crossing the median of a highway)
    - Vehicle Code §§2800.2 or 2800.3 (fleeing an officer)
    - Vehicle Code §23109 (racing or exhibition driving)
    - Vehicle Code §31602 (transmission of explosives)
    - Vehicle Code §§20001 or 20002 (failure to stop in the event of an accident)
    - Vehicle Code §§23152 or 23153 (under the influence of alcohol or drugs)
    - Vehicle Code §§14601, 14601.1, 14601.2, 14601.3, 14601.5 (driving with a suspended or revoked license)

2. Violations With a Value of One (1) Point:
  - Any traffic conviction involving the safe operation of a motor vehicle upon the highway
  - Any traffic accident in which the operator is deemed by the department to be responsible
  - Failure to safely secure child in proper passenger restraint system

## **Section 6.7 Electronic Tracking Technology Policy**

This policy governs City's use of electronic tracking technology in vehicles it owns or leases that are used by its employees.

Employees of City may, in the course of employment, be required to drive and/or ride in a City-owned or leased vehicle equipped with electronic tracking technology.

Electronic tracking technology means a technological method or system used to observe, monitor, or collect information, including telematics, global positioning system, wireless technology or location-based technologies. Electronic tracking technology may include event data recorders, sensing and diagnostic modules or other systems that are used for the purpose of identifying, diagnosing or monitoring functions related to the potential need to repair, service or perform maintenance on the City's vehicle and/or to capture safety systems-related data for retrieval after a collision or similar incident has occurred.

Electronic tracking technology allows the City to monitor location, elevation and velocity of its vehicles. Electronic tracking technology use for public safety greatly enhances job performance, personnel safety, situational awareness and may provide assistance in time critical scenarios. Electronic tracking technology in the City may also be used to for other business-related purposes, including but not limited to measuring productivity, locating stolen vehicles, providing aid to vehicles that break down, increasing employee safety, managing City resources effectively or ensuring that employees are following their routes or assignments.

The City may use electronic tracking technology at the City's discretion, and in the ordinary course of business.

The City may utilize electronic tracking technology to initiate counseling with employees for misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct. Such incidents of counseling should be documented. Employees who have been counseled for misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct associated with the electronic tracking technology may be monitored using the electronic tracking technology to ensure compliance with this policy.

The City may also utilize electronic tracking technology to initiate a disciplinary investigation or discipline of its employees pertaining to the misuse or abuse of their vehicles, inappropriate use of time, speeding or other misconduct, but only where an investigation into the alleged violation of this policy has been conducted. Data retrieved from the electronic tracking technology may be used to corroborate information discovered during any investigation into an employee's violation of this policy.

The California Public Records Act may require that the City disclose specified public records. In response to requests for such disclosure, it may be necessary to examine electronic tracking technology records to determine whether they are public records that are subject to disclosure. Additionally, the City may be required to produce information obtained from electronic tracking technology pursuant to a court order, subpoena or statute.

Employees are prohibited from altering or attempting to alter or disable electronic tracking technology in City vehicles.

## Section 6.8 Cellular Telephone Use Policy

It is the policy of the City of El Centro to provide a safe and healthful work environment for its employees and, to the extent reasonably possible, to prevent injury to third-parties while employees are performing their work activities. The policy is to ensure the compliance with all local, State and Federal guidelines.

- A. Purpose: It is the intent of the City to provide each department with effective communication devices, within the constraints of available resources. The City recognizes the need for City-owned cellular telephones and by this section establishes procedures for their authorization, deployment and use in order to contain costs, ensure departmental accountability and personal responsibility and prevent improper use. It is important that each user assumes personal responsibility for the prudent use of taxpayers' dollars.

It is the City's policy to provide a safe and healthful work environment for its employees and to the extent reasonably possible, to prevent injury to third-parties while employees are performing their work activities. This section is established to:

1. Delineate the provisions and usage of City-owned cellular telephones
2. Contain cost
3. Ensure departmental and personal accountability and responsibility
4. Prevent the improper use of cellular telephones
5. Maintain a safe environment when utilizing a cellular phone

### B. General Provisions

Technology can significantly enhance local service delivery. Cellular telephones are often practical and economical, especially for safety services and emergency communications, and can enhance productivity. The issuance of cellular telephones to employees is a privilege, not a right or an entitlement. Failure to abide by the procedures set forth in this section may result in the loss of use of the equipment and/or disciplinary action.

***The City-issued cellular telephone is not being provided for personal use.*** Personal use of City-provided cellular telephones is allowed only on a very minor, incidental basis and reimbursement should be made to the City. Excessive personal use or abuse of this privilege can result in loss of the use of the cellular telephone and/or disciplinary action. The City reserves the right to terminate cellular telephone privileges for any reason.

In no instance will it be deemed acceptable for an employee to use a City-issued cellular phone to make harassing, threatening or intimidating calls, personal or otherwise.

The City cannot and does not imply, extend or guarantee any right to privacy for voice calls and/or electronic communications placed over City-provided cellular phones, including but not limited to call detail records, logs, voice mail messages, data storage, text messages, emails and address books.

The Director of Finance or his/her designee will administer the City's cellular telephone program to ensure that the City is receiving the best cellular telephone rates possible. At least one (1) time per year, the Director of Finance or designee will review the different rate plans available, the assignment of equipment and the rate plans to individuals.

### C. Working Condition Benefit/*De Minimus* Personal Use

Cellular telephones are intended to be used for business purposes only. It is understood that there may be a *de minimus* use of cellular telephones for personal calls. ***IRS tax laws provide that a working condition benefit may arise in the case of an employer providing cellular telephones to employees.***

*Personal use of City-provided cellular telephones is subject to personal income taxes and withholdings. An alternative for excluding cellular telephones from income is through the use of the de minimis fringe benefit rule, which provides that a minimum percentage of personal use is allowed without triggering taxation. However continuous use of the cellular telephone for personal reasons undermines the argument that any personal use is excludible for an employee's gross income as de minimus.*

Consistent with IRS tax law regarding working condition benefits for employees, *the City hereby establishes that such de minimus use shall be determined to be less than fifteen (15) percent of the total phone calls made on an annual basis.* If an employee uses the City's cellular telephone in excess of the fifteen (15) percent threshold on an annual basis, the entire value of the cellular telephone for that year shall be deemed taxable and shall be reflected as a taxable working condition benefit on the employee's W-2 tax statement.

Consistent with IRS tax laws, the City shall establish a sampling method whereby employees shall be required to indicate on randomly-selected cellular telephone bills whether each phone call was for business or non-business use. Employees shall be required to sign an acknowledgement indicating that the employee has reviewed the cellular telephone bill and has accurately reflected business and non-business phone calls. *Failure of an employee to comply with these substantiation requirements will render the entire value of the cellular telephone on an annual basis to be a taxable working condition benefits, and shall be reflect as such on the employee's W-2 tax statement.*

#### D. Utilizing Cellular Telephones

When an employee is required to operate any motor vehicle for City business, the use of the cellular telephone is prohibited by the driver unless the driver is using a hands-free device. If the driver does not have a hands-free device, they shall pull safely off the road and stop driving before making or receiving a phone call. Texting and/or e-mailing while operating a motor vehicle is prohibited.

Drivers of emergency response vehicles are currently exempt from the State regulations that require the hands-free device; however, they shall make every attempt to refrain from using cellular telephones without the hands-free device in order to reduce the driver's distraction while operating a City vehicle.

#### E. Acquisition

1. Department Heads will determine which of their employees should be issued a City-owned cellular telephone. Their recommendation shall be based on a valid business purpose and shall follow the specific criteria described in these Personnel Rules. However, because of financial or other management considerations, meeting the criteria does not guarantee issuance of equipment. If a radio or pager provides reasonable access to the employee for work-related matters, a cellular telephone will not be issued. The following criteria are among those that should be considered:
  - a. Management – The employee is in a managerial role and a critical component of his/her job responsibilities, regardless of location, is contact with staff, citizens and other agencies.
  - b. Work location – The requirements of the job regularly take the employee away from his/her primary work location, either to serve the public or to complete work assignments, and the Department Head believes a cellular telephone is a critical tool for performing the job. Employees who are regularly assigned to a desk with a land-line telephone and who do not meet the other criteria will ordinarily not be assigned a cellular telephone or pager.
  - c. On call – The employee is either regularly on call or regularly expected to respond to City matters during non-business hours.
  - d. Other considerations: Whether a radio would meet the needs of the City and the employee as efficiently as and at a lesser expense than a cellular telephone.

- i. Whether assignment of a cellular telephone will enhance emergency response, employee safety or work efficiency.
  - ii. Adequacy of the present system of communication and whether a cellular telephone is the most appropriate and economical choice.
  - iii. Whether the cellular telephone is a convenience or a necessity for job performance.
  - iv. Whether the employee can share a cellular telephone with other employees.
2. The request for a cellular telephone shall be submitted to the Finance Department by the Department Head or designee on a cellular telephone authorization request form (see attached). The justification for receiving a cellular telephone must be provided on the cellular telephone authorization request form as cellular telephones will only be distributed to employees with a demonstrated need.
3. Department Heads and their designees, including supervisors, have the responsibility for ensuring that cellular telephones are being used appropriately.
4. Department Directors have the budgetary responsibility for the purchase and monthly expenses associated with cellular telephones.

Employees will be issued a cellular telephone if authorized by the Department Head and approved by the Director of Finance or designee. If approved the Finance Department will order the requested equipment from the City's cellular service provider and arrange delivery.

Employees are responsible for maintaining adequate physical protection of both the equipment issued to them by the City and access to the cellular telephone service associated with the equipment. Employees shall immediately notify their Department Head or designee, who in turn shall notify the Director of Finance or designee, if any City-owned cellular telephones are damaged, lost or stolen.

Any equipment purchased by the City is owned by the City and should be returned to the City when the employee separates from service or when the need for such equipment no longer exists.

#### F. Review

Department Heads, supervisors, and cellular telephone users are responsible for cellular telephone bills within their department. Users are responsible for reviewing the accuracy of their individual bills and for documenting the reasons for any instances in which the plan service level is exceeded. The Finance Department will provide to Department Heads copies of the bills on a monthly basis. Department Heads and their designees, including supervisors, are responsible for reviewing and approving bills (along with any supporting documentation) that has been submitted to them by users. Periodically, the Director of Finance or designee may audit City cellular telephone bills.

Plan service levels should be sufficient to meet business call needs, and not set at a higher level to also accommodate personal calls. Any concern about the plan service level for a particular cellular telephone should be brought to the attention of the Director of Finance or designee by the Department Head or designee in a timely manner.

Employees will be financially responsible for any and all calls made to or from a cellular telephone while in his/her possession that are not in conformance with this policy.

Department Heads should review the list of users annually to ensure that designated employees continue to demonstrate a need for a cellular telephone. Each January, the Finance Department will provide Department Heads with a cellular telephone inventory for review.

#### G. Accountability

Department Heads and users are responsible for cellular telephone bills within his/her department. Appropriate disciplinary action may be taken if an employee is found in violation of this policy.

## H. Personal Use of City Cellular Telephone

City cellular telephones are issued for the primary purpose of conducting City business and are not intended to be a substitute for an employee's personal cellular telephone. Employee use of cellular telephones for personal matters shall be kept to a minimum. To help define the term "minimum," Department Heads and their designees, including supervisors, shall utilize the standard described in the next paragraph.

### 1. Calls:

Personal calls shall not exceed ten (10) percent of the total number of base plan monthly minutes allowed under the City-provided cellular telephone plan or sixty (60) minutes, whichever is less, provided such usage does not interfere with the conduct of City business. If in any month, an employee's personal calls exceed the lesser of ten (10) percent of the total number of base plan monthly minutes or sixty (60) minutes, the Department Head or supervisor must discuss the matter with the employee to determine the reason for the excessive personal usage and counsel appropriate to the situation. Employees shall be notified that continued frequent and/or repeated use of the cellular telephone for personal use in violation of this policy may result in revocation of the cellular telephone and termination of the employee's City provided cellular telephone plan and may, depending on the circumstances, result in disciplinary action, up to and including termination. The employee will be required to reimburse the City for some portion or all of the minutes that result from personal use. The number of minutes subject to reimbursement will be computed as follows:

- a. Add up the number of minutes of all personal use for both calls received and calls made.
- b. Compare that number to the threshold amount (the lesser of ten (10) percent of base plan monthly minutes or sixty (60) minutes).
- c. If personal use does not exceed the threshold amount, no reimbursement is due to the City.
- d. If personal use exceeds the threshold amount, the amount of the excess will have to be paid back to the City.
- e. The rate of reimbursement shall be forty-five (45) cents per minute. This rate may be modified from time to time by the Director of Finance.

### 2. Texting:

The use of City provided cellular telephones for personal texting is not allowed. The cost of incidental use of any personal texting should be reimbursed to the City at the actual cost incurred by the City. The reimbursement will have to be paid back to the City within thirty (30) days after the date of the cellular telephone or pager bill. Excessive personal use or abuse of this privilege can result in loss of the use of the cellular telephone and/or disciplinary action. The City reserves the right to terminate cellular telephone privileges for any reason.

### 3. Reimbursements

All amounts must be paid within thirty (30) days after the date of the cellular telephone or pager bill. Checks should be made payable to the City of El Centro, not the cellular telephone service provider. A copy of the monthly cellular telephone with all personal calls highlighted, along with a copy of the reimbursement calculation, must be included with the reimbursement. The Director of Finance or designee may develop more specific reimbursement procedures.

All amounts due from an employee are immediately payable at the time the employee separates from the City. Any unpaid amount due the City is considered a debt and may result in legal action against the employee after separation from the City. The Director of Finance or designee will review bills showing regular personal usage.

**Excessive personal use or abuse of this privilege can result in loss of the use of the telephone and/or disciplinary action. The City reserves the right to terminate cellular telephone or pager privileges for any reason.**

#### I. Use of Personal Cellular Telephone

*Employees should use the most economical form for placing a call.* Occasionally, employees who do not have a City-issued cellular telephone may need to use their personal cellular telephone for critical City business. These calls may be eligible for reimbursement by the City upon review and approval, of the request, by the Department Head or designee.

Requests for reimbursement should be submitted on a claim for payment. A copy of the monthly cellular telephone bill with business calls highlighted should be attached.

Employees who purchase cellular telephones for personal use should not include the City as co-owner or co-lessee.

***Employees are prohibited from using a personal cellular telephone for City or personal business while operating a vehicle unless the driver is using a hands-free device. If the driver does not have a hands-free device, they shall pull safely off the road and stop driving before making or receiving a phone call.***

## **CHAPTER 7: WORKPLACE POLICIES**

### **Section 7.1 Americans with Disabilities Act Policy and Procedure**

To comply with applicable laws ensuring equal employment opportunities for qualified individuals with disabilities, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability, who is an applicant or an employee, unless undue hardship would result or unless the individual poses a direct threat to the health and safety of him/herself or others.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Human Resources Director and request such an accommodation. The individual with the disability should specify what accommodation he/she needs to perform the job.

Requests for an accommodation will be evaluated on a case-by-case basis, and the City may require reasonable documentation of a disability to support the request, including but not limited to a fitness for duty report.

**Interactive Process:** The City will engage in a good faith interactive process to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his/her job. The City will identify possible accommodations, if any, that will help eliminate the limitation. If the

accommodation is reasonable, will not impose an undue hardship on city operations and does not pose a direct threat to the health and safety of the individual or others, the City will make the accommodation.

## **Section 7.2 Policy and Complaint Procedure against Harassment, Discrimination and Retaliation**

The purpose of this policy is to establish a strong commitment to prohibit and prevent harassment, discrimination, retaliation and abusive conduct in employment, to define those terms and to set forth a procedure for investigating and resolving internal complaints. The City encourages all covered individuals to report as soon as possible any conduct that is believed to violate this policy.

- A. The City has zero (0) tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.
- B. Harassment or discrimination against an applicant or employee by a supervisor, management employee, coworker or contractor on the basis of race, religion, sex (including gender and pregnancy), national origin, ancestry, disability, medical condition, genetic characteristics, marital status, age, sexual orientation (including homosexuality, bisexuality or heterosexuality), or any other protected classification as defined below, will not be tolerated.
- C. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training. Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.
- D. Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.
- E. All employees that are in a position that supervises employees in any capacity shall receive training on preventing harassment, discrimination and retaliation as required by AB 1825.
- F. Protected Classifications are:

This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender and pregnancy), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics and physical or mental disability. It also includes status as a veteran or a member of the uniformed services.

### **G. Policy Coverage**

1. This Policy prohibits employer officials, officers, employees or contractors from harassing or discriminating against applicants, officers, officials, employees or contractors because:
  - a. of an individual's protected classification;
  - b. of the perception that an individual has a protected classification;
  - c. the individual associates with a person who has or is perceived to have a protected classification.

## 2. Discrimination

- a. This policy prohibits treating individuals differently because of the individual's protected classification as defined in this policy.

## 3. Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification.

- a. Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification or race-oriented stories and jokes.
- b. Physical acts, such as assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering or making explicit or implied job threats or promises in return for submission to physical acts.
- c. Visual acts, such as derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
- d. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive working environment.

## E. Guidelines for Identifying Harassment

1. To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:
  - a. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
  - b. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons including the need to avoid being insubordinate or to avoid being ostracized.
  - c. Simply because no one has complained about a joke, gesture, picture, physical contact or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
  - d. Even visual, verbal or physical conduct between two (2) employees who appear to welcome the conduct can constitute harassment of a third (3<sup>rd</sup>) applicant, officer, official, employee or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
  - e. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates, a protected classification and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

## F. Retaliation

Any adverse conduct taken because an applicant, employee or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is

prohibited. "Adverse conduct" includes but is not limited to taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Those who make good faith reports of harassment or discrimination and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process are protected from retaliation.

#### G. Complaint Procedure

1. An employee, job applicant or contractor who believes he/she has been harassed, discriminated, or retaliated against may make a complaint verbally or in writing with any of the following (there is no need to follow the chain of command):
  - a. Immediate supervisor;
  - b. Any supervisor or manager within or outside of the department;
  - c. Department Head; or
  - d. Director of Human Resources
2. An employee, job applicant or contractor that files a complaint verbally will be asked all questions that are required in a written complaint and listed in Section 3, C.
3. Written complaints must include the following information:
  - a. The employee's name, department and position title.
  - b. The name of the person or persons committing the harassment, discrimination or retaliation including their title(s) if known.
  - c. The specific nature of the harassment, discrimination or retaliation, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the victim as a result of the harassment, discrimination or retaliation (if applicable), or any other threats made against the victim as a result of the harassment, discrimination or retaliation.
  - d. Witnesses to the harassment, discrimination or retaliation.
  - e. Whether the victim previously has reported such harassment, discrimination or retaliation and, if so, when and to whom.
4. While the City vigorously defends its employees' right to work in an environment free of sexual or other harassment, it also recognizes that false accusations of sexual or other harassment, discrimination or retaliation can have serious consequences. Accordingly, any employee who is found, through the City's investigation, to have deliberately and falsely accused another person of sexual or other harassment, discrimination or retaliation will be subject to appropriate disciplinary action as listed in Section 1.
5. Any supervisor, manager or Department Head who receives a harassment, discrimination or retaliation complaint shall refer the complaint to the Director of Human Resources immediately.
6. Upon receiving notification of a harassment, discrimination or retaliation complaint, the Director of Human Resources shall:
  - a. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
  - b. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination or retaliation giving consideration to

- all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- c. Report a summary of the determination as to whether harassment, discrimination or retaliation occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor and the Department Head. If discipline is imposed, the level of discipline will not be communicated to the complainant.
  - d. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
  - e. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.
7. The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
8. Option to Report to Outside Administrative Agencies:

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. See Section 7 for the contact information.

## H. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Human Resources Director. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings or to comply with the law or court order.

## I. Responsibilities

### A. Managers and supervisors are responsible for:

1. Informing employees of this Policy.
2. Modeling appropriate behavior.
3. Taking all steps necessary to prevent harassment, discrimination or retaliation from occurring.
4. Receiving complaints in a fair and serious manner and documenting steps taken to resolve complaints.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following-up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
7. Assisting, advising or consulting with employees and the Human Resources Director regarding this Policy and the Complaint Procedure.
8. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Personnel Rules, up to and including discharge.
9. Implementing appropriate disciplinary and remedial actions.

10. Reporting potential violations of this Policy of which he/she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Department or the Department Head.
11. Participating in periodic training and scheduling employees for training.

B. Each employee or contractor is responsible for:

1. Treating all employees and contractors with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training.
4. Fully cooperating with the employer's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except as directed by the Department Head or Human Resources Director.
6. Reporting any act he/she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to his/her immediate supervisor, Department Head or Human Resources Director.

J. Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed.

K. EEOC Contact Information

- A. EEOC's National Contact Center customer service representatives are available to assist employees in more than one hundred (100) languages between 8:00 a.m. and 8:00 p.m. Eastern Time. An automated system with answers to frequently asked questions is available on a twenty-four (24) hour basis. Contact information for DFEH and EEOC is:

1. California Department of Fair Employment and Housing  
San Diego District Office  
350 West Ash Street, Suite 950  
San Diego, CA 92101-3901  
Telephone (619) 645-2681 Toll Free (800) 884-1684
2. Equal Employment Opportunity Commission  
401 "B" Street, Suite 1550  
San Diego, CA 92101  
Telephone (619) 557-7235

**Section 7.3 Abusive Conduct**

- A. Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include:

1. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets;
2. Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating;
3. The gratuitous sabotage or undermining of a person's work performance

- B. A single act shall not constitute abusive conduct, unless especially severe and egregious.

- C. Abusive conduct will not be tolerated and could result in disciplinary action, up to and including termination.

#### **Section 7.4 Drug and Alcohol Free Workplace**

The City is concerned about employees being impaired for the performance of duty or under the influence of alcohol, drugs and/or controlled substances at work, and the use of such substances in the work environment. The City's position is that, any measurable amount of drugs or alcohol in an employee's system while on City time is counter-productive to the goals and mission of City. The City is also concerned about the possession, distribution, purchase or sale of illegal drugs and controlled substances in the workplace.

These activities may adversely affect work performance, efficiency, safety and health. In addition, they constitute a potential risk to the welfare and safety of other, risks of injury to other persons, property loss or damage or negative image for the City.

The City's policy is designed to promote a drug-free workplace and to comply with applicable State and Federal laws.

The City provides reasonable accommodation as required by law to those employees whose drug or alcohol problem classifies them as disabled. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those whose continued substance abuse, even if enrolled in counseling or rehabilitation programs, results in performance deficiencies, danger to the health and safety of others and themselves and/or violations of Federal, State or City laws and/or policies.

##### **A. Violation of Policy**

All persons covered by this Policy should be aware that violations of the Policy may result in discipline, up to and including termination, or in not being hired.

##### **B. Individuals Covered**

This Policy applies to external applicants for City special needs jobs, City officials, officers, agents and to all classes of employees.

#### **Section 7.5 Electronic Mail/Internet Policy**

The purpose of this policy statement is to establish procedures for the use of e-mail and the internet. Electronic mail, internet and telecommunication access are resources made available to City employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the City.

- A. The City's electronic mail ("e-mail") system is designed to facilitate City business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.
- B. The City-owned computers, hardware, software and e-mail system are City property and intended for City business. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All data and other electronic messages within this system are the property of the City. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

- C. In addition, the City, through its managers and supervisors, reserves the right to review the contents of employee's e-mail communications when necessary for City business purposes and to ensure that e-mail is being used in compliance with the law and City policy. Employees may not intentionally intercept, eavesdrop, record, read, alter or receive other persons e-mail messages without proper authorization.
- D. The City purchases, owns and administers the necessary software and licenses to provide access to be-mail and internet services. Employees may not rent, copy or loan the software, or its documentation. Employees will respect the legal protection provided to programs and data by copyrights and licenses. The City has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the City system. Department Heads are responsible for the implementation and adherence of this policy within their departments.
- E. Disclosure of information or messages from the e-mail system should only be made to authorized persons.

Procedures:

- A. While users may have a confidential password, this does not mean that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for City business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as required by supervisors.
- B. Each e-mail transmission intended for outside recipients must include a signature identifying the name, title and department of the sender.

Guidelines:

- A. Employees should be aware that others may have access to all messages, even those marked as confidential or private. Thus, in certain cases, e-mail may not be the proper means of communications. Encryption technology exists for ensuring that e-mail is read only by intended recipients.
- B. Employees are expected to demonstrate courtesy and good judgment in the messages they choose to transmit via e-mail. In general, e-mail is most appropriate for short informal messages that include some detail intended for the receiver to keep, for example, to communicate a schedule of events. The telephone or voice mail are recommended for shorter, less detailed communication; letters or memoranda are recommended for longer, formal communications.
- C. Employees should be aware e-mail is not a good form of communications with legal counsel when seeking legal advice or transmitting information concerning matters in litigation or disputes which are likely to result in litigation. Inadvertent disclosure or dissemination of the communication could waive the attorney-client privilege.
- D. The open meeting law applies to communications among elected officials, especially when three (3) or more Council Members receive the same e-mail.
- E. Elected officials, officers and employees should be aware that when e-mail communications are sent to the City Council in anticipation of a City Council meeting, such e-mail communications may be subject to public disclosure pursuant to the California Public Records Act.

- F. Employees who receive inappropriate messages from inside or outside the City have a responsibility to bring the messages to the attention of their supervisor.

Internet:

- A. The internet can be a very effective resource in gathering information needed to conduct City business; for this reason, the City provides authorized employees with browsing access to it. However, internet access shall be strictly limited to City-related business activities and employees should not become absorbed with following one link after another, forgetting the original business reason for accessing the internet and visiting a web site. Time on the internet is to be limited to that necessary to conduct City-related business.
- B. Employees who want to have personal internet e-mail or access should contract for this from any number of non-profit or commercial providers and use it at home.
- C. Like all e-mail messages, internet messages are capable of being forwarded without the express permission of the original author. E-mail messages are also routinely passed through routers before they reach their final destination. A message is touched many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the City, and must comply with all State and Federal laws.

Authorization:

- A. Council members, Council-appointed officials, Department Heads, and network systems staff are authorized to use the City's internet connection and e-mail and shall receive and sign a copy of this policy. A signed copy of the policy shall be forwarded to the Human Resources Department and included in the employee's personnel file.
- B. Department Head approval is required for e-mail and/or internet use by all other employees. Department Heads are responsible for providing authorized users with a copy of this policy. A signed copy of the policy shall be forwarded to the Human Resources Department for inclusion in employee's personnel files.
- C. The use of the City's email system and internet connection by unauthorized users is prohibited.

Prohibited Use:

- A. When sending e-mail messages, appropriateness and good judgment should be used. The following are examples of e-mail uses that are prohibited:
  - 1. Communications that in any way may be construed by others as disruptive, offensive, abusive or threatening;
  - 2. Communications of a sexual nature;
  - 3. Communications that contain ethnic slurs, racial epithets or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;
  - 4. Solicitation for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations; and
  - 5. Any other use that may compromise the integrity of the City and its business in any way.
- B. Good judgment and common sense should always prevail regarding the appropriate use of the City's internet connection at all times. Under this standard, it is not possible to list all of the prohibited uses

of the City's internet connection. However, use of the City's internet connection which does any of the following shall be prohibited:

1. Compromises the integrity of the City and its business operation in any way;
2. Commits any illegal act;
3. Violates these Personnel Rules, harassment or workplace violence policies; and
4. Results in private gain or advantage for the employee (such as conducting business related to economic interest outside of City employment)

C. Retention of E-Mail:

1. Generally, e-mail messages are intended to be temporary communications that are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a public record and subject to disclosure laws and records retention requirement. Any e-mail correspondence deemed to be a public record should be printed and retained in the same manner as other public records.
2. Employees should be aware that when they have deleted a message from their workstation mailbox it might not have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as a public document, i.e. available to the media, in at least one (1) state.
3. Employees should delete e-mail messages as soon as possible after reading. An accumulation of files will degrade system performance and response times. The system will automatically delete all messages after ninety (90) days, unless archived by the user. Contact the system administrator for help in archiving messages.

D. Employee Termination, Leave of Absence, Vacation and Other:

1. Employees who leave employment with the City have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or management may, for City business purposes, access an employee's e-mail if employee is on unexpected leave, leave of absence, vacation or are transferred to another department.
2. Employees on any type of leave will not have access to their e-mail until they return to work.
3. Systems administrators are responsible for ensuring the integrity and security of e-mail and computer files. If it becomes necessary for a systems administrator, for the benefit of the City, to access a user's files, including e-mail, the system administrator will advise the user's Department Head within twenty-four (24) hours.

E. Penalties:

Use of the internet is a privilege, not a right, and may be revoked at any time for unacceptable use. The misuse of the internet or e-mail privileges may be considered sufficient cause for discipline up to and including dismissal in accordance with these Personnel Rules and/or MOUs. In addition, violations of this policy or misuse of the e-mail system may be referred for criminal prosecution.

F. Acceptance:

1. Authorized employees are required to sign an agreement before using the City's e-mail system and internet connection. Other employees are required to sign that they have received a copy of this policy and agree to abide by it.
2. Copies of the signed agreement will become part of the employee's personnel file.

**Section 7.6 E-Mail Etiquette (Netiquette)**

Users of the City's e-mail system shall:

- A. Remember that the recipient of e-mail correspondence is a human being. Courteous, well written content should be maintained at all times; a helpful guideline is that users of the system should not send anything that could not be posted on a City bulletin board.
- B. Refrain from sarcasm especially since tone of voice and body language is not available to the receiver.
- C. Refrain from using upper case lettering; IT APPEARS AS IF YOU ARE SHOUTING.
- D. Remember that e-mail is not intended for immediacy. Don't assume that the recipient will read your mail right away. The telephone is a better means of communication if immediacy is needed. Draft e-mail messages that are concise and to the point.
- E. Remember that there is no such thing as a private e-mail message.
- F. Correspondence sent and received via e-mail should not be construed as a means of documentation intended to supplant formal and written notification in the form of a memorandum.
- G. Advise network users, if you provide other individuals with access to your e-mail, that your mail is not restricted.
- H. Not change the original content of an e-mail.
- I. Respect copyright laws where applicable.
- J. Refrain from sending unsolicited mail which clutters the system and creates additional tasks for the recipient.
- K. Include your name, title, agency, voice telephone number, fax number, etc.
- L. Do not initiate or forward chain letters.

#### **Section 7.7      City Personnel Identification**

City badges/cards are made available to identify city employees conducting work on City grounds and buildings. The City has an obligation to maintain a safe and secure work environment. In order to achieve this it is necessary that only City employees have access to certain areas of City buildings and grounds. In order to control access, City employees will be required to wear/carry identification cards/badges at all times, while on duty or when accessing City property.

A. Procedures:

1. All employees will be issued an official identification card equipped with a lanyard and clip.
2. Each employee will be required to wear the identification card/badge whenever they are on-duty or are accessing City property. Uniformed personnel may be exempt from this requirement if authorized by the Department Head.
3. The official identification card/badge will be clipped on a shirt pocket or hung from the neck on the lanyard provided.

B. Prohibited Use:

Identification cards shall not be used for any other purpose other than employee identification while in the performance of their duty.

C. Employee Termination or Leave of Absence:

The City identification card/badge shall be surrendered to his/her direct supervisor.

D. Loss or Theft:

1. Any employee who loses their Identification card/badge will notify their supervisor immediately, and a new card will be issued.
2. Negligent loss of the card may result in disciplinary action.

## **CHAPTER 8: STANDARDS OF CONDUCT**

### **Section 8.1 Employee Responsibilities and Standards of Conduct**

The City recruits highly qualified staff and provides them with competitive compensation, very good health benefits and a good environment in which to work. In exchange for this, the City requires that employees be responsible and to meet high performance standards.

Also, as part of this responsibility and performance standard, employees are expected to abide by the following standards of conduct at all times and to always conduct themselves in a positive and professional manner in order to promote the best interests of the City.

Failure to adhere to these standards may subject an employee to disciplinary action, including separation from employment with the City.

### **Section 8.2 Appropriate Employee Conduct**

The City expects employees to conduct themselves in the following manner:

- A. Treat all customers, visitors and coworkers and managers in a courteous manner;
- B. Refrain from behavior or conduct that is offensive or undesirable, or which is contrary to the City's best interests;
- C. Report to management suspicious, unethical or inappropriate conduct by employees, customers or suppliers;
- D. Report to management any threatening or potentially violent behavior by employees, customers or suppliers;
- E. Cooperate with City investigations by answering all questions fully and candidly;

- F. Comply with all City safety and security regulations;
- G. Wear clothing appropriate for the work being performed;
- H. Perform assigned tasks efficiently and in accord with established quality standards;
- I. Report to work at the proper work station, ready for work and at the assigned starting time;
- J. Smoke only at times and in places not prohibited by City rules or local ordinances;
- K. Eat meals only during meal periods and only in the designated employee lounge, unless an accommodation is approved;
- L. Maintain cleanliness and order in the workplace and work areas.

### **Section 8.3     Respectful Workplace**

The City strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. In keeping with this, the City expects all employees to treat each other professionally and in a manner in which they would like to be treated and to give to others the respect that is due to every individual whether it is a fellow employee, member of management, customer, vendor or visitor to our premises.

To achieve a workplace that fosters mutual respect and promotes harmonious, productive working relationships, the City prohibits any behavior that is discourteous or demeaning to other employees. Disrespectful behavior may include, but not be limited to, the following:

- Jokes that demean another individual or group of individuals;
- Name calling or nicknames that may be offensive;
- Taking credit for another individual's work or ideas;
- Refusing to communicate or speak with another individual;
- Offensive verbal, visual or physical conduct;
- Repeated negative comments about others either orally or in writing;
- Threatening another individual;
- Invading another's privacy;
- Knowingly blaming other individuals for a mistake they did not make;
- Purposely invading another's personal space;
- Gossiping about another individual; and
- Any type of bullying behavior.

#### **A. Reporting**

The City expects that everyone will act responsibly to establish a pleasant and friendly work environment. However, if an employee feels he/she has been subjected to any form of disrespectful behavior, the employee should report that conduct to his/her immediate supervisor, another member of management or Human Resources within three (3) calendar days of the offense.

Employees may but are not required to approach the person who was disrespectful to them and may bypass any offending member of management. All employees should notify a member of management regarding any disrespectful behavior that they witness or are told another person received.

#### **B. Investigations**

If a complaint is filed that involves the type of behavior or conduct listed in this policy, the City will conduct its investigation in as confidential a manner as possible. Interviews, allegations, statements and identities will be kept confidential to the extent possible. However, the City will not allow the goal of confidentiality to be a deterrent to an effective investigation.

#### C. Timely Resolution

A timely resolution of each complaint will be reached and communicated to the employee. Appropriate corrective action, up to and including termination, will be taken promptly against any employee engaging in disrespectful behavior. The corrective action issued will be proportional to the severity of the conduct. The alleged perpetrator's employment history and any similar complaints of prior disrespectful behavior will be taken into consideration.

### **Section 8.4 Prohibited Employee Conduct**

Employees who engage in proven misconduct of the following types shall be subject to corrective or disciplinary action, up to and including discharge.

Disciplinary action shall mean a personnel action that may result in a reduction in salary, suspension, demotion or dismissal for a violation or violations of prohibited behaviors or conduct.

Corrective actions shall mean a personnel action that may result in a counseling memorandum, verbal warning, a written warning or a reprimand for a violation or violations of prohibited behaviors or conduct.

#### A. Zero (0) Tolerance Conduct

The City has zero (0) tolerance for conduct in violation of any of the three (3) following areas and such violations, if proven, will more than likely result in the termination employment for employees that engage in this conduct:

1. Violation of the City's policy against violence in the workplace;
2. Violation of the City's policy against harassment, discrimination and retaliation; and
3. Violation of the City's policy against the use of drugs and alcohol in the workplace.

#### B. Other Prohibited Employee Conduct

In order to promote efficiency, effectiveness, productivity, safety, cooperation and respect among employees, the City may also pursue corrective or disciplinary action up to and including discharge from employment of employees who engage in misconduct that falls under the following listed prohibited conduct:

1. Disclosing, proprietary or confidential City information to anyone who is not authorized to receive such information;
2. Falsifying or altering any City record or report, including, but not limited to an employment application, medical reports, production records, time records, expense accounts, absentee reports or shipping and receiving records;
3. Stealing, destroying, defacing or misusing City property or another employee's or customer's property;
4. Misusing City property or systems, including but not limited to surplus property, scrap material or equipment, tools, vehicles, electronic mail, computers, internet access or telephones;
5. Insubordination or refusing to follow a supervisor's directive or lawful instruction concerning a job-related matter;
6. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
7. Soliciting or distributing products or services not approved by the City Manager;
8. Smoking where prohibited by local ordinance or City rules;
9. Using profane or abusive language;

10. Sleeping on the job without authorization;
11. Wearing improper attire in violation of the City's dress code; f of the City;
12. Working or conspiring against the interests of the City;
13. Not performing job satisfactorily and timely;
14. Engaging in gossip and malicious rumor-mongering;
15. Violation of the City's anti-fraternization policy;
16. Violation of the City's attendance policy;
17. Making false claims or complaints;
18. Engaging in conduct unbecoming of a City employee, official or manager;
19. Insubordination, including refusal to follow a work order, insulting or demeaning the authority of a supervisor or manager or foul or abusive language directed at a supervisor or manager.
20. Intentional or negligent conduct that damages or results in the loss of City property or the property of another employee; property includes, but is not limited to, records, supplies, materials, uniforms, equipment or facilities.
21. Intentional or negligent misuse of City property or the property of another employee.
22. Removing the property of the City, a City employee or a visitor from the City premises without authorization.
23. Theft or dishonesty
24. Fighting or provoking a fight on City time or property
25. Engaging in pranks or horseplay or other action that endangers employees, residents or City property or disrupts work;
26. Harassing, threatening, intimidating or coercing any other employee or member of the community, including any violation of the City harassment policy;
27. Violation of the City's equal employment opportunity policy;
28. Abusive language or actions toward fellow employees or general public;
29. Failure to work cooperatively with others;
30. Bringing or possessing weapons or any other dangerous devices onto City property while on duty, unless required by the City job classification;
31. Unauthorized use, sale, transfer or possession of alcohol or any other non-prescribed drugs or controlled substances while on duty or while on City premises or reporting to work under the influence of the use of alcohol, drugs or controlled substances;
32. Gambling, conducting games of chance or possessing gambling devices on City time or property;
33. Disregarding any safety, fire prevention or security rule or practice, or engaging in activity that creates a safety, fire or security hazard;
34. Failing to report a work-related accident or injury within the prescribed time period;
35. Causing or attempting to cause dissension or disruption of the work of others;
36. Soliciting or accepting reimbursement or gratuities for services during working hours or while on City premises;
38. Unauthorized vending, solicitation or sales of goods or services during working hours or while on City premises and without City Manager approval;
39. Entering an unauthorized area at any time;
40. Unreported absence of three (3) consecutive work days;
41. Excessive tardiness or unscheduled absenteeism;
42. Absence without prior approval or failing to notify his/her supervisor of absence and the reason for absence prior to the start of a shift;
43. Leaving City premises or assigned work area during working hours without approval or permission;
44. Failure to abide by lunch or break periods or working unauthorized overtime;
45. Failing to meet acceptable performance standards or maintain satisfactory performance;
46. Recording another employee's time;
47. Submitting an employment application containing false or misleading information;
48. Falsifying or destroying any City record, including but not limited to any time keeping record or inspection record;
49. Refusal to perform work assignment;

50. Neglect of work;
51. Unauthorized use of City buildings, equipment or materials, including but not limited to unauthorized knowledge, discussion, reproduction or dissemination of employee records or files;
52. Not reporting contact with law enforcement that resulted in an arrest;
53. Conviction of a felony or conviction of a misdemeanor involving moral turpitude related to the employee's ability to perform the duties of his/her position, with a plea of nolo contendere or no contest plea constituting a conviction;
54. Engaging in political activities during assigned hours of work;
55. Refusing to take or subscribe to any oath or affirmation which is required by law in connection with employment;
56. Failing to obtain or maintain any required license, registration, permit or status required of position, including but not limited to insurability to operate any and all vehicles and equipment required of position;
57. Any other misconduct which affects the work environment or any other violation of established City or departmental or operational procedures; and
58. Failure to comply with established City or departmental or operational procedures.

The impermissible or prohibited behavior listed above is not intended to be all-inclusive. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject a violating employee to separation from employment with the City, or other appropriate disciplinary action.

### **Section 8.5 Non-fraternization Policy**

The City encourages amicable relationships between members of management and their subordinates, however it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises a member of management's ability to perform his/her job.

Any involvement of a romantic nature between an officer, director, manager, supervisor or agent of the organization and anyone he/she supervises, either directly or indirectly, is prohibited.

Violation of this policy may lead to corrective action up to and including termination of the management individual involved in the relationship.

### **Section 8.6 Dress and Personal Appearance Policy**

The City requires that each employee's dress, grooming and personal hygiene be appropriate to the work situation. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City.

- A. Employees are expected at all times to present a professional, businesslike image to the public, members of the City Council and coworkers.
- B. Employees who have regular contact with the public must comply with the following personal appearance standards:
  1. Employees are expected to dress in a manner that is normally acceptable for the type of work performed;
  2. Employees should not wear attire that is provocative and revealing, athletic clothing, shorts, flip flops or thong-type (beach footwear), T-shirts, symbols and emblems that are partisan or political, novelty buttons and similar items of casual attire that do not present a businesslike appearance.
  3. Examples of inappropriate dress are exposed undergarments, excessively short or tight garments, bare midriff shirts, strapless shirts, shirts with slogans or large emblems, sweat suits, denim that

- is worn, faded, frayed, ripped or bleached, sun dresses, halter tops, clothing with inappropriate advertising (e.g. cigarettes, beer or anything that portrays a negative image), tank tops, etc.;
4. Hair should be clean, combed and neatly trimmed or arranged.
- C. Employees who do not regularly have contact with the public should follow basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit.
- D. Depending on the nature of their jobs, employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or other appropriate clothing.
1. Office Employees: Employees shall dress in a manner that allows them to attend and represent the City in a professional manner at meetings, commissions, boards and other professional or public events, as needs require.
  2. Field employees: Uniformed employees are required to use their issued uniforms. Uniform shorts are acceptable, except when working in hazardous areas. Non-uniform employees must wear acceptable shirts that are conservative and muted in color. T-shirts and shirts with no collar are excluded. Walking shorts are acceptable with pockets in a solid conservative color. Specifically excluded are beach and multi-color shorts, gym or other shorts that do not resemble the City standard uniform shorts.
  3. All other employees are prohibited from wearing shorts during work hours, unless pre-approved by the Department Head for non-hazardous fieldwork.
- E. Casual Dress Days (Casual Friday). At its discretion, management may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear denim that is worn, faded, frayed, ripped or bleached, disheveled clothing, athletic wear or similarly inappropriate clothing or accessories as described in subsection (B)(2) of this section.

Any employee who does not meet the standards of this policy may be asked to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. It will be at the Supervisor's discretion to determine if an employee is not meeting the standards of this policy. Violations of the policy may result in disciplinary action.

### **Section 8.7 Policy against Violence in the Workplace**

The City has adopted a prohibiting workplace violence policy (zero (0) tolerance) for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment and/or coercion which involve or affect the City, or which occur on City property, will not be tolerated.

- A. Employee Questions: Employees shall refer any questions regarding his/her rights and obligations under this policy to the Human Resources Department.
- B. Acts or Threats of Violence Defined: Threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the employment conditions at the City or to create a hostile, abusive or intimidating work environment for one (1) or more City employees.
- C. Examples of Workplace Violence: General examples of prohibited workplace violence include but are not limited to the following:
  1. All threats or acts of violence occurring on the City's property regardless of the relationship between the City and the parties involved in the incident.

2. All threats or acts of violence not occurring on City property but involving someone who is acting in the capacity of a representative of the City.
3. All threats or acts of violence not occurring on City property involving an employee of the City if the threats or acts of violence affect the legitimate interests of the City.
4. Any threats or acts resulting in the conviction of an employee or agent of the City, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City.

D. Specific Examples of Prohibited Conduct: Specific examples of conduct that may be considered threats or acts of violence prohibited under this policy include but are not limited to the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates or their property.
3. The intentional destruction or threat of destruction of property owned, operated or controlled by the City.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
6. Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his/her safety.
7. Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs.
8. Unauthorized possession or inappropriate use of firearms, weapons or any other dangerous devices on City property.

While employees of the City may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices or permitted to carry them as authorized by law, it is the City's policy that employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

#### E. Application of Prohibition

The City's prohibition against threats and acts of violence applies to all persons involved in the City's operation, including but not limited to City personnel, contract and temporary workers and anyone else on the City's property. Violations of this policy by any individual on City property, by any individual acting as a representative of the City while not on City property or by any individual acting off of City property when his/her actions affect the public interest or the City's business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action (up to and including termination as provided in these Personnel Rules or MOUs). This policy and any sanctions related thereto are to be deemed supplemental to these Personnel Rules and MOU provisions related thereto, and applicable State and Federal Laws.

F. Employee Obligations

Each employee of the City and every person on the City's property is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. In cases where the reporting individual is not a City employee, the report should be made to the City's police department.

In cases where the reporting individual is a City employee, the report should be made to the reporting individual's immediate supervisor, a management level supervisory employee if the immediate supervisor is not available or to the City's Human Resources Department. Each supervising employee shall promptly refer any such incident to the appropriate management level supervisor, who shall take corrective action in accordance with these Personnel Rules and any applicable MOUs. Nothing in this policy alters any other reporting obligation established in City policies or in State, Federal or other applicable law.

G. Training

The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

H. Dissemination of Policy

All temporary, part-time and seasonal employees will be given a copy of this handbook.

The above policies of the City of El Centro are not intended to be all-inclusive. Violation of any City of El Centro policies or any conduct considered inappropriate may subject an employee to disciplinary action or separation from employment.

**Any questions regarding this handbook and any of the contents, please contact Human Resources at 760-337-4548.**