

**c. Amendment to the Personnel Rules**

Recommendation: To adopt the amended Personnel Rules as presented and authorize the City Manager to implement the updated Personnel Rules and make minor administrative adjustments as needed.



# PERSONNEL RULES



Cathedral City

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## **Welcome to Cathedral City!**

These are exciting times for our city. As a Cathedral City employee, you will play an integral role in helping our community become all it can be. Our customers include residents and visitors, those working and conducting business in Cathedral City, and other Cathedral City departments, offices, and agencies. We recognize the good fortune of having people like you who are committed to our vision and mission.

Our Mission guides us in our actions to ensure we are all working with a common purpose.

- Moving Cathedral City Forward
- With Commitment, Pride and Excellence
- Creating a safe, inclusive and progressive community

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- Providing quality service
  - Valuing fairness, balance and trust
  - Building partnerships
  - Honoring our similarities and differences
  - Celebrating our independent spirit

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## 100 Introduction and General Information Policies

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### 102 EFFECT AND APPLICABILITY OF PERSONNEL POLICIES

#### 102.1 No Contract Right; City of Cathedral City Discretion to Modify These Policies

These Personnel Policies (“Policies”) do not create any contract right or express or implied employment contract.

The City of Cathedral City retains the full discretion to modify these Policies at any time in accordance with law, subject to any valid collective bargaining agreement.

#### 102.2 Applicability of Policies

These Policies apply to all categories of employees of the City of Cathedral City unless a specific section or provision excludes them.

#### 102.3 Conflict Between These Policies and a Collective Bargaining Agreement

If a provision of these Policies conflicts with any provision of a valid department-specific policy or collective bargaining agreement between the City of Cathedral City and a recognized employee organization, the provision of the collective bargaining agreement that is in conflict shall control and apply to employees covered by that collective bargaining agreement.

#### 102.4 Employee Acceptance of Policies and Revisions to Policies

As a condition of employment, the City of Cathedral City requires that each employee read and, if necessary, request clarification regarding these Policies. Each employee must sign a statement of receipt acknowledging that: a) they have received a copy or have been provided access to the Policies; and b) they understand that they are responsible for reading and becoming familiar with the contents of the Policies, as they are currently drafted, as well as with subsequent revisions to the Policies.

### 104 DELEGATION OF AUTHORITY

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**104.1                    Delegation of Appointing and Personnel Authority to City Manager**

The Council delegates to the City Manager, the authority to authorize employment, establish job responsibilities, and perform other personnel actions as to all subordinate employees in accordance with all federal and state laws and regulations and these Policies.

The City Manager may delegate responsibility to the Human Resources Manager to perform personnel actions in accordance with this section.

**104.2                    Retention of Personnel Authority as to Certain Personnel**

As to those elected officials, or employees who directly report to the City Council, if any, the Council retains all authority over all personnel actions as authorized by law and these Policies.

**106                    CATEGORIES OF EMPLOYEES AND NON-EMPLOYEES**

**106.1                    At-Will Employees**

An at-will employee is one who serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal unless expressly required by law.

**106.2                    Probationary Employee**

A probationary employee is one who is serving a probationary period either at the outset of initial employment with the City of Cathedral City or at the outset of a promotion to a higher classification. During the initial probationary period for new employees, a probationary employee serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. A new employee serving in the initial probationary period is an at-will employee.

**106.3                    For-Cause Employee**

A for-cause employee is one who has satisfactorily completed the initial probationary period and cannot be disciplined except when the City of Cathedral City has cause to do so.

A for-cause employee has a property right in continued employment and has the right to pre- and post-disciplinary procedural due process and an evidentiary appeal for certain types of disciplinary actions that result in a significant deprivation of property.

**106.4                    Full or Part-Time Employee**

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A full-time employee is one whose position is budgeted to work at least 40 hours per week. Full-time employees receive all benefits provided in these Policies, unless otherwise provided in an MOU or Regulations, or an employment agreement approved by the City Council or City Manager.

A part-time employee is one whose position is budgeted to work on average less than 40 hours per week. Part-time employees may have different rights to leave and other benefits under the law or these Policies unless otherwise provided in an MOU or Regulations.

**106.5 Temporary/Seasonal/Part-Time/Extra-Help Employee**

A temporary/seasonal/part-time/extra-help employee is an at-will employee who is appointed other than from an eligible list for a short term or seasonal basis, not to exceed six months.

A temporary/seasonal/part time/extra-help employee serves at-will and at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal.

**106.6 Volunteer**

A volunteer is not an employee, but instead is an individual who provides services to the City of Cathedral City for civic or philanthropic reasons and receives no compensation or benefits other than nominal fees and reimbursement of expenses.

A volunteer serves at-will and at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal.

**106.7 Independent Contractor**

An independent contractor is not an employee and serves solely pursuant to a contract that has been formed and approved as required by City of Cathedral City purchasing policies and procedures.

**106.8 Limited Term Employee**

Limited term employees are those brought on to work on special projects or assignments, help the department address a significant spike in workload, backfill for a regular employee who is on leave or working out of class, or a new position is created whose position is intended to be temporary in nature. The City

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Manager may employ a qualified individual to fill the position on a limited term not to exceed two years from the date of appointment. Such employee appointed to limited term position may be removed at any time without rights to appeal or hearing and shall not obtain permanent status in that particular position.

Limited term employee recruitments are not bound by the standard Recruitment Process, so limited term employees can be selected for a position in any of the following ways:

- a) Participation in a standard recruitment process and selection from the eligibility list
- b) Selection from an already active eligibility list
- c) Special appointment

For limited term employees who went through a standard Recruitment for a job classification and were placed on to the eligibility list, they may be selected by a department to interview for a regular permanent position for that same job classification without going through another recruitment process.

The City Manager may grant benefits to limited term employees but said benefits shall not be automatic.

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## 200 Equal Employment Opportunity

### 202 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Cathedral City affords equal employment opportunity for all qualified employees and applicants as to all terms of employment including but not limited to, compensation, hiring, training, promotion, transfer, discipline and termination.

The City of Cathedral City prohibits discrimination against employees or applicants for employment on the basis of the employee or applicant's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis protected by law.

Any employee, volunteer, or applicants who believes they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in these Policies, or by contacting the U.S. Equal Employment Opportunity Commission ("EEOC"), or the Civil Rights Department ("CRD").

### 204 POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION; COMPLAINT PROCEDURE

#### 204.1 Purpose

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The City of Cathedral City is committed to preventing discrimination, harassment and retaliation in the workplace.

The City of Cathedral City will not tolerate any conduct that violates this Policy. Conduct need not violate either federal or state law in order to constitute a violation of this Policy.

A single act by a City of Cathedral City employee may constitute a violation of this policy and provide sufficient grounds for the City of Cathedral City to discipline the employee.

This Policy establishes a complaint procedure by which the City of Cathedral City will investigate and resolve complaints of discrimination, harassment and retaliation by and against City of Cathedral City covered individuals. The City of Cathedral City encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible.

The City of Cathedral City expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

#### **204.1.1 Covered Individuals and Scope of Policy**

This policy covers the following individuals: applicants for employment at the City of Cathedral City; City of Cathedral City employees, regardless of rank or title; elected or appointed officials of the City of Cathedral City; interns; volunteers; and contractors.

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

### **204.2 Definitions**

#### **204.2.1 Definitions - Protected Classification**

This Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification.

"Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status, or any other basis protected by law.



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This Policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

#### **204.2.2 Definitions - Protected Activity**

This Policy prohibits discrimination, harassment, or retaliation because of an individual's protected activity.

Protected activity includes, but is not limited to, the following activity: (1) making a request for an accommodation for a disability; (2) making a request for accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; (5) participating in an investigation under this Policy; or (6) participating in any other activity protected by federal, state, or local law.

#### **204.2.3 Definitions – Discrimination**

This Policy prohibits treating a covered individual differently and adversely because of the individual's actual or perceived protected classification; ,because the individual associates with a person who is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this Policy.

#### **204.2.4 Definitions – Harassment**

This policy prohibits harassment. Harassment includes, but is not limited to, the following conduct:

- a) Derogatory, offensive or inappropriate speech, such as epithets, slurs or stereotypical comments, or verbal propositions made on the basis of the individual's protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.
- b) Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- c) Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures or drawings related to a protected classification.

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- 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.

#### **204.2.4.1 Other Examples of Conduct That Might Constitute Harassment**

Harassment includes conduct that an individual who is a member of a protected classification would find unwelcome or unwanted. Harassment may include the following:

1. Conduct that is not intended as to harass. Conduct may violate this policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if its well-intentioned conduct (g., gifts, over-attention, endearing nicknames, hugs).
2. Conduct to which the recipient appears to have consented. A failure to protest conduct does not mean that harassment has not occurred. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including, but not limited to, the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.
3. Conduct about which no employees previously complained. The fact that no employee previously complained about the same or substantially similar conduct does not mean that the conduct is inoffensive or appropriate nor does that fact preclude an employee from complaining about such conduct if it is repeated.
4. Conduct witnessed by a third party or about which a third party learns, even if they did not witness such conduct. Visual, verbal, or physical conduct between two (2) people who do not find such conduct to be offensive or inappropriate may constitute harassment of a third party witnesses such conduct

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or learns about the conduct later and finds the conduct to be offensive or inappropriate. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

#### **204.2.5 Definitions - Retaliation**

Retaliation occurs when an employer takes adverse conduct against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

#### **204.3 Complaint Procedure**

A covered individual who believes they have been subjected to discrimination, harassment or retaliation may make a complaint – orally or in writing – to any supervisor, manager, their Department Head or Deputy Director or to the Human Resources Manager, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the Human Resources Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the Human Resources Manager or their designee will complete and/or delegate the following steps.

1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: (1) the complainant; (2) the accused (e., the subject of the investigation); (3) witnesses to the conduct at issue in the complaint; and (4) other persons who have relevant knowledge concerning the allegations of the complaint.
2. Review the factual information gathered during the investigation to determine whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the nature of the conduct, and the context in which the alleged incidents occurred.
3. Prepare a summary report of the determination as to whether the conduct violated this Policy and provide such report to the appointing authority (e., City Manager). If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
4. 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.
5. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

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If the Human Resources Manager is accused, or a witness to the events at issue, an individual with higher authority shall complete and/or delegate the above steps.

If a discrimination, harassment or retaliation Complaint is against the City Manager or Assistant City Manager, a third party will be hired to investigate and make recommendations to the City Attorney's Office.

**204.3.1 Proactive Approach**

The City of Cathedral City takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation maybe occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

**204.4 Right to File Report with Outside Administrative Agencies**

An individual possesses the right to report workplace harassment, discrimination or retaliation to the EEOC and/or the CRD.

These administrative agencies provide a complaint process as well as certain legal remedies where the applicable agency determined that a violation of the law occurred.

The nearest EEOC and CRD offices are listed on the internet and in the government section of the telephone book. Employees may also check the posters that are located on break/lunch bulletin boards for EEOC and CRD office locations and telephone numbers.

**204.5 Confidentiality**

The City of Cathedral City will make every effort to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the City of Cathedral City's need to investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee's employee organization and/or the employee's legal representative. The City of Cathedral 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.

**204.6 Responsibilities**

a. Each non-manager or non-supervisor is responsible for the following:

- 1) Treating all individuals in the workplace or on City of Cathedral City worksites with respect and consideration.

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- 2) Modeling behavior that conforms to this Policy.
  - 3) Participating in periodic trainings on personnel matters.
  - 4) Cooperating with the City of Cathedral City investigations , pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation.
  - 5) Taking no actions to influence the complainant or any potential witness while the City of Cathedral City's investigation is ongoing.
  - 6) Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor, or manager, or Department Director or Deputy Director, or the Human Resources Manager, or higher authority if allegation is against the Human Resources Manager.

b. In addition to the responsibilities listed above, each manager and supervisor is responsible for:

- 1) Informing employees under their supervision of this policy.
- 2) Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop potential violations (e.g, removing inappropriate pictures or correcting inappropriate language).
- 3) Receiving and responding to complaints in a uniformly fair and serious manner.
- 4) Documenting the steps taken to resolve complaints.
- 5) Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
- 6) Informing those who complain about harassment and/or discrimination of their option to contact the EEOC or CRD and file a complaint about such activity.
- 7) Assisting and/or advising employees regarding this Policy.
- 8) Assisting in the investigation of complaints involving subordinate employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
- 9) Implementing appropriate disciplinary and remedial actions.
- 10) Implementing appropriate corrective or disciplinary actions.
- 11) Reporting potential violations of this policy to the Human Resources Manager, regardless of whether an employee complained about such conduct.
- 12) Participating in periodic training and scheduling employees for training.

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Every employee, public official and other individuals have the right to be treated with respect in the workplace and at City worksites. Bullying is conduct in the workplace, with malice, that a reasonable person would find hostile, offensive and unrelated to the City's legitimate business interests. Unlike harassment, bullying is not based on or related to a person's membership in one or more protected classifications. Bullying may occur in many forms including but not limited to the following: repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, sarcasm and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating (e.g., excluding, tormenting, taunting, using threatening gestures, graffiti, spreading rumors or teasing); or the gratuitous sabotage or undermining of a person's work performance. Bullying can also occur via use of electronic or telephonic communications such as the internet, email and chat room misuse, mobile threats by text messaging or calls, or misuse of cameras or video equipment.

#### **205.1 Complaint Procedure**

- a) A covered individual who believes that they have been subjected to behavior that violates this policy should immediately notify their supervisor, department head or the City's designated Human Resources Manager, or the Employee Reporting Line (contact information is posted at various City locations), at the employee's discretion. Notification may be orally or in writing and documented in writing.
- b) Supervisors who observe or otherwise become aware of alleged behavior that violates this policy are obligated to report such conduct to their manager, department head or the City's Human Resources Manager. Managers and department heads shall advise the Human Resources Manager of any and all allegations.
- c) The supervisor, manager, department head or the City's Human Resources Manager will take appropriate steps to investigate or direct the investigation of the alleged violation of this policy. In the event the complaint is against the City Manager, an investigator shall be appointed by the Mayor of the City, or their designee.

#### **205.2 Confidentiality**

Every effort will be made to ensure the confidentiality of records and information relating to an investigation of alleged prohibited behavior and resulting remedial action, except to the extent disclosure is required by law. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate and to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated representative. The City will not disclose a completed investigation report except as it deems necessary to support a

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disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

### **205.3 Employee Obligations**

All City employees are responsible for the following:

- a) Modeling behavior that conforms to this policy.
- b) Reporting any act, they believe in good faith constitutes bullying as defined in this policy, to their immediate supervisor, department head, the City's Human Resources Manager or the Employee Reporting Line.
- c) Employees are obligated to cooperate in any City investigation of prohibited behavior, including, but not limited to:
  - i. Coming forward with evidence and/or other relevant information, whether favorable or unfavorable, to the person accused of such behavior; and
  - ii. Fully and truthfully making a written report or verbally answering questions when asked to do so during the course of a City investigation regarding the alleged prohibited behavior.
- d) Employees shall not knowingly falsely accuse someone of behavior that violates this policy or otherwise knowingly give false information in any City investigation involving behavior that violates this policy. Such behavior shall be grounds for disciplinary action, up to and including termination from employment.

### **205.4 All City supervisors and managers are responsible for the following:**

- a) Informing employees of this policy.
- b) Taking all steps necessary to prevent bullying from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- c) Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- d) Immediately informing their manager, department head or the City's Human Resources Manager of any complaints and working at their direction in resolving the complaint. If the Human Resources Manager is accused, or a witness to the events at issue, an individual with higher authority shall be notified and shall be responsible for conducting the investigation procedures and complaint resolution efforts.



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- e) Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
  - f) Assisting, advising or consulting with employees and the City's Human Resources Manager regarding this policy.
  - g) Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with this policy.
  - h) Implementing appropriate disciplinary and remedial actions.
  - i) Reporting potential violations of this policy of which they become aware to their manager, department head or the City's Human Resources Manager, regardless of whether a complaint has been submitted.
  - j) Participating in periodic training and scheduling employees for training.

## **206**                    **REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS**

### **206.1**                    **Reasonable Accommodation**

Absent the imposition of undue hardship to the City of Cathedral City or its operations or the existence of a direct threat to either the health and safety of employee requesting the accommodation or others, the City of Cathedral City will provide employment-related accommodations to the following employees and applicants for employment:

1. qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
2. employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
3. employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

### **206.2**                    **Supporting Documentation or Certification**

#### **206.2.1**                    **Reasonable Medical Documentation of Disability**

If the disability or the need for reasonable accommodation is not obvious, the City of Cathedral City may require the individual requesting such accommodation to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the City of Cathedral City will: (1) explain the

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insufficiency of the documentation provided; (2) allow the employee or applicant to supplement the documentation in order to remedy the issue with the documentation provided; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

**206.2.2 Medical Certification Indicating the Need for a Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions**

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the City of Cathedral City will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: (1) a description of the requested accommodation or transfer; (2) a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and (3) the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

**206.2.3 Certification of Victim Status**

An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for their safety while at work must provide both of the following:

- a) A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and
- b) A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

**206.3 Fitness for Duty Examinations**

**206.3.1 Applicants**

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After the City of Cathedral City extends a conditional offer of employment to an applicant, the City of Cathedral City may require the applicant to submit to a fitness for duty examination that is job-related, necessary for efficient operations of the agency, and required of all applicants for the job classification. The City of Cathedral City will notify an applicant or employee who is required to pass a medical and/or psychological examination of their right to obtain a second opinion at their expense and that they may submit such second opinions for consideration.

### **206.3.2 Current Employee**

The Human Resources Manager may require an employee to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of their job when there is significant evidence that:

- a) the employee's ability to perform one or more essential functions of their job has declined; or
- b) could cause a reasonable person to question whether an employee is still capable of performing one or more of their essential job duties or is still capable of performing those duties in a manner that does not harm themselves or others.

### **206.3.3 Fitness for Duty Examinations: Role of Health Care Provider**

The City of Cathedral City may request the applicant's or employee's health care provider to conduct a fitness for duty exam on the applicant or employee, or may request an City of Cathedral City-selected health care provider to do so at the City of Cathedral City's expense. The City of Cathedral City will allow an employee paid time off to attend the exam. The City of Cathedral City will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of their position and any work restrictions and/or functional limitations that apply to the applicant or employee. The health care provider will examine the employee and provide the City of Cathedral City with non-confidential information regarding whether:

- 1. The applicant or employee has a disability within the meaning of the FEHA;
- 2. The applicant or employee is fit to perform essential job functions;
- 3. Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
- 4. There are any reasonable accommodations that would enable the employee to perform essential job functions; and

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5. The employee's continued employment poses a threat to the health and safety of themselves or others.

Should the health care provider exceed the scope of the City of Cathedral City's request and provide confidential health information, without valid consent of the applicant or employee, the City of Cathedral City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City of Cathedral City has requested.

#### **206.3.4 Authorization for Use of Medical Information**

During the course of a fitness for duty examination, the City of Cathedral City will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization.

#### **206.3.5 Fitness for Duty Examinations: Medical Information from the Employee or Applicant**

If an employee or applicant submits medical information to the City of Cathedral City from their own health care provider, the Human Resources Manager will not forward that information on to the health care provider who conducted the examination for the City of Cathedral City, without the employee or applicant's written authorization.

Upon receipt of the written authorization, the Human Resources Manager will request the City of Cathedral City-paid health care provider to determine whether the information alters the original fitness for duty assessment.

### **206.4 Interactive Process**

#### **206.4.1 When to Initiate the Interactive Process**

The Human Resources Manager or designee will initiate the interactive process when:

1. An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s);
2. The City of Cathedral City otherwise becomes aware of the need for an accommodation through a third party (e.g., a doctor's note requesting an accommodation), or by observation of the employee's work;
3. The City of Cathedral City becomes aware of the possible need for an accommodation because the employee with a disability

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has exhausted workers' compensation leave, Family and Medical Act leave, or other leave rights, but the employee and/or the employee's health care provider indicate that further accommodation is still necessary for recuperative leave or other accommodation;

4. An employee disabled by pregnancy, childbirth or related medical conditions requests a reasonable accommodation or transfer based on the advice of her health care provider;
5. An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave;
6. An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for their safety at work;
7. An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement; or
8. An employer is aware of the need for a reasonable accommodation for an employee's or applicant's religious beliefs, observance or practices.

## **206.4.2 Interactive Communication**

After the occurrence of any of the above-stated circumstances that trigger the need to conduct an interactive process meeting, the Human Resources Manager will promptly arrange for a discussion or discussions, in person or via conference telephone call, with the applicant or employee and their designated representative, (if any). The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations. The Human Resources Manager will document these communications in writing.

### **206.4.2.1 Potential Accommodations for Applicants or Employees with Disabilities**

Depending on the facts of each case, the interactive process analysis will generally begin with a review of possible reasonable accommodations that would enable the individual to retain their current job. The process will generally then move on to possible reasonable accommodations in other vacant jobs, for which the individual is qualified, if there is no reasonable accommodation in the current job that does not cause undue hardship, or that does not present a risk of harm to the individual or others. The City of Cathedral City will consider accommodations that the applicant or employee suggests but has the right to select and implement any reasonable accommodation that it deems effective. The range of potential reasonable accommodations includes, but is not limited to:

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1. Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities, including acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, and/or the provision of qualified readers or interpreters;
  2. Job restructuring;
  3. Part-time or modified work schedules;
  4. Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
  5. Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
  6. Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
  7. Reassignment to a temporary position, if the individual agrees.

**206.4.2.2 Potential Accommodations for Employees Affected by Pregnancy and Related Medical Conditions**

Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee. Whether an accommodation is reasonable is a case-by-case analysis that takes into account several factors, including, but not limited to: the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices. The range of potential accommodations includes, but is not limited to:

1. Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
2. Change in or restructuring of work duties, such as modifying lifting requirements;
3. Providing more frequent breaks;
4. Providing seating;
5. Time off for medical appointments; and
6. Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform in order to accommodate reduced work schedule or intermittent leave. However, a reduction in work hours may be considered a form of pregnancy disability leave and deducted from the employee's four (4)-month pregnancy disability leave entitlement.

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**206.4.2.3 Potential Accommodations for Employee-Victims of Domestic Violence, Sexual Assault, or Stalking**

Depending on the facts of each individual case, the interactive process analysis will review all possible accommodations that would enhance the safety of the employee victim at work. In determining what accommodation is reasonable, the City of Cathedral City will consider the exigent circumstance or danger facing the employee. The City of Cathedral City will consider the preferences of the employee to be accommodated but has the right to select and implement any accommodation that it deems effective. The range of potential safety measure accommodations includes, but is not limited to:

1. Transfer, reassignment, modified schedule;
2. Change in work telephone number;
3. Change in location of workstation;
4. Installation of locks;
5. Assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace;
6. The implementation of a safety procedure(s);
7. Adjustment to job structure, workplace facility, or work requirement; and
8. Referral to a victim assistance organization.

**206.4.2.4 Potential Accommodations for Religious Creed, Religious Dress Practice, or Religious Grooming Practice**

Depending on the facts of each case, the interactive process analysis will review all possible accommodations that would resolve the conflict between the religious belief or observance and any employment requirement. The City of Cathedral City will consider the preference of the employee or applicant but has the right to select and implement any accommodation that it deems effective. The range of potential accommodations includes, but is not limited to:

- a) Job restructuring or job reassignment (but not segregation from other employees or the public);
- b) Modification of work practices, including dress or grooming;
- c) Allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked in order to avoid a conflict with their religious observances; and

**206.4.3 Determination**



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After the interactive process communications, the Human Resources Manager will review the information received, and determine: whether all available information has been reviewed; whether all potential accommodations that the applicant or employee has suggested have been considered; whether additional discussions with the applicant or employee would be helpful; whether the applicant's or employee's preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without harming themselves or others; and if the accommodations would pose an undue hardship on City of Cathedral City finances or operations. The Human Resources Manager will inform the applicant or employee of their determination in writing. The Human Resources Manager will use their discretion based upon the particular facts of each case.

**206.5 Access to Medical Information Regarding Fitness for Duty**

Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information. Medical records and information regarding fitness for duty and the need for accommodation will be accessible only by the Human Resources Manager, the City of Cathedral City's legal counsel, first aid and safety personnel in case of emergency, and supervisors who are responsible for identifying reasonable accommodations. Medical records and information contained therein may be released pursuant to federal and state law.

**208 WHISTLEBLOWER PROTECTION**

**208.1 Policy**

The City of Cathedral City prohibits all of the following conduct by City of Cathedral City employees:

- a) Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the City of Cathedral City, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- b) Preventing an employee from disclosing information to a government agency, including to the City of Cathedral City, if the employee has reasonable cause to believe that the information discloses a violation of

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- state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
  - c) Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
  - d) Retaliating against an employee because the employee's family member has, or is perceived to have engaged in any of the protected activities listed in (a)-(c) above.

## **208.2 Policy Coverage**

This Policy governs and protects City of Cathedral City officials, officers, employees, seasonal/ temporary/limited-term/ extra help employees, or applicants for employment.

## **208.3 Definitions**

**(a) "Protected activity"** means any of the following activities:

- a) Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation;
- b) Participating in or cooperating in good faith with a local, federal or state enforcement agency that is conducting an investigation in to alleged unlawful activity;
- c) Testifying in good faith and with reasonable cause as a party, witness, or accused regarding alleged unlawful activity;
- d) Associating with another covered individual who is engaged in any of the protected activities enumerated here;
- e) Making or filing in good faith and with reasonable cause an internal complaint with the City of Cathedral City regarding alleged unlawful activity;
- f) Providing informal notice to the City of Cathedral City regarding alleged unlawful activity;
- g) Calling a governmental agency's "Whistleblower hotline" in good faith;
- h) Filing a written complaint under penalty of perjury that the City of Cathedral City has engaged in gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety; and
- i) Refusing to participate in any activity that the employee reasonably believes would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation.

**(b) "Adverse action"** may include, but is not limited to, any of the following:

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- a) Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of actual or potential protected activity;
  - b) Refusing to hire an individual because of actual or potential protected activity;
  - c) Denying promotion to an individual because of actual or potential protected activity;
  - d) Taking any form of disciplinary action because of actual or potential protected activity;
  - e) Extending a probationary period because of actual or potential protected activity;
  - f) Altering work schedules or work assignments because of actual or potential protected activity;
  - g) Condoning hostility and criticism of co-workers and third parties because of actual or protected activity;
  - h) Spreading rumors about a person because of that person's actual or perceived protected activity; and
  - i) Shunning or unreasonably avoiding a person because of that person's actual or perceived protected activity.

#### **208.4 Complaint Procedure**

An applicant, employee, or seasonal/temporary/limited term/extra help employee who feels they have been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the City of Cathedral City Policy Against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly. Supervisors and Managers have the same responsibilities as defined in the Policy Against Discrimination, Harassment or Retaliation.

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### **300 Classification Policies**

#### **302 CLASSIFICATION PLAN**

##### **302.1 Classification Plan**

The Human Resources Manager shall ascertain and record the duties and responsibilities of all positions and, after consulting with affected department heads, shall recommend a classification plan, including job descriptions, for such positions. The plan and any revisions thereof shall become effective upon approval of the City Council.

Following the approval of the classification plan, the Human Resources Manager shall allocate every position to one of the classifications established by the plan.

When a new position is created, such position may not be filled, until the classification plan has been amended to provide for the new position.

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The City will comply with any and all legal duties to meet and confer, regarding any change.

### **302.2            Reclassification**

The Human Resources Manager may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification. Upon completion of the job audit, the Human Resources Manager shall make a recommendation regarding reclassification to the City Manager. The City will comply with any and all legal duties to meet and confer regarding any change.

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## **400            Recruitment, Selection, and Appointment**

### **402            RECRUITMENT, SELECTION AND APPOINTMENT POLICY**

#### **402.1            Job Announcement**

The Human Resources Manager will prepare a job announcement to announce a proposed recruitment. The announcement may be posted on the City of Cathedral City's website and other locations the Human Resources Manager deems appropriate, depending upon whether the recruitment is open to the public or current employees only. The announcement will include:

1. The title and pay for the position;
2. The nature of the work to be performed and essential job duties of the position;
3. The minimum qualifications, including whether the job is a promotional position;
4. A statement of the employment status of the position – for cause or at-will;
5. The last date that the Human Resources Manager will accept applications, if any;
6. The time, place, and type of the examination, if known, and if a medical examination, and/or a drug screen will be required following a conditional offer of employment; and
7. Such other information as determined in the discretion of the Human Resources Manager.

#### **402.2            Application Forms**

Job applications shall require information describing an individual's training, experience, and other pertinent information as deemed necessary to assess qualifications for the job. Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions; resume; licenses; certifications; diplomas; letters of recommendation; and

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references. All applications must be completed in full and signed, physically or electronically, by the person applying. The Human Resources Manager will not process any application which is not fully completed and signed. Should an applicant be appointed to a position, the supplemental information shall become a part of the individual's permanent employment records.

#### **402.3 Disqualification of Applications**

The Human Resources Manager may reject any application which: is not properly completed or incomplete; or is received after the application deadline; or indicates that the applicant does not meet the minimum qualifications for the position; or more suitable candidates have applied. Whenever an application is rejected, notice of such rejection shall be notified to the applicant.

##### **402.3.1 Criminal Conviction Check**

The City Manager and authorized designee are hereby authorized to have access to the "State Summary Criminal Information" for every individual employed by the City as provided in section 11105 of the Penal Code of the State of California.

Unless the law allows for different, the City of Cathedral City will first make a conditional offer of employment and then the Human Resources Manager may request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged. Unless required by law, the City of Cathedral City will not deny employment to any applicant solely because they have been convicted of a crime. The City of Cathedral City may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position. This policy does not apply to applicants for public safety jobs.

#### **402.4 Employment Examinations**

1. The Human Resources Manager will determine the manner and methods of administering employment examinations. Examinations may consist of: written tests; oral tests; performance tests; evaluations of prior training and performance, experience and/or education; interviews; working style assessments; practical exercises; file review; or any combination thereof. The content of all examinations will be job-related and designed to test knowledge, skills or abilities that help predict successful completion of job duties.
2. The content of all examinations will be kept confidential prior to the administration of the examination. All applicants who are invited to the examination will be notified of the nature of the examination.
3. An applicant with a disability may request accommodation in an examination process. Following receipt of a request for

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accommodation, the Human Resources Manager may require additional information, such as reasonable documentation of the existence of a disability.

4. Failure in one part of the examination, or the failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. Each applicant will be notified by mail or email whether they will continue in the examination process.
5. Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and/or reference check.

#### **402.4.1 Examination Board Composition**

- I. The Human Resources Manager shall appoint an examination board which shall consist of three or more people, of which at least one shall be familiar with the requirements of the job or character of work in the class examined. In the event of last-minute circumstances, beyond the control of the Human Resources Manager, an oral board of two members may render an official rating. Appointing authorities may observe oral examinations but shall not serve as raters for positions for which they are the appointing authority.
- II. It is the policy of the Human Resources Manager that the following criteria are used in selecting members of an examination board:
  - a) The board should reflect the ethnicity and sex of the candidate population.
  - b) The board should consist of job experts in the same or higher level than the class.
  - c) The board should consist of persons who are bias-free regarding the candidates.
  - d) The board should consist of persons with good judgment and skill at observing and rating behavior.
- III. To achieve this goal, our policy is to make reasonable efforts in seeking examination board members to include:
  - a) Ethnic minorities, females and males, if these groups are present in the candidate pool.
  - b) When City employees are used in an examination board, there should not be more than one from the same department. If this is necessary, they should not be from the same division of the department.

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- c) Whenever possible, the Human Resources Department should locate outside examination board members who are either subject matter experts or receive services from the class served.
  - IV. The Human Resources Department will use all known resources for organizing an examination panel including department recommendations and approved examination board members.
  - V. The organization of an examination panel will not delay the recruitment and examination process. After a reasonable effort has been made to meet the above criteria without success, the Human Resources Manager can approve alternative arrangements.

**Procedure:**

- I. Efforts to obtain examination board members consistent with the criteria of this policy will be documented in the recruitment folder, particularly when the examination board does not meet the criteria.

**402.5**

**Eligibility Lists**

1. After completion of an open or promotional examination for a classification, the Human Resources Manager will prepare an eligibility list consisting of the names of candidates who passed the examination. Eligibility lists shall become effective upon the certification by the Human Resources Manager.
2. The names on the eligibility list shall be arranged in order of final scores/rankings from the highest to the lowest score/ranking. Such applicants shall be deemed as qualified for appointment, pending further review by the department head and other qualifying procedures such as reference checks, medical examinations or background investigations.
3. Eligibility lists shall be valid and remain in effect for a period of six months, unless sooner exhausted. An eligibility list may be extended for up to six (6) additional months by the Human Resources Manager if extended prior to its expiration date.
4. If three or less names of applicants, willing and able to accept appointment, are available on a list, that list may be declared invalid by the Human Resources Manager and a new recruitment and examination announced.
5. A person appearing on an eligible list will be emailed notice of their placement on the list.
6. A person placed on an eligibility list shall be removed from the list if they so request in writing or fails to respond to notification of an opening within three days after notification. It is the responsibility of the eligible

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person to keep the Human Resources Manager informed of their current physical or email address, or phone number.

#### **402.6 Appointments**

The City Manager or their designee will make all appointments except for those classifications that report to the governing body. The City Manager or their designee has discretion to decide in what manner a vacancy shall be filled. Vacancies may be filled by reinstatement, promotion, transfer, demotion, appointment of temporary / seasonal employees/limited term, or from an appropriate eligibility list if available. No specific list shall have priority over other lists. The City Council will make appointments for those classifications that report to it.

- a) When a position is to be filled from a promotional or open eligibility list, the Department Head shall make recommendations for appointment from among those on the appropriate list. The Human Resources Manager shall be immediately notified of the recommendation. The City Manager or their designee shall thereupon make an offer of employment.
- b) Appointment to certain positions may be made contingent upon the applicant/employee passing a drug/alcohol test, and/or a job-related medical and/or psychological examination. Such examination shall only be required after a conditional offer of employment has been made.
- c) The person accepting appointment shall report to the Human Resources Manager or designee on the date designated by the Human Resources Manager. Otherwise, the applicant shall be deemed to have declined the appointment.

##### **402.6.1 Probationary Appointment**

- a) At-Will Status: The probationary period is part of the examination process and is used to determine whether work performance or work-related behavior meets the required standards of the position. A probationary employee may be rejected at any time during the probationary period with or without cause or reason, without notice or appeal or grievance. The probationary employee will be notified prior to the expiration of the probationary period that they have been rejected from probation.
- b) Length of Probation: Unless otherwise specified by memorandum of understanding or these Policies, the probationary period is 6 months or 1040 working hours, whichever is greater. The probationary period is automatically extended by the length of any absence. The probationary period can also be extended by the Agency at the discretion of the City Manager or their designee.



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**402.6.2 Probationary Period for Promotion, Reinstatement or  
Reclassification.**

1. At-Will Status: On accepting a promotion, reinstatement or reclassification to another class, an employee may be rejected at any time during the promotional probationary period with or without cause or reason, without notice or appeal or grievance, and without any rights. If the employee fails to satisfactorily complete the probationary period in the position, the employee may return to the position held prior to promotion at the range and step held prior to promotion, if there is a vacancy in the prior position, unless they are terminated for cause. This section shall not create “bumping” rights where none exist in an employee’s MOU or other agreement.
2. Length of Probation: Unless otherwise specified by memorandum of understanding or these Policies, on accepting a promotion, reinstatement, or reclassification, an employee serves a new probationary period of 6 months or 1040 working hours, whichever is greatest. The probationary period is automatically extended by the length of any absence.

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**500 Employment of Relatives or Spouses/ Domestic Partners**

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**502 EMPLOYMENT OF RELATIVES, SPOUSES, DOMESTIC PARTNERS**

**502.1 Policy**

The City of Cathedral City regulates the employment and placement of relatives, spouses, and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale.

**502.2 Definitions**

- a) “Relative” means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
- b) “Spouse” means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

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- c) “Supervisory relationship” means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to their City of Cathedral City appointment.

### **502.3 Employment of Relatives**

The City of Cathedral City will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person’s relative already holds a position, if any of the following would result:

- a) A direct or indirect supervisory relationship between the relatives;
- b) The two employees having job duties which require performance of shared duties on the same or related work assignment;
- c) Both employees having the same supervisor; or
- d) A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

### **502.4 Spouses or Domestic Partners**

The City of Cathedral City will not appoint, promote, or transfer a person, to the same department, division, or facility in which the person’s spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

- a) One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
- b) Potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

### **502.5 Marriage or Domestic Partnership After Employment**

- a. **Transfer:** If two City of Cathedral City employees who work in the same department later become spouses or domestic partners, the Human Resources Manager shall have discretion to transfer one of the employees to a similar position in another department.

Although the wishes of the two employees will be considered, the Human Resources Manager retains sole discretion to determine which employee will be transferred based upon City of Cathedral City needs for supervision, safety, security or morale. Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

- b. **Separation:** If continuing employment of both employees, who work in the same department and who later become spouses or domestic partners, cannot be accommodated in a manner the Human Resources Manager finds to be consistent with the City of Cathedral

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City's interest in the promotion of supervision, safety, security, or morale, then the Human Resources Manager retains sole discretion to separate one employee from City of Cathedral City employment. Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process. Notwithstanding that, the City will allow for a limited appeal process where the employee may present evidence to the City Manager in person or through written evidence, for a final determination.

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## 600      **Salary Plan and Payroll Practices**

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- 601              Preparation and Adoption of Salary Plan.** The Human Resources Manager shall be responsible for recommending a Salary Plan, including wage rates and salary ranges covering all classes of positions approved by the City Council. Before the Salary Plan is adopted, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position unless the salary range for the class is amended in the same manner as herein provided for its adoption.

Subject to meet and confer as required by law by the parties.

## 602      **WORK SCHEDULES AND ATTENDANCE**

### 602.1           **Work Schedules**

Work schedules are determined at the discretion of the department head and are subject to change with or without notice, according to the needs of the department or City of Cathedral City. An overtime-eligible employee shall be in attendance and at work during the hours specified by the supervisor. The City will comply with any and all legal duties to meet and confer, regarding any change.

- 602.1.1           Daily hours of work (or shifts) for employees within departments shall be assigned by department heads as required to meet the operational requirements of said department. Any foreseeable absence or deviation from regularly scheduled working hours desired by an employee shall be cleared in advance through the employee's department head, and such absences shall be reflected on the employee's time sheet.

### 602.2           **Meal Period**

A one-hour non-compensated meal period will be provided to all full-time overtime-eligible employees who work at least an eight-hour workday. Meal breaks can be shortened to no less than 30-minutes if approved by the

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employee's Department Head or designee. Overtime-eligible employees are responsible for taking their meal period at a time designated by the supervisor.

**602.3 Rest Period**

A 15-minute compensated rest period will be provided to all overtime-eligible employees for each four-hour period of service. The rest period shall be taken at a time designated by the employee's supervisor. Rest periods may not be combined to shorten the workday or to extend the meal period.

**602.4 Lactation Break Time and Location**

The City of Cathedral City will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid, or the employee may choose to use accrued leave.

Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The City of Cathedral City will provide a room or other appropriate location in close proximity to the employee's worksite that is not in a bathroom to express milk in private. The room or location will meet the following requirements:

1. Be shielded from view and free from intrusion while being used to express milk;
2. Be safe, clean, and free of hazardous materials;
3. Contain a surface on which to place a breast pump and personal items;
4. Contain a place to sit; and
5. Have access to electricity needed to operate an electric battery-powered breast pump.

An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

The City of Cathedral City will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in close proximity to the employee's work area.

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**602.4.1 Lactation Accommodation**

An employee may make a request for lactation accommodation, either orally or in writing, with the Human Resources Manager.

Following receipt of a request for lactation accommodation, the City of Cathedral City will provide a timely written response to the employee in which the City of Cathedral City will indicate if it is unable to provide the requested break time or a requested location for the purposes of expressing breast milk.

An employee does not believe that the City of Cathedral City is providing an appropriate lactation accommodation should immediately inform the Human Resources Manager.

An employee who does not believe that the City of Cathedral City is providing an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner.

**602.4.2 Storage of Expressed Milk**

Any employee storing expressed milk in any authorized refrigerated area within the City of Cathedral City shall clearly label it as such. No expressed milk shall be stored at the City of Cathedral City beyond the employee's work day/ shift.

**602.5 Advance Request for Permission to Deviate from Regular Work Hours**

An overtime-eligible employee is required to seek advance permission from their supervisor for any foreseeable absence or deviation from regular working, break, and meal times.

**602.6 Notification of Unforeseen Late Arrival or Absence**

An overtime-eligible employee who is unexpectedly unable to report for work as scheduled must notify their immediate supervisor no later than the beginning of the employee's scheduled work time and report the expected time of arrival or absence. If the immediate supervisor is not available, the employee must notify the department head.

**602.7 Unauthorized Absence is Prohibited**

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, absent authorization. An overtime-eligible

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employee who fails to timely notify the supervisor of any absences as required by this Policy, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

**602.8 Excessive Tardiness/Absenteeism and Abuse of Leave**

Excessive tardiness occurs when an overtime-eligible employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline.

Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline. Should the City of Cathedral City suspect that there is an abuse of leave by an employee, the City of Cathedral City may require that the employee submit a physician's certificate to support the absence.

**604 WORK WEEK, OVERTIME AND COMPENSATORY TIME OFF**

**604.1 Work Week**

The workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday, except as otherwise designated in an applicable MOU, or by a Fair Labor Standards Act (FLSA) 29 USC § 207(k) work period for fire and police employees.

**604.2 Overtime**

Overtime is all hours an overtime-eligible employee actually works over 40 hours in their designated work week unless otherwise specified in an MOU. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating Fair Labor Standards Act (FLSA) overtime pay; paid leave will not be counted unless expressly outlined in an MOU. Overtime-eligible employees who are directed to work overtime must do so.

**604.2.1 No Remote Access for Overtime-Eligible Employees**

Unless the City Manager specifies otherwise in writing, overtime-eligible employees may not have remote access to City of Cathedral City equipment, resources, or email.

604.2.1.1 Fire Department Policy Section C-52 approved by City Manager

**604.2.2 Prior Approval Required for Overtime**

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Overtime-eligible employees are not permitted to work overtime except as directed and authorized by their supervisor, or in case of emergency, as determined by the agency. Working overtime without prior authorization or approval is grounds for discipline. In emergency situations that necessitate working overtime, the employee must notify a supervisor as soon as possible, and in no event later than the end of that day upon which the emergency occurred. If the supervisor denies the request to work overtime, the employee must obey the supervisor's directive and cease working. Failure to follow these overtime approval procedures may subject the employee to disciplinary action, up to and including termination, for violating the overtime approval procedures.

#### **604.3      Accurate Time Reporting / Automated Timekeeping System**

All Non-Exempt employees are required to use the Timekeeping System to record all of their hours worked. Employees are required to clock in/out for payroll purposes. Exempt employees will only utilize the timekeeping system to log/file leave requests and to access leave and payroll information.

##### **Policy Provisions and Procedures:**

###### **A      Rounding**

The City tracks work time in 15-minute increments and utilizes the 7-minute rounding rule. Employee work time for up to eight minutes may be rounded down, and not counted towards the employee's hours worked, but employee work time of eight minutes and above, up to fifteen minutes, must be rounded up and counted as a quarter hour of worked time. Example: If an employee works at least 7 minutes, but less than 8 minutes, the time is rounded down to the nearest 15 minutes. If the employee works at least 8 full minutes, the time is rounded up to the next 15-minute increment.

###### **B.      Time Recording**

1. All Non-Exempt employees are required to clock in once they commence performance of work and clock out upon completion of performance of work.
2. Non-Exempt employees are required to clock in/out for their designated unpaid lunch breaks. Non-Exempt employees shall be responsible for notifying their supervisor in writing if any modifications are made to their lunch schedule requiring a longer or shorter time period for lunch. All employees are required to take a lunch period unless express authority is provided by supervisory or management staff to work through the lunch period.

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3. Each timekeeping unit has the capability to clock in/out any Non-Exempt employee regardless of the department they are assigned to work in. Non-Exempt employees are required to clock in/out at the nearest timekeeping unit located in their work area. If there is a problem with the timekeeping unit, the Non-Exempt employee must notify the supervisor and the supervisor will direct that employee to the next appropriate timekeeping unit location.
  4. Employees (both Exempt and Non-Exempt) must approve their timecard entry at the end of each pay period, unless there is a reasonable explanation such as the employee is on vacation or unforeseen leave.
  5. If an employee misses an entry into the Tyler Timekeeping System, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours.
  6. Hourly Timecard Entries – All hours worked should all be entered in the Timekeeping System so the proper overtime and shift differential can be calculated. As a general rule, time entered into the time clock should not be edited. If an edit to a time clock in/out entry is necessary, a supervisory comment with a specific detailed reason must be assigned to the time clock entry change.
  7. Any changes to an employee's timecard entry must have a supervisory comment added justifying or explaining why this edit occurred.
  8. Employees in an on-call status who are called into work will report directly to the work location, as necessary, and report time worked directly to the supervisor as soon as practical if the work location is without an accessible timekeeping unit.
  9. Non-Exempt employees are permitted to work overtime only with prior authorization from their supervisor. Overtime includes clocking in early, late, or working through the scheduled lunch period. Non-Exempt employees who work overtime without prior authorization may be subject to disciplinary action.
  10. Non-Exempt employees may not use another Non-Exempt employee's ID to clock in/out for the other Non-Exempt employee. Failure to follow this directive may result in disciplinary action.
  11. Supervisors are required to document and report incidents where employees have violated the timekeeping policy and/or procedures. This could include situations where employees may have clocked in but are absent from their workstation during



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work hours or have missed timekeeping entries and/or work unscheduled and unauthorized overtime.

Any attempt to falsify a time record is strictly prohibited. Any instruction by a manager or supervisor to an employee to falsify a time record is also strictly prohibited. Falsifying a time record may include, but is not limited to, incorrectly or falsely under reporting or over reporting time worked, and altering another employee's time record to inaccurately or falsely report an employee's hours worked. If an employee becomes aware of a falsified time record or an attempt to falsify a time record, the employee should immediately report and notify this to their supervisor, a member of management, or the Office of Human Resources.

Employees who consistently miss time reporting will be subject to disciplinary action.

#### **604.3.1 Professional Work Week:**

Exempt employees are generally expected to work a "professional work week," which, for full-time employment, equates to forty hours a week, but can often mean more hours. Exempt employees are expected to work as many hours required to meet their job responsibilities, including evenings, weekends, and extended travel, if necessary. Under the FLSA, exempt employees are not eligible for paid overtime or compensatory time. It is, however, generally expected exempt employees will communicate, in advance, with their supervisor about scheduled absences during their typical working hours to ensure that absences do not interfere with their job responsibilities and impact the work of the office and their teammates.

#### **604.3.2 Partial Day Absences:**

Exempt employees can be expected to use leave accruals for partial day absences. Partial day absences are intended to acknowledge the hard work and long hours worked by employee, while accommodating the associated challenge of taking care of personal business, when necessary. This does not mean, however, that partial day absences may be used on a regular basis as a form of compensatory leave, or to change the agreed upon work schedule. If a supervisor believes partial day absences are being used inappropriately, the supervisor should clarify expectations. Unlike absences covered by accrued leave, the expectation is an employee will complete their duties within the normal timelines, when they utilize partial day absences.

#### **604.3.3 Exempt Employee Responsibility:**

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Follow your department/unit request for leave procedures, requiring Supervisor approval for using leave time. Leave time shall be reported in half-day (normally 4 hours for 5/8 schedule: 5 hours for 4/10 schedule: 3 hours for 6-hour shifts) increments when working less than half-day. No leave shall be recorded when working more than half-day.

Where an exempt employee has exhausted all available accrued vacation and float leaves, the employee's salary may be reduced for full-day absences due to personal reasons. Employees shall report leave taken under the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) by completing the required FMLA/CFRA forms.

#### **604.4 No Volunteering of Work Time**

All time spent for the benefit of the City of Cathedral City must be reported as hours worked on time records so that the employee is paid for all work. Overtime-eligible employees may not "volunteer" work time to perform duties that are the same or similar as their stated or regular job duties. Employees have no authorization to work without compensation. No supervisor has authority to request overtime-eligible employees to volunteer work time.

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## **700 Performance Evaluation Policies**

### **702 PERFORMANCE EVALUATIONS**

#### **702.1 Performance Evaluations**

A non-probationary employee's supervisor will prepare and sign a performance evaluation on a City of Cathedral City form for each performance evaluation period. The Department Head will review and approve all performance evaluations of subordinates in their department. The City Manager or their designee will review and approve all performance evaluations of department heads or any other employees under their direct supervision. Additional performance evaluations may be prepared at any time the Department Head deems necessary.

#### **702.2 Probationary Employee Performance Evaluations**

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On or about the completion of six (6) months of a probationary period, and again at any point prior to separation or the successful completion of the probationary period, the probationary employee's supervisor will prepare and sign a performance evaluation. The purpose of the probationary performance evaluation is to chart the probationer's progress toward meeting the standards of their position.

**702.3 Performance Evaluation Meeting**

The supervisor will meet with the employee to discuss the evaluation. The employee shall sign the evaluation to acknowledge its contents and that they have met with their supervisor to discuss the evaluation. The employee's signature shall not mean that they endorse the contents of the evaluation.

**702.4 No Appeal Right**

An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement must be submitted within 20 days after the employee receives the evaluation. FBOR and PBOR statutes apply.

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**800 Leaves of Absences**

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**802 SCHEDULING OF VACATION LEAVE**

**802.1 Vacation Leave**

Eligible full-time and regular part-time employees, (with the exception of temporary/seasonal/extra help/limited term) earn vacation leave in accordance with their MOU and/or Regulations.

**802.3 Scheduling of Vacation Leave**

Vacation leave may not be used until it is earned. The employee and the department head will schedule the times when an employee may take vacation leave. The scheduling will be based on the employee's preference and the City of Cathedral City operational needs. An employee shall provide a minimum of one

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week's written advance notice, unless waived by the department head, when requesting vacation time off.

#### **802.4 Unused Vacation Leave Upon Separation**

Any employee separating from the City who has accrued vacation leave shall be paid for all accrued vacation at their rate of pay at the time of separation.

### **804 SICK LEAVE**

#### **804.1 Purposes for Sick Leave**

Sick leave is paid leave from work that an employee may use for the following purposes:

- a) Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or
- b) Diagnosis, care, or treatment of any existing health condition of, or preventative care for a "designated person"; or
- c) For an employee who is a victim of domestic violence, sexual assault, or stalking or other crime in order for the employee to engage in any of the following activities: 1) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or their child; or 2) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or 3) participate in safety planning or other actions to increase safety.

#### **804.2 Terms of Sick Leave**

Full-time and regular part-time employees accrue sick leave in accordance with their MOUs and Represented Rules and Regulations.

a) **Protected Sick Leave:**

- i. For full time and regular part-time employees who are not seasonal/temporary/extra help employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this Policy; and
- ii. For seasonal/temporary/extra help employees, up to 40 hours, or five (5) days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this Policy. The year is measured beginning

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on July 1, 2015, or the employee's anniversary of hire date, whichever is later

- b) **Sick Leave Request:** To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.
- c) **Certification:** The City of Cathedral City may require that employees who are not seasonal/temporary/extra help employees, provide a physician's certification to support any absence that involves the illness of the employee or family member if the City of Cathedral City suspects that there is an abuse of sick leave by the employee. All employees, including [seasonal/temporary/extra help], who use paid leave to address issues related to domestic violence, sexual assault or stalking, or other crimes and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.
- d) **Sick Leave on Separation from Employment –**  
Sick Leave on separation from employment shall be paid in according to their collective bargaining agreement or Non-Represented Rules and Regulations.
- e) **Sick Leave Reinstatement for seasonal/temporary/extra help employees:** If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 5 days or 40 hours, whichever is greater, will be reinstated. An employee who worked at least 90 days in the initial employment with the City of Cathedral City may immediately use reinstated sick leave. An employee who had not worked 90 days in the initial employment with the City of Cathedral City must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave.

## 806

### FAMILY AND MEDICAL CARE LEAVES

#### 806.1

#### Statement of Policy; Concurrent Running of FMLA and CFRA Leaves

The City of Cathedral City provides family and medical care leave for eligible employees as required by State and federal law. Employees who misuse family and medical care leave may be disciplined up to and including termination.

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Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

This Policy is supplemented by the Federal Family and Medical Leave Act (FMLA), and the California Family Rights Act (CFRA). Unless otherwise stated in this Policy, "Leave" means leave pursuant to the FMLA and CFRA. Unless otherwise required by law, the City of Cathedral City will run each employee's FMLA and CFRA leaves concurrently.

## **806.2**

### **Definitions**

(a) "Child"

- a. Under the FMLA, "child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is "incapable of self care" if they require active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.
- b. Under the CFRA, "child" means a child, including a child who is 18 years of age or older who is capable of self-care. An employee's child means a biological, adopted, foster, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

(b) "Covered active duty" means: (1) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or (2) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

(c) "Covered Service Member" means: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

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- (d) “Designated Person” means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for family care and medical leave.
- (e) “Domestic Partner” is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- (f) “Family member” for FMLA leave means an employee’s child, parent, and spouse. “Family member” for CFRA leave means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, and sibling.
- (g) “Grandchild” means a child of the employee’s child.
- (h) “Grandparent” means a parent of the employee’s parent.
- (i) “Health Care Provider” means any of the following:
- 1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
  - 2) An individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
  - 3) A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
  - 4) A nurse practitioner or nurse-midwife or a clinical social workers who is authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
  - 5) A Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
  - 6) Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- (j) “Next of Kin of a Covered Service Member” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered

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service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.

(k) “Outpatient Status” means, with respect to a covered service member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(l) “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

(m) “Parent-in-law” means the parent of a spouse or domestic partner of the employee.

(n) “Serious Health Condition” means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient Care in a hospital, hospice, or residential medical care facility, Including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered “inpatient” when a health care facility admits them to the facility with the expectation that they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
  - a. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
  - b. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - i. Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or



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- ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
    - c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a “serious health condition” only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave. (See Policy 808, Leave Because of Pregnancy, Childbirth, or Related Medical Condition.)
  - 3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
    - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
    - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
  - 4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
  - 5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive

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calendar days in the absence of medical intervention or treatment.

- (o) “Serious Injury or Illness” means: (1) in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered service member incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
- (p) “Sibling” means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
- (q) “Single 12 Month Period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.
- (r) “Spouse” means one or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined.
- (s) “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

### **806.3 Reasons for Leave**

Leave is only permitted for the reasons listed below.

- a) The birth of a child or to care for a newborn of an employee;
- b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- c) Leave to care for a child, parent or spouse who c has a serious health condition;
- d) Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, parent-in-law, sibling, or any Designated Person, who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA.
- e) Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of their position;

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- f) Leave for a variety of “qualifying exigencies” 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 or
  - g) Under the CFRA only, leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s domestic partner is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA; or
  - h) Leave to care for a spouse, son, daughter, parent, or “next of kin” who is a covered service-member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

### **806.3 Employees Eligible for Leave**

An employee is eligible for leave if:

- a) The employee has been employed by the City of Cathedral City for at least 12 months; and
- b) The employee has been employed by the City of Cathedral City for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
- c) For FMLA leave eligibility, the City of Cathedral City directly employs at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. The workweeks do not have to be consecutive. The phrase “current or preceding calendar year” refers to the calendar year in which the employee requests the leave or the calendar year preceding this request. This criteria is not required and does not apply in order for an employee to be eligible for CFRA leave

### **806.5 Amount of Leave**

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered service member) of leave during any 12-month period. If 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.

### **806.6 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 year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks.

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However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.

- a. If leave is requested to care for a child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild, sibling or the employee themselves with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required.

#### **806.7 Parents both Employed by the City of Cathedral City**

If both parents of a child, adoptee, or foster child are employed by the City of Cathedral City and are entitled to bonding leave:

- a. The aggregate number of workweeks of FMLA leave to which both may be entitled may be limited to 12 workweeks during any 12-month period; and
- b. Each parent is entitled to take 12 workweeks of CFRA leave during any 12-month period.

If both parents of a covered service member are employed by the City of Cathedral City and are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period. This limitation does not apply to any other type of leave under this Policy.

#### **806.8 Employee Benefits While On Leave**

- a. Group Health Insurance during Unpaid Leave: Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by the City of Cathedral City's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the City of Cathedral City will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
- b. Benefit Plans Not Provided through the City of Cathedral City Group Health Plan during Unpaid Leave Do Continue: While on unpaid leave, employees will continue to be covered by the City of Cathedral City benefits plans that are not part of its group health plan for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job.

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- c. **Payment of Premiums:** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using their paid leave) or direct payments (if the employee is not using their paid leave). The City of Cathedral City will inform the employee whether the direct payments for premiums should be paid to the carrier or to the City of Cathedral City, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while employee is on leave.
  - d. **Recovery of Premium if the Employee Fails to Return from Leave:** If an employee fails to return to work after their leave entitlement has been exhausted or expires, the City of Cathedral 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 their family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

## **806.9 Substitution of Paid Accrued Leaves**

Although family and medical care leave is unpaid, the employee must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

### **806.9.1 Employee's Right to Use Paid Accrued Leave Concurrently with Family Leave**

An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, parent-in-law, spouse, domestic partner, child, grandparent, grandchild, or sibling.

### **806.9.2 City of Cathedral City's Right to Require an Employee to Use Paid Leave when Using FMLA/CFRA Leaves**

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two (2) exceptions:

- a) Employees are required to use paid leave when coordinating with a city-sponsored disability plan. Employees are not required to use paid leave during leave pursuant to a disability plan that pays

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a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and

- b) An employee may agree to use accrued sick leave to care for a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling; to the extent permitted under Labor Code 233(a).

**806.9.3 City of Cathedral City's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves**

If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the City of Cathedral City will designate that leave as running concurrently with the employee's 12-week FMLA and/or CFRA leave entitlement. The only exception is for peace officers and firefighter while they are on paid industrial injury leave (4850 pay leave).

**806.9.4 City of Cathedral City's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA**

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City of Cathedral City may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the City of Cathedral 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 of Cathedral City may require the employee to exhaust accrued leave as described above.

**806.10 Medical Certification/ Recertification**

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

- a) **Employee's Own Serious Health Condition:** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position. Upon expiration of the time period the health care provider originally estimated that the employee needed for their own serious health condition, the employee must obtain recertification if additional leave is requested.
- b) **Family Member Serious Health Condition:** Employees who request leave to care for a child, parent, parent-in-law, domestic partner, spouse,

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grandparent, grandchild, or sibling who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling. The term “warrants the participation of the employee” includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

- c) Service member Serious Injury or Illness: Employees who request FMLA 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 City of Cathedral City will verify the certification as permitted by the FMLA regulations.
- d) Qualifying Exigency: The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member’s active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member’s active duty service. A copy of the new active duty orders or similar documentation shall be provided to the City of Cathedral City 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 military member. The City of Cathedral City will verify the certification as permitted by the FMLA regulations.

#### **806.11 Time to Provide a Medical Certification**

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

#### **806.12 Consequences for Failure to Provide an Adequate or Timely Certification**

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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 in this Policy, the City of Cathedral City may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

#### **806.13 Review of the Contents of Medical Certification for Employee's Own Serious Health Condition**

- a) **Complete and Sufficient:** The employee must provide a certification for their own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Human Resources Manager will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.
- b) **Authentication and Clarification:** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Human Resources Manager may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Human Resources Manager may not ask for additional information beyond that required on the certification form.

#### **806.14 Second and Third Medical Opinions For Employee's Own Serious Health Condition**

If the City of Cathedral City has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the City of Cathedral City may require a medical opinion of a second health care provider chosen and paid for by the City of Cathedral City. If the second opinion is different from the first, the City of Cathedral City may require the opinion of a third provider jointly approved by the City of Cathedral City and the employee, but paid for by the City of Cathedral City. The opinion of the third provider will be binding. The City of Cathedral City must provide the employee with a copy of the second



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and third medical opinions, where applicable, without cost, upon the request of the employee.

#### **806.15 Intermittent Leave or Leave on a Reduced Leave Schedule**

If employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for their own serious health condition, or to care for an immediate family member with 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. The City of Cathedral City may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

#### **806.16 Employee Notice of Leave**

Although the City of Cathedral City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that they will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform their supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

#### **806.17 Reinstatement Upon Return from Leave**

- a) Reinstatement to Same or Equivalent Position: 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 benefits and pay. 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.
- b) Date of Reinstatement: 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 the **City of Cathedral City**, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of their readiness to return.
- c) Employee's Obligation to Periodically Report on their 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. (29 CFR § 825.311.)

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- d) **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 their job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement. (Gov. Code § 12945.2(k)(4); 29 CFR § 825.312.)
  - e) **Reinstatement of "Key Employees":** The City of Cathedral City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City of Cathedral City within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City of Cathedral City, and the employee is notified of the City of Cathedral City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

#### **806.18 Required Forms**

Employees must complete the applicable forms to receive family and medical care leave. The forms may be found at [MUNIS Self Services](#) under the Resources Menu.

### **808 LEAVE BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION**

#### **808.1 Amount of Leave**

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

#### **808.2 Notice & Certification Requirements**

- a. **Notice:** Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Human Resources Manager.
- b. **Certification:** The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: (1) the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave. (2 Cal.Code Regs §§11050(b)(7); 11050(e).)

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### **808.3 Compensation During Leave**

Pregnancy disability leaves are without pay. However, the employees must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

### **808.4 Benefits during Leave**

- a. Group Health Insurance: An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The City of Cathedral City may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the FMLA.
- b. Employee Status during Leave: The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

### **808.5 Reinstatement**

- a. Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave.
- b. If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.
- c. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City of Cathedral City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

### **808.6 Leave for Reproductive Loss**

The City provides employees who have been employed at least 30 calendar days with Reproductive Loss Leave, in the event of a "Reproductive Loss Event"

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“Reproductive Loss Event” means the day or, for a multiple-day event, the final day of a Failed Adoption, Failed Surrogacy, Miscarriage, Stillbirth, or an Unsuccessful Assisted Reproduction, as those terms are defined below:

- a) “Failed Adoption” means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.
- b) “Failed Surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.
- c) “Miscarriage” means a miscarriage by a person, by the person’s current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
- d) “Stillbirth” means a stillbirth resulting from a person’s pregnancy, the pregnancy of a person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
- e) “Unsuccessful Assisted Reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.

Reproductive Loss Leave may be taken for up to five (5) days per Reproductive Loss Event.

Reproductive Loss Leave is not required to be taken consecutively, but such leave must be taken within three (3) months of the Reproductive Loss Event, with the exception that, if an employee is on California Family Rights Act (“CFRA”) leave, Pregnancy Disability Leave (“PDL”), or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave.

If an employee experiences more than one Reproductive Loss Event within a 12-month period, the City will provide Reproductive Loss Leave up to a maximum of 20 days within a 12-month period.

Reproductive Loss Leave is unpaid, but employees may elect to use accrued paid leaves, such as sick leave, personal leave, or vacation in order to provide for their compensation while on Reproductive Loss Leave.

The City will maintain the confidentiality of any employee who requests to use or uses Reproductive Loss Leave, and the City will not disclose such information other than to internal personnel on a need to know basis, or as required by law.

**810.1 Jury Duty Leave/Subpoenaed or Court-Ordered Witness Leave**

Employees may be absent for jury duty in accordance with their collective bargaining agreement. For Non-Rep Employees, the following Jury Duty Policy applies. Eligibility: Non-Rep employees, excluding temporary, seasonal, or extra help employees.

Employees must notify their supervisor as soon as they receive a jury summons. The employee may be absent from duty with pay for the time required to be away from the employee's regularly scheduled work hours. Employees must provide court-issued proof of jury service. If released from jury duty during normal working hours, employees should return to work if practicable. All benefits continue during jury duty leave.

Non-retaliation: The city prohibits retaliation against employees for serving jury duty.

**810.2 Subpoenaed or Court-Ordered Witness Leave:**

- A. Subpoenaed Absence – Non-Sworn Personnel. An employee other than safety personnel who is subpoenaed or required to appear at a deposition or in court as a witness may receive the employee's regular pay during the absence if, in the opinion of the City Manager, the serving as a witness is deemed to be in the best interests of the public, provided the employee remits all witness fees to the City. Paid leave of absence shall not be granted when the time spent in court is for personal reasons or gain.

**Procedure**

Upon receiving a subpoena or court order, the employee must:

1. Inform their supervisor immediately
2. Submit a copy of the subpoena or court order to HR
3. Discuss scheduling and coverage with their supervisor

HR will review the documentation and determine the appropriate leave classification.

The employee must keep their supervisor informed of any changes to the expected duration of their absence.

**810.2.1 Overtime-Eligible Employees**

All overtime-eligible employees will be paid for actual work hours missed because of time spent in jury service or court in

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accordance with MOU or Non-Rep Regulations. The time spent on jury duty is not work time for purposes of calculating overtime compensation.

**810.2.2 Overtime-Exempt Employees**

All FLSA-exempt employees will continue to receive their normal salary while on jury duty or as serving as a witness only for any workweek in which they perform any work duties.

**810.3 Other Court or Administrative Proceeding Appearances**

**810.3.1 Other Court or Administrative Proceeding Appearances: Regarding Agency Duties**

Any employee, including a temporary, seasonal, or extra help employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of their City of Cathedral City job duties, must give their supervisor as much advance notice as is possible. The City of Cathedral City will determine whether the matter involves an event or transaction in the course of the employee's City of Cathedral City job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time.

**810.3.2 Regarding Employee-Initiated Proceedings**

Any employee, including a temporary, seasonal, or extra help employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that they initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time. Notwithstanding the above, an employee who is testifying or appearing as the designated representative in PERB conferences or hearings, or at a personnel or merit commission is entitled to paid release time.

**810.3.3 Regarding Crime Victim/Victim Family Member Court Attendance Leave**

Any employee, including a temporary, seasonal, or extra help employee, who is a victim of a crime may take leave from work to attend judicial proceedings related to that crime, if the

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employee provides the City of Cathedral City a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide the City of Cathedral City, within a reasonable time after the leave is taken, documentation from the District Attorney, victim's rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.

**810.3.4      Regarding Crime Victim/Family Member Victims' Rights Proceedings Leave**

Any employee, including a temporary, seasonal, or extra help employee, who is a victim of a crime, may take leave from work to attend judicial proceedings related to that crime, if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the City of Cathedral City, within a reasonable time after the leave is taken, documentation from the District Attorney, victim's rights office, or court/governing agency that shows that the judicial proceeding occurred when the leave was used.. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse, child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.

**810.4      Leave for Victims of Domestic Violence, Sexual Assault, or Stalking to Obtain Restraining Orders or Injunctive Relief**

Any employee, including a temporary, seasonal, or extra help employee, who is a victim of domestic violence, sexual assault, or stalking, or other crime may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the

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employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or paid leave, or compensatory time off.

**810.4.1      Leave for Victims of Domestic Violence, Sexual Assault, or Stalking or Other Crimes to Obtain Medical Attention or Counseling or Safety Planning**

Any employee, including a temporary, seasonal, or extra help employee, who is a victim of domestic violence, sexual assault, or stalking, or other crime may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling; obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to the City of Cathedral City within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or personal leave, or compensatory time off.

**810.5      Bereavement Leave**

All regular City of Cathedral City employees who have worked for at least 30 days are entitled to 5 days of bereavement leave upon the death of a family member.

Bereavement Leave Policy for Non-Rep Employees  
Leave Allowance:

- I.    Three (3) days of paid leave
- II.   Up to two (2) additional days of unpaid leave

Employees may use accrued paid leave (vacation, personal, sick, or compensatory time) for unpaid days.

Family Member Definition:



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Spouse or domestic partner, children, the employee's or spouse/registered domestic partner's children, parents, siblings, grandparents, grandchildren, and legal guardians.

**Additional Leave:**

Employees may use sick leave or paid time off for extended bereavement of defined family members

- I. Up to three (3) days of sick leave for non-defined family members
- II. Employees must notify their supervisor or Department Head of intent to use bereavement leave
- III. Leave may be used non-consecutively within three (3) months following the family member's death

Documentation: The city may require documentation to support the leave request

**810.6 Military Leave**

All City employees are entitled to a Military Leave under the California Military and Veterans Code 395, to include inactive duty training.

**Procedures for applying for Military Leave:**

Employees requesting leave under this policy should comply with the following requirements:

Employees should request leave under this policy with as much advanced notice as practicable to their department head and Human Resources.

In support of their request for leave under this policy, employees should provide a copy of their orders or other appropriate written certification that the employees have been called to federal military duty for purposes of military training, drills, encampment, naval cruises, special exercises or the like (or that state military members have been called for military training, drills, unit training assemblies or similar inactive duty training).

Upon release from active duty, notify department head and Human Resources of return date.

Military Leave will be retroactive to January 1, 2024.

**810.7 School-Related Leave**

**810.7.1 School or Licensed Day Care Activity Leave**

Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades 1

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through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to their supervisor of the planned absence. The leave is unpaid unless the employee uses vacation, personal leave or compensatory time off. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the City of Cathedral City at the same City of Cathedral City work site, only the first parent requesting will be entitled to leave under this provision.

#### **810.7.2.1 Child Suspension Leave**

Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to their supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

#### **810.8 Paid Administrative Leave**

The City of Cathedral City reserves the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Human Resources Manager has determined that the employee's and/or City of Cathedral City best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

#### **810.9 Leave of Absence Without Pay Must Be Authorized By Law or These Policies**

Unless authorized by law or a City of Cathedral City policy, an employee is not entitled to a leave of absence without pay. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Unless required by law, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. Unless required by law, the City of Cathedral City will not maintain contributions toward group insurance or retirement coverage for the employee on such leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the

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levels existing as of the effective date of the leave. An employee reinstated after a leave of absence shall receive the same step in the salary range the employee received when the leave of absence began. Time spent on such leave shall not count towards service for merit step increases within the salary range or for benefit accruals. The employee's merit review date shall be set forward in time one month for each thirty (30) consecutive calendar days taken.

**810.10.1 Industrial Injury Leave: Employees Not Covered by Labor Code Section 4850**

Employees, other than those covered by Labor Code section 4850, who are absent from work by reason of an injury or illness covered by Workers' Compensation, shall continue in pay status under the following provisions.

**810.10.1.1 Coordination of Benefits**

Employees not covered by LC 4850 who are absent on account of injuries arising out of and in the course of employment, such employee shall receive full compensation for a maximum period of 60 days for regularly scheduled work. The 60-days' period need not be consecutive if the employee's absence is directly traceable to a single accident.

After the 60-days, the employee may authorize, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular pay be deducted from the employee's accumulated sick leave, vacation, personal holidays, and compensatory time, if any. The employee will continue in pay status and receive their pay until their accumulated sick leave, and authorized compensatory time, personal holidays and vacation days, have been depleted to the nearest hour.

**810.10.1.2 Accrual of Sick and Vacation Leave Continues While on Paid Leave**

During the time the employee is in fully paid status while absent from work by reason of injury or illness covered by Workers' Compensation, they shall continue to accrue sick leave and vacation benefits as per their MOU or Regulations.

**810.10.1.3 Unpaid Leave and Continuation of Health Care Benefits**

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Any employee subject to this Policy who depletes their accumulated sick leave, compensatory time, personal holiday time and vacation days while absent from work by reason of an injury or illness covered by Workers' Compensation may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

**810.10.2 Industrial Injury Leave: Employees Covered by Labor Code Section 4850**

Sworn Police and Fire employees covered by Labor Code Section 4850 et seq. will be allowed up to one year leave of absence for an industrial injury or illness without loss of salary in lieu of disability payments, consistent with state law ("4850 Leave"). The employee will continue to accrue sick leave and vacation benefits while in paid status.

**810.10.2.1 Coordination of Benefits after 4850 Leave**

Whenever the injury or illness continues beyond the one-year 4850 leave period, the difference between the amount granted pursuant to such Workers' Compensation and the employee's pay may be deducted from the employee's accumulated sick and vacation leave, personal holidays, and compensatory time, if any. Thereafter, the employee may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

**810.11 Time Off to Vote**

If any employee does not have sufficient time outside of working hours to vote, may request up to two hours of paid leave either at the beginning or end of scheduled working hours to enable them to vote. The employee must request time off to vote from their supervisor at least two days prior to election day.

**810.12 Access Restrictions for City Employees on any Leave**

Any City employee who is on an extended leave may have the following access restrictions in place:

**Email Access Suspended**

While on extended leave, the employee's access to their City email account may be suspended. They may be unable to send or receive emails through their City account during this leave period.

**No Access to City Premises**

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Employees on extended leave are prohibited from accessing any City premises or facilities. This includes offices, job sites, vehicles, equipment yards, etc. Access cards/keys may be deactivated.

These restrictions allow the employee to focus fully on their medical recovery. Email and premises access will be restored upon the employee's return to active work status.

Employees with questions should contact Human Resources.

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## **900**      **Resignation, Job Abandonment, Layoff, and Separation**

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### **902**      **RESIGNATION, JOB ABANDONMENT, LAYOFF AND SEPARATION**

#### **902.1**      **Types of Separation**

All separations of employees from positions in City of Cathedral City employment are designated as one of the following types:

- a) Probationary Release;
- b) Release of temporary/seasonal/extra help employees' employee;
- c) Resignation;
- d) Retirement;
- e) Job abandonment;
- f) Layoff;
- g) Non-disciplinary separation; or
- h) Disciplinary separation.

#### **902.2**      **Probationary Release**

Probationary employees serving in their initial probationary period with the City of Cathedral City may be released at any time during the probationary period as recommended by the Department Head and approved by the City Manager or designee, without cause or reason or notice. A released probationary employee has no right to appeal or to submit a grievance, except as required by law or MOU.

#### **902.3**      **Release of [Temporary/Seasonal/Extra Help Employees]**

A temporary/ seasonal/ extra help employee may be separated at any time, without cause, and without right to any appeal or grievance.

#### **902.4**      **Resignation**

An employee who wishes to resign their City of Cathedral City employment in good standing must submit written notice of resignation to the Department Head or Human Resources Manager at least two weeks prior to the planned separation

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date. The written notice must state the reasons for the resignation. Failure to follow the aforementioned procedure may be cause for denying future employment with the City of Cathedral City. A resignation becomes final when the Department Head or Human Resources Manager accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable. A resignation can be accepted by the Department Head or Human Resources Manager even if it is submitted less than two weeks prior to the planned resignation date.

**902.5 Retirement**

An employee planning to retire may provide a written notice to the Department Head or Human Resources Manager prior to the effective date of the retirement. A notice of retirement becomes final when the Department Head or Human Resources Manager accepts the notice of retirement in writing. Once a notice of retirement has been accepted, it is final and irrevocable.

**902.6 Job Abandonment**

An employee is deemed to have resigned from their position if they are absent for five (5) consecutive scheduled workdays/shifts without prior authorization and without notification during the period of the absence.

An employee who has been deemed to have automatically resigned in accordance with the terms of this Section shall have fifteen (15) days after the date of mailing, by certified mailing, of such notice within which to request reinstatement. Any request for reinstatement must be made in writing and must be received by the City within fifteen (15) days of the date of mailing of the notice. Request for reinstatement may be made within ninety (90) days after the effective date of the deemed resignation if the notice specified above was not sent to the employee in the manner specified in this Section. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal except as may be provided by law or applicable MOU.

**902.8 Non-Disciplinary Separation**

Any employee separated because of an inability to accommodate after the reasonable accommodation and interactive process is concluded, will be given a written pre-separation notice of the reasons for the separation, the evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect. Any for cause employee has the opportunity for a post-separation appeal.

**902.8 Disciplinary Separation**

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A for-cause employee may be separated for disciplinary reasons.

**902.10      Return of City Property**

All City of Cathedral City property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, cell phones, pagers, and any other City of Cathedral City equipment.

**902.11      Job References/Verification of Employment**

All reference inquiries and verifications of employment must be referred to and approved by the Human Resources Manager. Unless the Human Resources Manager receives a written waiver signed by the employee, the City of Cathedral City will release only the employee's dates of employment, last position held, and final salary rate. Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Human Resources Manager on a case-by-case basis.

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**1000      Workers' Compensation**

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**1001      Safety and Health.**

Each employee shall comply with CAL/OSHA safety laws, rules, and regulations. The City shall provide training, safety equipment and compliant facilities in order to allow employees to follow safe practices. All employees shall follow safe practices, as trained, use personal protective equipment as required, render every possible aid to safe operations, and report all unsafe conditions or practices. If required, the City shall provide special equipment.

No employee shall work, or be permitted to work, at any time when his or her ability to work is visibly impaired by alcohol, intoxicating liquors, drugs (legal or otherwise), or any other substance which renders the employee's condition hazardous to themselves or to others. No employee shall have in their possession any intoxicating substance or illegal drug while on duty.

**1001.1      Smoking.**

Pursuant to Government Code 7597(a), no public employee or member of the public shall smoke any product or substance, including electronic variations, inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the City.

**1002.1      On the Job Injuries**

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The City provides Workers' Compensation coverage to all employees and volunteers for any job-related injuries or illnesses. If your job causes you injury or illness, no matter how minor, you must report it to your supervisor immediately. If you need medical aid, your supervisor will advise you where to go for treatment, and your medical bills will be paid for directly by the City.

The City requires that all job-related illnesses or injuries be reported within a reasonable time (Typically (24 hours) to the designated person within your department and/or the Human Resource Department.

## **1002.2 Procedures**

### **1002.2.1 Employee Responsibility**

Employees or volunteers must notify their supervisor immediately of all job-related injuries by submitting the Accident/Injury Report. This should typically occur within 24 hours.

For life-threatening injuries, medical care is the priority and forms will be completed as soon as possible.

When an employee is injured on the job and seeking workers' compensation, the city has the right and obligation to direct the employee's medical care. Because there are particular procedures the city needs to follow when treating work-related injuries, the city asks that the employee work closely with Human Resources after an injury or illness to ensure their safe return to work.

Following the medical evaluation, the employee must immediately return the documentation provided by the designated medical provider to their supervisor and HR.

### **1002.2.2 Supervisor Responsibility**

Once notified, Supervisors must review and sign the Accident/Injury Report and submit it to Human Resources within 24 hours (or the next business day).

For non-life-threatening injuries, the supervisor should contact Human Resources during business hours for notification and coordination of services.

For life-threatening injuries, employees should be transported to the nearest emergency/trauma center and complete the reporting forms as soon as possible.



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Supervisors are required to document, in writing, any refusal by the employee to obtain medical treatment. The documentation shall be forwarded to HR as soon as possible.

Following treatment, it is the supervisor's responsibility to ensure the appropriate documentation is completed and forwarded to Human Resources.

Medical Appointments for Work-Related Injuries After Full-Time Return:

When an employee resumes full-time work (either with restrictions or full duties) following a work-related injury, they may need to attend follow-up medical appointments. For these injury-related appointments:

The employee must coordinate the time off with their supervisor. Time spent at these appointments during scheduled work hours will be compensated at the employee's regular pay rate.

### **1002.3 Modified Duty Assignments**

Modified duty is considered when Human Resources receives the following information from the medical provider:

- i. Current physical or other medical limitations relating to the performance of essential functions of the job;
- ii. Expected period of temporary restrictions.

The city supports the use of modified duty in some cases, unless the medical provider believes modified duty would pose a hindrance to recuperation or an increased risk of re-injury. No employee will be placed on modified duty if the employee's condition would pose a safety or health hazard to the city.

If an employee does not want to work in a modified duty capacity when authorized to do so by the medical provider, or feels they are unable to do so, the employee will be charged accrued leave time during their absence.

### **1002.4 Return to Work Policy and Procedures**

It is the purpose of this Policy to provide guidelines for employees injured on the job who are temporarily unable to return to full duty as the result of work restrictions imposed by a physician.

The placement of employees in a TWA will be based on where the need is greatest in the City. Notwithstanding that, when possible, the City will give first priority to the department the employee would have been regularly assigned to had the employee not been placed on work restrictions, following consultation with the

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department head. Note that this section does not create a guarantee that any employee will be assigned to work in any particular department, and operational discretion still ultimately lies with the City.

Human Resources will be responsible for light-duty placement. This is a mandatory program for all departments and employees. An employee's failure to participate in a (TWA) could impact entitlement to disability benefits.

Objectives:

- To return employees who are injured on the job to work as soon as possible when there is not significant risk of harm to themselves and others.
- To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
- To assist in returning employees to temporary modified duty or alternate work at a level as close as practicable to their pre-injury and productivity.
- To retain qualified and experienced employees.
- To reduce the cost of disability benefits.

**An Employee Work Status Form** shall be used as a means of receiving work status information from the treating physician. **The Employee Work Status Form** will be used to determine the capabilities of the injured/ill employee and the job functions that they can perform as follows:

- Whenever an employee is unable to work due to a job-related injury or illness.
- Whenever an employee will receive continued or follow-up medical treatment for a reported work-related injury or illness regardless of whether an employee has work restrictions.
- Whenever an employee is on temporary modified duty or on temporary disability.
- After each follow-up visit or every thirty (30) days whichever is shorter.

Human Resources will track and monitor all TWA. Any changes in work restrictions and follow-up appointments during modified duty should be discussed with the supervising department and Human Resources.

Participation in the TWA should not establish a permanent modification or displace another employee.

Human Resources must maintain medical confidentiality and only share information regarding work restrictions and capabilities.

Human Resources will monitor for any underlying personnel issues that could impact the ongoing feasibility of a TWA.

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#### **1002.4.1 Access Restrictions for City Employees on Workers' Compensation Leave**

Any City employee who is on an extended leave under the workers' compensation program may have the following access restrictions in place:

**Email Access Suspended:** While on extended workers' compensation leave, the employee's access to their City email account may be suspended. During this leave period, they may be unable to send or receive emails through their City account.

**No Access to City Premises:** Employees on extended workers' comp leave are prohibited from accessing any City premises or facilities, including offices, job sites, vehicles, equipment yards, etc. Access cards/keys may be deactivated.

These restrictions allow the employee to focus fully on their medical recovery. Email and premises access will be restored upon the employee's return to active work status from the workers' compensation leave.

Employees with questions should contact Human Resources.

#### **1003 Selection of Treating Physician**

The City has prearranged qualified medical facilities to provide quality and prompt medical care to injured employees. If for any reason you are dissatisfied with your treatment, you may select a new treating physician within the established medical provider network (MPN). You may request this change by contacting Human Resources or the City's claims administrator. In lieu of an employer-directed physician. State law allows you the right to see your personal physician immediately following an accident. You must, however, make this request in writing and have it on file with Human Resources prior to the date of injury. For this purpose, "personal physician" is defined as a doctor who, before the injury, directed the medical treatment of the employee and maintains the employee's medical records. Your personal physician must be within a reasonable geographical area and must be willing to abide by the specific requirements set forth by state law for health care providers who wish to care for individuals injured on the job. If your personal physician is not immediately available, don't wait. Go to the medical facility designated by your supervisor for immediate treatment.

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### **1200 Miscellaneous Policies**

#### **1202 PERSONNEL FILES**

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**1202.1 Confidential City of Cathedral City Files**

The City of Cathedral City maintains a personnel file on each employee. A personnel file will contain only material that the City of Cathedral City deems necessary and relevant or that is required by law. Personnel files are the property of the City of Cathedral City, and access to the information they contain is restricted to protect employee privacy interests.

**1202.2 Notification of Changes**

Each employee is responsible to promptly notify Human Resources of any changes in their contact and benefits information, including: mailing address; telephone number; persons to contact in emergency; and number and names of dependents.

**1202.3 Access to Applicant or Employee Medical Information**

All medical information about an employee or applicant is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City of Cathedral City business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

**1202.4 Employee Access to Personnel File**

- a) Inspection of File: A current employee may inspect their own personnel file, at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect their personnel records one time per year. A current or former employee and/or their representative, who wishes to review their personnel file should make a written request to the Human Resources Department. The inspection must occur in the presence of the Human Resources Manager or designee and: (1) at a location where the employee works and at a time other than the employee's work time; or (2) at another agreed upon location without loss of compensation to the employee.
- b) Copies: A current or former employee is entitled to receive a copy of their personnel records within 30 days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources Department in writing. The City of Cathedral City may charge a fee for the actual cost of copying.
- c) Representative's Inspection: If the current or former employee wishes to have another person/representative inspect their personnel file, they must provide the person/representative with written authorization. The Human Resources Department will notify the employee and/or representative of the date, time and place of the inspection in writing.

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- d) **No Removal of File Documents:** No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

#### **1202.5            Limitations on Access or Copying of Personnel File**

Prior to making a copy of personnel records or allowing inspection, the City of Cathedral City may redact the names of nonsupervisory employees. Under no circumstances will the City of Cathedral City provide access or copying of the following categories of personnel file documents: letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination, except as required by law or MOU. Due process disciplinary considerations will not be impacted by this policy.

#### **1202.6            Personnel Action Form**

Any action concerning an employee's status of employment shall be processed on a Personnel Action Form. Such status shall become effective on the date specified by the Human Resources Manager. All employees shall receive a copy of any completed personnel action taken concerning their status of employment.

### **1204                LIMITATIONS ON OUTSIDE EMPLOYMENT**

#### **1204.1            No Outside Employment Without Prior Approval**

During the employee's workday, employees are expected to devote their full time in the performance of their assigned duties as a City employee. At no time shall any such outside employment or activity be conducted on City time.

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with their City of Cathedral City duties, functions, responsibilities, or that of the department in which they are employed at the City of Cathedral City.

In order to avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain written approval from the City Manager or designee prior to undertaking any outside employment as described in this Policy.

#### **1204.2            Authorization and Appeal Process**

- a) **Written Request:** Any employee who wants to undertake a paid outside employment, activity, or enterprise must submit a written request to their department head. The written request must include: (1) the work hours and/or time required; (2) job title or the nature of the activity; (3) the work location; (3) and the supervisor, manager and name of the employer or activity.

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- b) Analysis and Decision: The Department Head with the approval of the Human Resources Manager will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the City of Cathedral City. If the Department Head with the approval of the Human Resources Manager determines such activity is compatible, or would be if any conditions or restrictions applied, they will authorize the activity and specify the conditions/ restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file.
  - c) Authorization: An outside employment authorization is valid only up to one calendar year. Should the employee continue the outside employment, activity, or enterprise for a longer duration, they must make another request following the process in this Policy. Notwithstanding this, if an employee timely submits a request, a prior authorization will remain in effect during the review period.
  - d) Appeal: If the Department Head denies an employee's outside employment request, the employee may submit a written notice of appeal to the City Manager within 10 days after the date of the denial. The decision on appeal will be put in writing, provided within 10 days after the receipt of the appeal, and will be final.

#### **1204.3 Prohibited Outside Activities**

An employee outside employment, activity, or enterprise may be prohibited if it:

- a) Involves the use for private gain or advantage of City of Cathedral City time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of the City of Cathedral City or employment at the City of Cathedral City;
- b) Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City of Cathedral City for the performance of an act which the employee would be required or expected to render in the regular course of their City of Cathedral City employment;
- c) Involves the performance of an act in other than their capacity as a City of Cathedral City employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which they is employed; or
- d) Involves time demands that would render the employee's performance of their regular City of Cathedral City employment less efficient or dangerous to the employee.

#### **1204.4 Changes in Outside Employment Status**

The employee must promptly report in writing to the Human Resources Manager any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

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**1204.5            Revocation / Suspension of Outside Employment Authorization**

Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this Policy.

- a) The employee's work performance declines; or
- b) An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the City of Cathedral City.

**1204.6            Use of City of Cathedral City Equipment Prohibited**

Under no circumstances may an employee use any City of Cathedral City equipment, vehicles, tools, supplies, badges, identification cards, machines, or any other item that is City of Cathedral City property while an employee is engaged in any outside employment, activity or enterprise.

**1206                LIMITATIONS ON POLITICAL ACTIVITY**

**1206.1            No Solicitation During Work Hours or City of Cathedral City Offices**

Except as allowed by law, City of Cathedral City employees or officers may not solicit or receive political funds or contributions to promote the passage or defeat of any ballot measure that would affect working conditions during the working hours of its officers and employees, or in City of Cathedral City offices.

**1206.2            No Targeted Solicitation of City of Cathedral City Officers or Employees**

Officers or employees of the City of Cathedral City, or candidates for elective office of the City of Cathedral City, may not directly or indirectly solicit political contributions from other officers or employees of the City of Cathedral City unless the solicitation is part of a solicitation made to a significant segment of the public which may incidentally include officers from and employees of the City of Cathedral City.

**1206.3            No Political Activity in Uniform**

No City of Cathedral City employee or official shall participate in political activities of any kind while in a City of Cathedral City uniform or other City of Cathedral City-issued clothing.

**1206.4            No Political Activity on City of Cathedral City Property or Work Hours**

City of Cathedral City employees and officials are prohibited from engaging in political activity during working hours or on City of Cathedral City property.

The supervisor will work with Human Resources and the Driver Safety & Vehicle Use Program Administrator when determining the most appropriate intervention.

The Driver Safety & Vehicle Use Program has been developed to protect the City of Cathedral City's employees and resources, to ensure compliance with state and federal regulations, and to guard against and reduce potential liabilities from accidents. Risk Management will oversee the requirements within this program. All employees who operate a vehicle on agency business are required to comply with the program.

**Driver Eligibility**

The following guidelines have been established to assist with identifying, hiring, and retaining safe drivers and ensuring ongoing safe driving practices.

- Employment applications and job descriptions will clearly identify if vehicle operation is a job requirement.
- New employee background checks are conducted.
- Motor vehicle reports (MVRs) are obtained and reviewed for all employees who drive agency-owned vehicles and personally owned vehicles while on agency business to determine if the employee is an acceptable driver.
- Employees must possess a valid California driver's license to legally operate the class of vehicle(s) they drive in their employment.
- Employees who drive their personally-owned vehicle on agency business have liability insurance in accordance with the Reimbursement for Travel & Training, and Vehicle Use.
- All employees who drive on agency business are required to comply with all applicable state laws and regulations.

**DMV Employer Pull Notice Program (EPN)**

Employees who are authorized to drive an agency-owned and/or a personally-owned vehicle for agency business will consent to being enrolled in the California DMV Employer Pull Notice (EPN) Program. The DMV issues MVRs on every person registered in the EPN Program. The DMV automatically issues MVRs annually and whenever the driver is involved with certain legal actions or activities. Employees who participate in this program will sign a DMV Authorization for Release of Driver Record Information form.

**Employee Deviations**

Persons against whom a disqualifying action (suspension or revocation of license or certificate) has been taken by the DMV shall not be employed as drivers. Persons considered by the City to have a poor driving record or presumed to be a "negligent" operator by the DMV based on violation point counts shall not be employed as drivers.

**Business Use - Agency-Owned Vehicles**



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- Unless otherwise approved, agency-owned vehicles are not to be used for personal purposes, including the commute to and from home.
  - No one except an authorized employee may drive an agency vehicle. This includes immediate family members and friends, except in an emergency.
  - Drivers must comply with all applicable state laws and regulations.

The agency reserves the right to withdraw this privilege at any time. Failure to fulfill any requirement of the vehicle use policy may result in disciplinary action up to and including termination.

#### **Business Use - Personally Owned Vehicles**

It is the policy of the City of Cathedral City to provide employees with suitable transportation to conduct agency business. However, there may be times when it is necessary and expeditious for employees to use personally-owned vehicles in the course of agency business.

#### **Use of Rental Cars on Agency Business**

Agency employees are not permitted to use a rental car in conducting agency business Without prior approval of the appropriate department head or assigned designee.

When renting a vehicle, the employee's personal insurance is primary. The rental car company requires the renter (employee) to sign a written agreement transferring the liability and property damage (including damage to the rental vehicle) back to the renter.

#### **Electronic Wireless Communication Devices**

Agency employees shall not operate an agency-owned vehicle or personally-owned vehicle on agency business while using an electronic wireless communication device. "Using" includes, but is not limited to, viewing, talking, taking or transmitting images, playing games, composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving email, text messages, or other electronic data.

#### **Vehicle Accident Procedures**

Drivers are required to immediately report the incident to their supervisor. After business hours, drivers are still required to call their supervisor to report the accident/incident.

#### **Program Evaluation**

The Driver Safety & Vehicle Use Program will be reviewed on a periodic basis to meet ongoing needs.

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**1208.1 Purpose and Scope**

The purpose of this Policy is to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks. This Policy applies to all City of Cathedral City employees, whether they are on City of Cathedral City property, or they are performing City of Cathedral City-related business elsewhere, except as this Policy is superseded by a memorandum of understanding or federally mandated drug and alcohol policies. Compliance with this Policy is a condition of employment. Disciplinary action will be taken against those who violate this Policy.

**1208.2 Drug- and Alcohol-Free Awareness Program**

The city's employee assistance provider offers counseling and treatment of drug- or alcohol-related problems. The employee assistance provider has information about: (1) the dangers of drug or alcohol abuse in the workplace; (2) the penalties that may be imposed for drug or alcohol abuse violations; (3) the city's policy of maintaining a drug- and alcohol-free workplace; and (4) any available drug or alcohol counseling, rehabilitation or employee assistance programs.

**1208.3 Prohibited Conduct**

1. The manufacture, distribution, sale, dispensation, possession, or use of any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee in either City of Cathedral City workplaces or wherever City of Cathedral City business is performed.
2. Working or being subject to call in if impaired by alcohol or any controlled substance, narcotic (including marijuana), or prescription drug that has not been lawfully prescribed to the employee.
3. An employee's failure to notify their department head before beginning work when taking medications or drugs, including but not limited to: prescription drugs, over the counter medications, or illegal drugs or narcotics (including marijuana) which could interfere with the safe and effective performance of duties or operation of City of Cathedral City equipment.
4. An employee's failure to notify the Human Resources Manager of any criminal conviction for a drug violation that occurred in the workplace within five days after such conviction.
5. An employee's criminal conviction for a drug violation that occurred in the workplace.

**1208.4 Drug and Alcohol Testing**

The City of Cathedral City has discretion to test applicants and employees for alcohol and drug use under the circumstances below. The City of Cathedral City will use an outside laboratory to perform all testing.

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- a. Pre-Employment Testing for External Applicants for Certain Jobs: Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to, the following:
1. Safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, protecting national security, enforcing drug laws, and/or operating natural gas pipelines; and
  2. Jobs that involve the direct influence over children.
- a) Reasonable Suspicion Testing: The City of Cathedral City may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances:
1. “Reasonable suspicion” to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, or other evidence of recent drug or alcohol use. If the City suspects drugs or alcohol may have played a role in an accident involving City property or equipment that will also constitute reasonable suspicion.
  2. Document and Analysis: In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the Human Resources Manager. Any reasonable suspicion testing must be pre-approved by the Human Resources Manager.
  3. Testing Protocol: If the documentation and analysis show that there is a reasonable

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suspicion of drug or alcohol abuse at work, and the Human Resources Manager has approved, the employee will be relieved from duty, transported to the testing facility and to their home after the test. The employee will be placed on sick or other paid leave until the test results are received.

**1209**

**Drug and Alcohol Policy Pursuant to the Department of Transportation Regulations**

The City of Cathedral City recognizes that the use of alcohol, drugs, and controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy, and productive work environment for all employees and the public, it is the City's objective to have a work force that is free from the influence of substance abuse.

This section is intended to comply with all applicable federal regulations governing workplace anti-drug programs and safety sensitive employees. The federal Drug-Free Workplace Act of 1988 and similarly, the California Drug-Free Workplace Act of 1990 requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the federal Department of Transportation (DOT). Also, the Federal Transportation Administration and Federal Motor Carrier Safety Administration (FMSCA) of the DOT has enacted regulations that mandate urine drug testing and breathalyzer alcohol testing for safety sensitive positions and prevent performance of safety sensitive functions where there is a positive test result. The DOT also has set standards for the collection and testing of urine and breath specimens. On January 6, 2020 the FMSCA enacted the Drug and Alcohol Clearinghouse requiring carriers to report FMCSA failed testing and test refusals, along with requiring to query the Clearinghouse when making new hires/promotions and once annually for current drivers.

Employees shall be asked to sign a statement certifying that they has received a copy of this policy and understands its contents. Any questions regarding rights and obligations under this Policy shall be referred to the employee's supervisor, Department head, or Human Resources Manager.

Employees shall also be asked to consent for the City of Cathedral City to conduct a query of the Clearinghouse.

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 382, as amended, and 49 CFR Part 40, as amended. Copies of Parts 655, 382, and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance website <http://www.dot.gov/odapc>.

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All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

## **1209.1 Covered Employees**

This policy applies to every person whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined below, and any person applying for such positions.

Under FMCSA (49 CFR Part 382), you are a covered employee if you operate (i.e., drive) a Commercial Motor Vehicle (CMV) with a gross vehicle weight rating (gvwr) of 26,001 or more pounds; or is designed to transport 16 or more occupants (to include the driver); or is of any size and is used in the transport of hazardous materials that require the vehicle to be placarded.

Safety-sensitive function under Part 382 means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- Driving a commercial motor vehicle which requires the driver to have a CDL
- Waiting to be dispatched to operate a commercial motor vehicle
- Inspecting, servicing, or conditioning any commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle (except resting in a sleeper berth)
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloading, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle
- Under FTA (49 CFR Part 655), you are a covered employee if you perform any of the following safety-sensitive functions for an entity subject to Part 655:
  - Operating a revenue service vehicle, in or out of revenue service
  - Operating a non-revenue vehicle requiring a commercial driver's license
  - Controlling movement or dispatch of a revenue service vehicle
  - Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
  - Carrying a firearm for security purposes

An employee is considered to be performing a safety sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive function, including off-site lunch periods and breaks.

## **1209.2 Prohibited Conduct**

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All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in Part 40.

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform their safety-sensitive function, they must take an alcohol test prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until they submit to the post-accident drug and alcohol test, whichever occurs first.

Being under the influence of alcohol, drugs, or any controlled substances while subject to being called to duty, including stand-by time.

Directly or through a third party, manufacturing, selling, distributing, dispensing, otherwise attempting to manufacture, sell, or distribute alcohol, drugs, or controlled substances during work hours, including rest breaks or while on City premises.

Use of City property or premises to manufacture, sell, or distribute alcohol, drugs, or controlled substances.

Absence or tardiness as a result of having been under the influence of alcohol, drugs, or controlled substances during non-work time.

## **1209.3 Consequences for Violations**

### **1. FTA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed

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from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.

2. FMCSA Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional (SAP).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. (If any other consequence, ensure bold text is used)

**1209.4 Circumstances for Testing**

1. Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before they can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

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FMCSA Drug Testing Exceptions - A driver is not required to undergo a pre-employment test if:

- 1) The driver has participated in a DOT testing program within the previous 30 days; and
- 2) While participating in that program, either:
  - i. Was drug tested within the past six months (from the date of application with City of Cathedral City), or
  - ii. Participated in the random drug testing program for the previous 12 months (from the date of application with City of Cathedral City); and
- 3) City of Cathedral City can ensure that no prior employer of the driver of whom City of Cathedral City has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months

## 2. Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when the City has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained manager based on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

## 3. Post-Accident Testing

### a) FTA Procedures

Covered employees shall be subject to FTA post-accident drug and alcohol testing under the following circumstances:



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- **Fatal Accidents**  
As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Cathedral City using the best information available at the time of the decision, will be tested.
  - **Non-fatal Accidents**  
As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:
    - 1) The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident
    - 2) One or more vehicles incurs disabling damage and must be towed away from the scene, and the covered employee may have contributed to the accident
    - 3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, and the covered employee may have contributed to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the City using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

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b) FMCSA Procedures

Covered employees shall be subject to FMCSA post-accident drug and alcohol testing under the following circumstances:

- **Fatal Accidents**  
As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee who was performing safety-sensitive functions with respect to the vehicle.
- **Non-fatal Accidents**  
As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, an alcohol test will be conducted on each driver who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:
  - 1) The accident results in injuries requiring immediate medical treatment away from the scene; or
  - 2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, a drug test will be conducted on each driver who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- 1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- 2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

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A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

#### 4. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. The current year testing rates can be viewed online at <http://www.dot.gov/odapc/random-testing-rates>. If a given driver is subject to random testing under the rules of more than one DOT agency, the driver will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency regulating more than 50% of the driver's function.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee will only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Random testing under the FTA may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately

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following an employee's shift, must be provided at least [City decides how far in advance they must be notified] hours before the end of the shift.

5. Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), and provide a negative drug and/or alcohol test result. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

6. Follow-up Testing

Employees returning to safety-sensitive duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

**1209.5      Testing Procedures**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. The procedures regarding alcohol and drugs testing will be provided upon employee request to the Human Resources Manager. Analytical urine-controlled substance testing and breath testing for alcohol will be conducted as required under the DOT guidelines.

**1209.6      Test Refusals**

As a covered employee, you have refused to test if you:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City.
2. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
3. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because they left the testing site before the testing process commenced for a pre-employment test has not refused to test.
4. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
5. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.

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6. Fail or decline to take a second test as directed by the collector or City for drug testing.
  7. Fail to undergo a medical evaluation as required by the MRO or City's Designated Employer Representative (DER).
  8. Fail to cooperate with any part of the testing process.
  9. Admit to the adulteration or substitution of a specimen to the collector or MRO.
  10. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

#### **1209.7 Prescription Drug Use**

No prescription drug shall be possessed or used by an employee other than the employee for whom the drug is prescribed by a licensed medical practitioner. A prescription drug shall be used only in the manner, combination, and quantity prescribed. An employee must advise their supervisor of the use or influence of any prescription drug prior to beginning work, when taking the medication or drug could interfere with the safe and effective performance of duties, or the operation of a City vehicle or heavy machinery, such that the employee poses a direct threat to the health and safety of himself/herself or others.

An employee's failure to provide this notice in a timely manner can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

#### **1209.8 Notifying the City of Any Criminal Drug Status Conviction**

In accordance with the Drug-Free Workplace Act of 1988, an employee must immediately notify the City of any criminal drug statute conviction of a violation that occurred in the workplace no later than five days after such conviction. Any employee who fails to provide this notice will be subject to discipline, up to and including termination.

#### **1209.9 Consequences for Violation Of This Policy**

- 1) Discipline  
Any violation of this Policy may result in discipline, up to, and including termination. Discipline may be imposed regardless of

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whether or not an employee is convicted of any crime related to any violation of this Policy.

Any violation of this Policy that may constitute criminal conduct or violation of the DOT regulations may be reported to the appropriate law enforcement agencies and/or subject the employee to civil penalties.

2) Removal from Work Site

Employees reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

3) Removal of Safety Sensitive Functions

An employee whose alcohol test indicates an alcohol concentration level between .02 and .04 will be removed from their safety sensitive position for at least 24 hours. An employee whose alcohol test indicates an alcohol concentration level greater than .04 will be removed from their safety sensitive position for a period to be determined by the Department head, or Human Resources Manager.

If an employee tests positive for drugs or controlled substances, the employee may not perform safety sensitive functions until satisfying the following requirements:

- a) The employee must be retested and receive a verified negative result; and
- b) When referred to a Substance Abuse Professional, the employee must complete any course of rehabilitation and submit to a return-to-duty test, as developed with the assistance of the Substance Abuse Professional. The City is not required to pay for this type of treatment. [Note to Employer: this is subject to any existing management labor agreements and health care benefits. 49 C.F.R. § 40.289.]

A Substance Abuse Professional is a licensed physician, psychologist, social worker, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol, drug, and controlled substance abuse disorders.

4) Termination for Inability to Perform Essential Functions

After the City has complied with any legal obligation to reasonably accommodate an employee's protected disability, the City may terminate an employee who is unable to perform the essential functions of the job.

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## **1209.10           Records Keeping and Confidentiality**

The City is obligated to maintain records of the administration, including violations, of this Policy for a period of five years.

Any laboratory reports and test results shall not appear in an employee's general personnel folder but will be contained in a separate, confidential medical folder that will be securely kept under the control of the Human Resources Manager. The report or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur under the following situations:

- 1) When the information is compelled by law or by judicial or administrative process;
- 2) When the information has been placed at issue in a formal dispute between the employer and employee;
- 3) When the information is to be used in administering an employee benefit plan; or
- 4) When the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.
- 5) When requested by the DOT or any state or local officials with regulatory authority over the City or any of its safety sensitive employees.

## **1209.11           Rehabilitation**

The City encourages employees to use City-sponsored employee assistance programs voluntarily to assist them in resolving any alcohol, drug, or controlled substance abuse problems. Employees should contact their supervisor, Department head, or Human Resources Manager for additional information, including further information concerning the dangerous effects of alcohol misuse and drug use on an employee's health, work, and personal life. The City is committed to providing reasonable accommodation to those employees whose alcohol or drug abuse problem classifies them as disabled under federal and/or state law.

While the City will be supportive of those who seek help voluntarily, the City will be firm in identifying and disciplining those who continue to be substance abusers and who do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Therefore, the City may require employees to use employee assistance programs, and in addition to mandatory referrals to a Substance Abuse Professional where applicable.

## **1210               USE OF CITY OF CATHEDRAL CITY EQUIPMENT OR RESOURCES**

### **1210.1           Policy and Applicability**

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City of Cathedral City equipment and resources may only be used to conduct City of Cathedral City business, except for incidental personal use that is consistent with this Policy. As a result, City of Cathedral City equipment and resources are non-public forums. Every City of Cathedral City employee is required to adhere to this Policy.

## **1210.2 Agency Equipment or Resources**

City of Cathedral City equipment or resources is any City of Cathedral City-owned or supplied item or resource, including, but not limited to: intellectual property (e.g., photographs, plans, drawings, formulas, customer lists, designs, formulas), vehicles, telephones, cell phones, pagers, tools, machines, supplies, copy machines, facsimile machines, desks, office equipment, computers (including hardware and software), file cabinets, lockers, Wi-Fi, internet, intranet, City of Cathedral City network, data systems, routers, voice mail, servers, and email or voice mail communications stored in or transmitted through City of Cathedral City electronic resources or equipment.

## **1210.3 No Expectation of Privacy**

The City of Cathedral City periodically and without prior notice, monitors, reviews, accesses, or retrieves data from its equipment or resources, including electronic communications and content contained in or transmitted through City of Cathedral City networks or electronic resources. City of Cathedral City employees must provide the agency with the employee's username or password for any City of Cathedral City issued equipment or resource. The existence of passwords or delete functions does not restrict the City of Cathedral City access. As a result, City of Cathedral City employees have no expectation of privacy in their use of any City of Cathedral City equipment or resources.

### **1210.3.1 Email and Cell Phone Access for IT and Department Heads**

This policy outlines the procedures and guidelines for accessing city-issued email accounts and cellphones for legitimate business purposes, such as investigating potential misconduct, responding to legal requests, or ensuring continuity of operations.

This policy applies to all city-issued email accounts and cell phones and applies to all employees, contractors, and authorized personnel who may require access to these accounts.

#### **Authorized Access**

Access to city-issued email accounts and cell phones shall be granted only to authorized personnel, such as the IT Department, Human Resources, or designated managers, on a need-to-know basis.



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Authorized personnel must complete a Request for Access to City-Issued Email and Cell Phone Account for approval from their department head or the City Manager before accessing any city-issued email account.

Access shall be limited to the minimum necessary scope and duration required for the legitimate business purpose.

### **Legitimate Business Purposes**

Authorized access to city-issued email accounts may be granted for the following legitimate business purposes:

1. Investigating potential misconduct or violations of city policies or laws.
2. Responding to legal requests, such as subpoenas, court orders, or public records requests.
3. Ensuring continuity of operations, such as accessing critical information in an employee's absence or during an emergency.
4. Conducting routine system maintenance, backups, or security monitoring.

### **Procedures**

The requesting party shall submit a written request to their department head or the City Manager, stating the legitimate business purpose, the specific email account(s) and/or cell phone to be accessed, and the desired scope and duration of access.

Upon approval, the IT Department shall grant access to the authorized personnel and maintain a log of all access activities.

Authorized personnel shall access the email account(s) and or cell phone only for the approved purpose and shall not disclose or use the information for any other purpose.

Any sensitive or confidential information accessed shall be handled in accordance with applicable laws, regulations, and city policies.

### **Monitoring and Auditing**

The IT Department shall implement appropriate logging and auditing mechanisms to track and monitor access to city-issued email accounts.

Human Resources shall conduct regular audits to ensure compliance with this policy and to identify potential misuse or unauthorized access.

### **Violations and Disciplinary Actions**

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Unauthorized access or misuse of city-issued email accounts may result in disciplinary action, up to and including termination of employment or contract, and potential legal consequences.

Suspected violations of this policy shall be reported to Human Resources and the City Manager for investigation and appropriate action.

#### **1210.4 Appropriate Use Only – No Misuse**

Employees may only use City of Cathedral City equipment or resources in compliance with City of Cathedral City policies. Except as authorized by this Policy, employees are expected to avoid any use or communication which is unrelated to City of Cathedral City business, destructive, wasteful, or illegal. The City of Cathedral City has discretion to restrict or rescind employee access to City of Cathedral City equipment or resources. The following are examples of misuse of City of Cathedral City equipment or resources:

- a) Any use that violates applicable law and/or City of Cathedral City policies, rules or procedures;
- b) Exposing others to material which is offensive, harassing, obscene or in poor taste. This includes information which could create an intimidating, offensive or hostile work environment;
- c) Any use that may create or further a hostile attitude or give offense on the basis of race, color, religion, sex, gender, gender expression, gender identity, national origin, ancestry, citizenship, age, marital status, physical or mental disability, medical condition, genetic information, sexual orientation, veteran status or any other basis protected by law;
- d) Communication of confidential City of Cathedral City information to unauthorized individuals within or outside of City of Cathedral City;
- e) Unauthorized attempts to access or use City of Cathedral City data or break into any City of Cathedral City or non-City of Cathedral City system;
- f) Theft or unauthorized transmission or copying of paper or electronic files or data;
- g) Initiating or sustaining chain/spam letters, e-mail or other unauthorized mass communication;
- h) Misrepresentation of one's identity for improper or illegal purposes;
- i) Personal commercial or business activities (e.g. "for sale" notices, personal ads, etc.);
- j) Transmitting/accessing obscene material and/or pornography;
- k) E-Commerce;
- l) Online gambling;
- m) Installing or downloading unauthorized software or equipment;
- n) Violating terms of software licensing agreements; and
- o) Using City of Cathedral City equipment or resources to access and/or use dating web resources, personal social media, or games of any type.
- p) Any unauthorized access to City of Cathedral City equipment or resources, including: using keys or key cards; using or disclosing the username or password of another person or employee to gain access to

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their email or other electronic resources; or making City of Cathedral City equipment or resources available to others who would otherwise have no authorized access.

- q) Using City of Cathedral City equipment or resources to speak on the City of Cathedral City's behalf without authorization.

**1210.5                    City of Cathedral City Email Address Must be Used for City of Cathedral City Business**

The City of Cathedral City's email system is an official communication tool for City of Cathedral City business. The City of Cathedral City establishes and assigns official email addresses to each employee as the City of Cathedral City deems necessary. Employees must send all City of Cathedral City communications that are sent via email to and from their official City of Cathedral City email address. Employees are prohibited from using their private email address (e.g., Gmail, yahoo, MSN/Hotmail, etc.) when communicating City of Cathedral City business via email. Should an email related to City of Cathedral City business be sent to an employee's personal email account, the email should be immediately forwarded to the employee's City of Cathedral City email account and responded to accordingly.

**1210.6                    Incidental Personal Use of City of Cathedral City Communications Equipment Permitted**

Employees may use City of Cathedral City telephones, cell phones, internet access, and e-mail for incidental personal communications provided that the use:

- a) Is kept to a minimum and limited to break times or non-working hours;
- b) Does not interfere or conflict with City of Cathedral City operations or the work performance of any City of Cathedral City employees;
- c) Allows the employee to more efficiently perform City of Cathedral City work;
- d) Is not abusive, illegal, inappropriate, or prohibited by this Policy (for example, no social media use, no electronic dating, no gaming); and
- e) Clearly indicates it is for personal use and does not indicate or imply City sponsorship or endorsement.

**1212                    POLICY AGAINST VIOLENCE IN THE WORKPLACE**

**1212.1                    Safe and Secure Workplace**

The City of Cathedral City is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where City of Cathedral City business is conducted,

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including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

#### **1212.2 Prohibited Behavior**

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of the City of Cathedral City employment. The City of Cathedral City will not tolerate any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

#### **1212.3 Workplace Violence**

“Workplace violence” is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property.

Specific examples of workplace violence include, but are not limited to, the following:

- a) Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- b) The destruction of, or threat of destruction of City of Cathedral City property or another employee’s property;
- c) Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay;
- d) Striking, punching, slapping, or assaulting another person;
- e) Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise;
- f) Harassing or threatening phone calls;
- g) Surveillance;
- h) Stalking; and
- i) Possessing a weapon(s) during work hours unless the City of Cathedral City issues the weapon(s) for performance of the job. “Weapon” is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

#### **1212.4 Incident Reporting Procedures**

1. Employees must immediately report to their supervisor or department director whether they have been a victim of, or have witnessed, workplace violence. The supervisor or department director will immediately report the matter to the Human Resources Manager.

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2. The Human Resources Manager or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
  3. The Human Resources Manager or designee will take appropriate steps to provide security, such as:
    - i. Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
    - ii. Asking any threatening or potentially violent person to leave the site; or
    - iii. Immediately contacting an appropriate law enforcement agency.

#### **1212.5 Investigation**

The Human Resources Manager will see that reported violations of this Policy are investigated as necessary.

#### **1212.6 Prevention**

Each department head has authority to enforce this Policy by:

- a) Training supervisors and subordinates about their responsibilities under this Policy;
- b) Assuring that reports of workplace violence are accurately and timely documented and addressed;
- c) Notifying the Human Resources Manager and/or law enforcement authorities of any incidents;
- d) Making all reasonable efforts to maintain a safe and secure workplace; and
- e) Maintaining records and follow up actions as to reports of workplace violence.

### **1214 APPEARANCE STANDARDS**

#### **1214.1 Basis for Standards**

These dress code, tattoo, and body piercing appearance standards are designed to promote the City of Cathedral City legitimate and non-discriminatory goals to

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promote workplace safety and a professional image that is consistent with the employee's job duties and level of public contact.

#### **1214.2 Dress Code**

Employees are required to dress appropriately for the jobs they are performing. The following dress code regulations shall apply to all City of Cathedral City employees. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination:

- a) All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed;
- b) Prescribed uniforms and safety equipment must be worn;
- c) Hair must be neat, clean and well-groomed;
- d) Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion;
- e) Jewelry that does not pierce the skin is acceptable except where it constitutes a health or safety hazard;
- f) Good personal hygiene is required; and
- g) Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work.

#### **1214.3 Tattoos**

Employees are expected to project a professional appearance while at work and must abide by the standards below. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- a) No tattoos are allowed anywhere on the head, face, or neck;
- b) Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related;
- c) Any non-conforming tattoos will be covered with clothing, bandage or makeup while at work, or removed.

#### **1214.4 Piercing**

Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercing. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- a) No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except that reasonably-sized pierced earrings may be worn;

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- b) Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

## **1216 TELEWORKING POLICY**

### **1216.1 Purpose**

The purpose of the policy is to allow certain employees, subject to their execution of a Teleworking Agreement, to Telework from an Alternative Worksite for some or all of their regularly scheduled work hours and to ensure that, for the duration of such Telework, employees perform their job duties, and in so doing provide quality work in a timely manner, and to the benefit of the public.

### **1216.2 Definitions**

“Alternative Worksite” means the employee’s home, place of residence or from another location approved by the city other than the employee’s normal workplace at a city worksite or facility.

“Telework(ing)” means a work arrangement under which an employee works from their home, place of residence or from another location other than the employees’ normal workplace at a city worksite or facility (“Alternative Worksite”) for all or a portion of their regularly scheduled work hours.

### **1216.3 Scope of Policy and Covered Individuals**

This policy covers Teleworking voluntarily requested, subject to certain conditions and requirements.

### **1216.4 Voluntary Teleworking Arrangements**

The city may allow Teleworking for certain eligible employees who request to Telework.

#### **1216.4.1 Eligibility Criteria**

The City Manager or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy.

The City Manager, or their designee, may make such determination using criteria including, but not limited to, the following:

- a) The operational needs of the agency and employee’s department and division;
- b) The disruption of or potential for disruption to the agency’s functions;
- c) The ability of the employee to perform their job duties (both essential and marginal) from an Alternative

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- Worksite without diminishing the quantity or quality of the work performed;
- d) The degree to which the employee's job functions require face-to-face interaction with other agency employees, contractors and members of the public;
  - e) The employee's job performance, as determined by their last performance review;
  - f) The employee's length of service with the agency, department or division;
  - g) The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions;
  - h) The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternate Worksite for the employee at a reasonable cost;
  - i) The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at an agency worksite;
  - j) The agency's capacity to monitor and measure the employee's work performance at the Alternate Worksite;
  - k) The employee's supervisory responsibilities;
  - l) The employee's need for supervision; and
  - m) Other considerations deemed necessary and appropriate by the agency, including tax and other legal implications of teleworking.

#### **1216.4.2 Process for an Employee to Request to Telework**

To make a request for a Teleworking arrangement, employees must complete a Voluntary Telework Request Form and file the completed request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Director, or their designee, and will discuss the employee's request with the Department Director, or their designee.

In consultation with or based on information provided by the employee's supervisor or manager, the Department Director will consult with human resources to make a determination regarding the employee's request to telework.

The Department Director will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework.

#### **1216.4.3 Final Determination; No Right to Appeal**



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The decision of the Department Director regarding an employee's Teleworking request is final and binding. Neither the employee nor the employee's employee organization possesses any right to appeal or grieve the decision.

**1216.4.4      Approval of Requests; Voluntary Telework Agreement**

An eligible and qualified employee who has requested and been granted the opportunity to Telework, must execute a Voluntary Teleworking Agreement ("Agreement") prior and as a precondition to the employee teleworking.

The Agreement shall provide the mutual understanding of the employee, the employee's supervisor or manager, and the Department Director concerning the teleworking arrangement.

**1216.5              Mandatory Teleworking Arrangements during Exigent Circumstances**

Where an exigent circumstance exists, the city may direct city employees to remain at their homes or places of residence and the city adopt and implement a short-term teleworking arrangement for such employees in order to provide for the continuity of essential services provided by the city.

Exigent circumstances mean a situation in which there is an imminent threat of extreme peril to life, property and resources. Exigent circumstances may include, but are not limited to, war, public health emergencies, power failures, natural and man-made disasters, and other states of emergency.

Where such an exigency exists and necessitates the adoption and implementation of a short-term mandatory teleworking arrangement for city employees, the City Manager is expressly authorized to suspend some or all provisions of this policy and adopt and implement alternative provisions necessary to provide for the continuity of essential services.

**1216.6              Duties, Obligations and Responsibilities for Teleworking Employees**

Teleworking employees must adhere to the provisions set forth in these policies, including, but not limited to the following:

**1216.6.1              General Duties, Obligations, and Responsibilities**

- a) All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all city and departmental policies and procedures, rules and regulations.

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- b) All of the Teleworking employees' existing supervisory relationships, lines of authority and supervisory practices remain in effect.
  - c) Teleworking employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected of city employees in terms of job responsibilities, work product, timeliness of assignments, and contact with other city employees and members of the public.
  - d) Teleworking employees are required to be accessible in the same manner as if they are working at a city worksite or facility during the established teleworking Work Schedule, regardless of the designated location for teleworking, or Alternate Worksite. Teleworking employees must be accessible via telephone, email, and/or network access to their supervisor and other city employees while Teleworking, as if working at their city worksite. Teleworking employees shall check their city related business phone messages and emails on a consistent basis, as if working at their city worksite.

#### **1216.6.2 Work Schedule, Leave, Benefits**

- a) Employees shall continue to abide by city policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
- b) Teleworking employees' salary and benefits remain unchanged during the Teleworking arrangement.
- c) Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The city shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third-persons when said injuries occur at the Alternate Worksite.

#### **1216.6.3 Space and Equipment, Information Security, Confidentiality**

- a) Teleworking employees will either receive approval to use personal computer equipment or will be provided with city-issued equipment at the discretion of the City

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Manager.

- b) If the city provided any city-issued equipment, teleworking employees agree to follow the city's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to city owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
- c) Where, in response to a request to Telework, the city allows an employee to Telework, the city shall not be responsible for Teleworking costs, including, but not limited to, the employee's use of their home or place of residence, their personal computer, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the Agreement.
- d) Employees must take reasonable precautions to ensure their devices (e.g., computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the city's network and must close or secure all connections to city desktop or system resources (e.g., remote desktop, VPN connections, etc.) when not conducting work for the city. Employees must maintain adequate firewall and security protection on all such devices used to conduct city work from the Alternate Worksite.
- e) Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the city's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to city work they access from the Alternate Worksite or transport from their city worksite to the Alternate Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their city worksite to the Alternate Worksite. Teleworking employees must return all records, documents, and correspondence to the city at the termination of the Agreement or upon request by their supervisor or manager, Department Director or Human Resources.

#### **1216.6.4**

#### **Miscellaneous**

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- a) Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
  - b) Teleworking employees must have access to an Alternate Worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
  - c) Teleworking employees shall ensure that all official city documents are retained and maintained according to the normal operating procedures in the same manner as if working at a city worksite.
  - d) Teleworking employees must ensure dependent care will not interfere with work responsibilities.

#### **1216.7 Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

The City Manager, or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible.

#### **Fire Department Policy Section C-52 approved by City Manager**

#### **1217 WELLNESS PROGRAM**

The Wellness Program encourages, motivates, and challenges employees to take an active interest in their personal well-being by having access to wellness resources and a personalized wellness plan. This Wellness Program policy establishes reimbursement guidelines for qualified fitness and/or wellness-related expenses to promote employee health and disease prevention.

Authorized Employees – For the purposes of this policy, “authorized employees” shall include:

- A. NON-REPRESENTED (excluding limited term, intern, temporary)

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- B. AFSCME
  - C. CCFMA

An employee is eligible for the reimbursement of qualified fitness and/or wellness-related expenses provided:

1. They are a Regular Full-time Employee (FTE) who has completed their probationary period (does not apply to promotions); or
2. Six (6) months for at-will employees.

Reimbursement maximum total annual amount per employee per payroll year is:

UNIT	REIMBURSEMENT AMOUNT
AFSCME	\$600
NON-REP	\$600
CCFMA	\$300

- a) Any costs exceeding the maximum total annual reimbursement will be the employee's sole responsibility.
- b) All purchases for which reimbursement is provided become the sole personal property of the employee.
- c) Reimbursements are deemed taxable by the IRS and must be included in the employee's paycheck.

#### QUALIFIED EXPENSES

1. Membership to a fitness facility that charges a fee for using the facility and equipment and/or a formal class or instruction designed to improve fitness.
  - i. Examples include gym, aerobics, body toning, fitness boot camp, karate, spinning, yoga, etc.
  - ii. Personal trainer fees from a certified personal trainer or qualified fitness facility.
2. Registration in a weight management program such as Weight Watchers, Jenny Craig, or personalized nutrition plan.
3. Health and Wellness training course.
  - i. Approved courses will be released by Human Resources.
4. Preventive health screenings not covered by medical insurance plans.
5. Prescriptions, co-pays, out of pocket medical expenses not covered by your health carrier (prescriptions, general office visits, dental, vision).
6. Exercise equipment.
  - i. Examples include elliptical, stationary bike, treadmill, weights (sets or handheld), resistance bands, and resistance training balls.

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7. Therapeutic massage session (e.g., deep tissue, Swedish, sports, etc.) from a state-certified massage therapist or institution (Memberships to massage service providers, such as Massage Envy, may be covered provided the employee can submit verification that the services received were for the employee).

**EXPENSES NOT ELIGIBLE FOR REIMBURSEMENT INCLUDE BUT ARE NOT LIMITED TO:**

1. Purchases made through a private party or fellow co-workers are not reimbursable.
2. Apparel accessories related to recreational sports/fitness or home workout activities (footwear, kayaks, paddleboards, tennis rackets, bats, balls, yoga mats) are not eligible under the program.
3. Membership, registration, or annual fees for participation in extreme sporting competitions and extreme sports.
4. Food, vitamins, proteins, and supplements.

**PROCESS OF REIMBURSEMENT**

- A. Once a qualified purchase is made, the employee will complete the Wellness Reimbursement Form. Human Resources may request additional information regarding an item and its intended use to determine eligibility for reimbursement.
- B. The itemized receipt/proof of purchase or confirmed delivery of purchase if items are purchased online, must be attached to the Request for Wellness Reimbursement form and submitted on the Employee Self-Service Portal.
- C. Closing the payroll year. The Request for Reimbursement must be submitted by the end of the payroll year as identified on the Wellness Reimbursement form.

The Agency is not responsible or liable for any risks, injuries, or losses the employee suffers.

Falsification of information will result in immediate termination of an employee's participation in the program without reimbursement for any expenses they may have already incurred. An employee who violates this policy may be subject to disciplinary action.

For the purpose of this policy, the payroll year that payment shall be credited to will be determined by the receipt date.

Employee: Complete the Wellness Reimbursement form (on the ESS forms), provide itemized receipt/proof of purchase and submit a claim on the Employee Self-Service Portal.

Human Resources/Payroll: Administration of the Wellness Program, approval and processing of the employee reimbursements.

**1217 ELECTRONIC SIGNATURE USE**

The City of Cathedral City Electronic Signature Use Policy shall be used to increase productivity

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and ensure convenient, timely and appropriate access to information by using electronic signature technology to collect and preserve signatures on documents quickly, securely, and efficiently.

This Policy establishes when electronic signature technology may replace a hand-written signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy authorizes the City to accept an approved electronic signature, in lieu of a written signature, on a document in which a signature is required or used, which complies with the requirements of California Government Code Section 16.5 and this Policy.

While the use of electronic signatures is suggested and encouraged, this Policy does not require any Department to use electronic signatures; nor can the City mandate that any third party signing a document use electronic signature.

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. It is the Policy of the City to encourage the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate based on the Department's preferences. In such situations, affixing an electronic signature to the document in a manner consistent with this Policy shall satisfy the City's requirements for signing a document. As used in this Policy, the term "signature" includes using initials on a document instead of a signature.

Each Department Director has discretion to decide whether to permit the use of electronic signatures. Departments should work with the City Attorney to determine whether applicable laws permit an electronic signature to be used. In addition, each Agency/Department that opts to use electronic signatures must adopt/amend their business practices to support the requirements of this Policy.

#### **INTRODUCTION:**

In 1995, the California Legislature passed Government Code Section 16.5, authorizing public entities to accept digital signatures if they comply with stringent verification requirements.

In 1999, California adopted a version of the Uniform Electronic Transactions Act ("UETA")(California Civil Code Sections 1633.1 to 1633.17), providing that electronic signatures would have the same legal effect as a wet or manual signature.

Not every state enacted UETA and, therefore, in 2000, the Federal Government enacted the Electronic Signatures in Global and National Commerce Act (ESIGN). ESIGN mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 USC§§ 7001 et seq.) The City of Cathedral City (the "City") seeks to implement guidelines for the use and acceptance of electronic signatures as well as for the authentication, maintenance, and preservation of electronically signed records, electronic records, and other electronic information submitted to and accepted by the City. Use of electronic signatures will move the City another step closer to instantaneous communication with

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the public by further improving the manner and speed with which the City communicates and conducts business.

While the use of electronic information will continue to evolve, the City has identified acceptable forms of secure electronic signatures and electronically signed records and has developed this Electronic Signature Use Policy (this "Policy") to encourage their use and acceptance.

**Policy:**

A. **Policy Statement.** This Policy authorizes the use of electronic signatures on City documents while allowing the City to strike a balance between the flexibility desired in transactions and the need for signature security and integrity. Specifically, this Policy establishes that electronic signatures shall be valid and effective on City records and documents so long as certain guidelines regarding the security and integrity of electronic signatures are met; authorizes the City Manager (or designee) to determine the particular technologies or vendors that presumptively satisfy the guidelines; and authorizes the City Manager to determine the level of security required for various types of electronic records or documents. Staff should consult with the City Attorney to determine whether applicable laws permit an electronic signature to be used before proceeding if not addressed in the list of documents set forth below. This Policy is designed to supplement the City's current records management and retention policies.

**B. Definitions.**

1. An "electronic record" is defined by California's Uniform Electronic Transactions Act ("UETA") (Cal. Civil Code § 1633.1 et seq.) as "a record created, generated, sent, communicated, received, or stored by electronic means." An electronic record generally contains information or a data file that was created and stored in digitized form through the use of computers, machines, and software applications. The format of an electronic record does not change the fact that it is a record subject to applicable public records laws, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.
2. An "electronic signature" is fundamentally a legal concept as defined by both the federal Electronic Signatures in Global and National Commerce Act and the UETA, an electronic signature is "an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record." It is the electronic equivalent of a handwritten, wet, or manual signature on paper, and therefore must have certain characteristics for evidentiary purposes.
3. An "electronically signed record" is a record, file, or document



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that has been electronically signed by means of an electronic signature and that is related to the conduct of the City's official business.

**C. General Rules for Electronic Signatures.**

1. Compliance with Policy. This Electronic Signature Policy applies to all City Departments and governs all uses of electronic signatures and electronically signed records or documents related to the conduct of the City's official business. City staff will only accept electronic signatures that comply with the requirements of this Policy.
2. General Authorization. In any document accepted by the City in which a signature is required or used, the City Manager may authorize the use of an electronic signature, so long as it complies with the requirements of this Policy.
3. Use Optional. Pursuant to California law, the use of electronic signatures by individuals or entities that wish to conduct business with the City remains optional. This Policy neither limits the right or option to conduct the transaction on paper or in non-electronic form, nor the right to have documents provided or made available on paper.
4. Consent Required. All parties that wish to use electronic signatures shall agree to follow this Policy, shall provide written or electronic consent as to the use of electronic signatures, and shall agree to indemnify the City against any liability associated with transmitting an electronic signature or an electronically signed record by electronic transmission. Consents may be kept on file with the City prior to the sending party transmitting any records or signatures electronically or may be included in the electronic document as evidence that the signer has accepted this Policy.
5. Characteristics of a Valid Electronic Signature. The use of an electronic signature shall be valid and shall have the same force and effect as the use of a handwritten, wet, or manual signature if:
  - a. The signature is capable of verification (through the electronic document's metadata);
  - b. The signature is under the sole control of the person using it; and
  - c. The signature is linked to the data contained in the electronically signed record in such a manner that it is readily ascertainable if the data is

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changed after the signature is applied.

6. Signature Required by City Policy; State or Federal Law.
  - a. Where a City policy requires that any electronic document, photo, record, or other related item have the signature of a responsible person, that requirement is met when the item has associated with it an electronic signature meeting the requirements of this Policy.
  - b. Where California or federal law requires that any electronic document, photo, record, or other related item have the signature of a responsible person, that requirement is met when the item has associated with it an electronic signature meeting the requirements of this Policy and using a signature method, which complies with California law or federal law.
7. Acceptable Technologies. The City Manager, with the recommendation of the General Counsel shall determine acceptable electronic signature technologies and vendors under this Policy, and consistent with industry best practices, to ensure that security and integrity of electronic records, electronic data, and electronic signatures. The City Manager, with recommendation of the City Attorney and Director of Information Technology, shall further determine the records or documents for which the City will accept electronic signatures.
8. Penalty of Perjury. This Policy shall comport with California Civil Code section 1633.11(b) which states, "In a transaction, if a law requires that a statement be signed under penalty of perjury, the requirement is satisfied with respect to an electronic signature, if an electronic record includes, in addition to the electronic signature, all of the information as to which the declaration pertains together with a declaration under penalty of perjury by the person who submits the electronic signature that the information is true and correct."
9. Further Acts. Nothing in this Policy shall prevent the City from adopting additional guidelines or taking further actions to implement this Policy or to add other permissible forms of electronic signatures to this Policy.
10. Revocation of Technology. In the event that is determined that an approved electronic signature method or technology is no longer trustworthy or secure, the City Manager shall revoke the approval of such electronic signature method. If there is continued significance for electronic signatures that employed the revoked

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method, the City Manager will take steps to ensure that any valid records signed with the revoked method are signed again either with a handwritten, wet signature or with an approved electronic signature method.

**D. Intake process; Validation Process.**

1. Initial Evaluation. City staff shall determine which section(s) of this Policy apply to any electronic signature or electronically signed record.
2. Obtain Consent. City staff shall require all sending parties to provide a written consent agreeing to the City's Electronic Signature Use Policy.

This consent may be kept on file with the City prior to the sending party transmitting any records or signatures electronically or may be included on the electronic document as evidence that the signed has accepted this Policy.

3. Identify the Sending Party. City staff shall develop rules and standard operating procedures to identify the sending party's identity, address, and contact information to accompany an electronic signature, record, document, or transmission.
4. Multiple Parties. City staff shall determine whether multiple signatures are required, and if so, each signature shall independently comply with the requirements of this Policy.

**E. Electronically Transmitted Documents; Confirmation Process.**

1. Initial Evaluation. City staff shall determine whether a particular document needs to be authenticated for recording purposed and whether confirmation of that document needs to be provided.
2. Acceptable Forms. The following is a list of approved forms for electronic or digital signatures, but not limited to:
  - a. Contracts for goods and services.
  - b. Contracts approved by resolution or minute order of the City Council.
  - c. Settlement agreement contracts approved by the City Council.
  - d. Contracts concerning the administrative business of the City which the City Manager and his/her designee has control over pursuant to employment agreement, personnel resolution, or City municipal code or

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- ordinance.
  - e. As approved by City Council, letters/documents authorized by to be signed by the Mayor.
  - f. Routine personnel transactions.
  - g. Reimbursement forms.
  - h. Special Event Permit Applications.
  - i. Request for Public Records.
  - j. Credit Card Authorization.
  - k. All Fair Political Practice Commission forms required to be filed in the City Clerk's Office.
  - l. Other forms as approved by the City Manager or his/her designee.
3. Characteristics of Trustworthiness. Reliability, authenticity, integrity, and usability are characteristics of trustworthy records from a records management perspective. Transactions that are critical to the City's business may require greater assurances that they are reliable, authentic, maintain integrity, and are usable than other transactions of less critical importance.
- a. Reliability. A reliable record contains content that can be trusted as a full and accurate representation of the transactions, activities, or facts to which it attests, and can be depended upon in the course of subsequent transactions or activities.
  - b. Authenticity. An authentic record is one that is proven to be what it purports to be, and which has been created or sent by the person who purports to have created or sent it.
  - c. Integrity. The integrity of a record refers to the record's completeness and total lack of unauthorized alterations.
  - d. Usability. A usable record is one, which can be located, retrieved, presented, interpreted, and utilized for its intended purpose or objective.
4. Prohibited Use. Use of electronic or digital signatures is prohibited, but not limited, to the following situations:
- a. Transactions for which electronic signatures are not enforceable by law and/or transactions requiring a handwritten signature.
  - b. Transactions that require a person to sign in the presence of a notary.
5. Confirmation of Receipt. From the initial signature of a document to the completion of all required signatures (execution), the document shall be accessible to all signatories to see its status in the workflow. Upon final execution of a contract document, all

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parties to the contract (as designated by the Contract Administrator who initiates the signature workflow) will be notified electronically and such notification will be recorded as part of the document's metadata.

6. Confirmation of Filing. The City must also dispatch to the sending party an electronic confirmation that the record or document has been filed and, if applicable, added to the existing record on file.
7. Filer Responsible for Verification. In the absence of the City's confirmations of receipt and filing, there shall be no presumption that the City received and filed the electronically submitted record or document. The sending party is responsible for verifying that the City received and filed a document and for obtaining confirmations of receipt and filing.
8. Notice of Rejection of Document for Filing. If City staff do not file a record or document because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the City must promptly notify the sending party of the rejection of the record or document for filing.
9. Documents Filed After Close of Business. Records or documents transmitted electronically after the close of the City's business hours shall be deemed to have been filed on the next business day.
10. Delayed Delivery. If a technical problem with the City's software or electronic filing system prevents the City from accepting an electronic submission during its regular filing hours on a particular City business day, and the sending party can demonstrate that he or she attempted to electronically file the document on that particular City business then the City shall deem the document to be filed on that day.
11. Endorsement by City. The electronic signature of the City Clerk shall be considered endorsement by the City and shall be so indicated on the signature block of a document. This endorsement shall have the same force and effect as a manually affixed endorsement stamp with the signature and initials of the City Clerk.

**F. Sanctions.** Any individual or party that makes inappropriate, illegal, or fraudulent use, including the use of another person's digital signature or electronic approval, of electronic signatures or electronic records in violation of the City's Electronic Signature Use Policy is subject to sanctions up to and including dismissal, suspension, and criminal prosecution as specified in published City policies and/or state or federal law, whether or not they

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are directly referenced in this Policy. All inappropriate, illegal, or fraudulent uses of any electronic means of transmission is punishable through discipline, up to and including termination, and prosecuted to the fullest extent of the law, including the recovery of attorneys' fees and administrative costs.

## 1219

### REIMBURSEMENT FOR TRAVEL & TRAINING, AND VEHICLE USE

#### A. Purpose:

- A.1. To formalize an accountable plan and uniform procedures for travel expenses & reimbursing city employees for training, travel, meetings, and out of pocket expenses incurred while on official business.

#### B. Scope

- B.1. The City hereby formalizes its policies and procedures for the reimbursement of training, general travel and other actual necessary expenses incurred by eligible individuals in the course of performing their official duties.

#### C. General Policy

- C.1. This policy formalizes standards for travel and business expenses incurred while performing or conducting official City business.
- C.2. Eligible Individuals:
  - a. All employees at the City covered by a collective bargaining agreement and all employees covered by Regulations Covering Executive, Administrative, Professional, Confidential, and Other particular Employees.
  - b. Councilmembers and members of boards, commissions, committees.
- C.3. The City Manager and department heads are charged with the responsibility of authorizing travel and reimbursement, per this policy, and ensuring that all expenditures hereunder are within approved budget limits.
- C.4. All employees requesting reimbursement for allowed expenses, other than meals, shall provide a valid itemized receipt. Any such receipt shall include or be accompanied by documentation of the name of the vendor (e.g., hotel, airline, taxi), the date and purpose of service and actual amount charged. Employees shall file a Travel Expense Report for reimbursement through the Employee Self Service system.
- C.5. In the event a receipt is not available to substantiate an expense, the employee may submit a written explanation, with all pertinent expense and situational details, through their organizational chain of command to their respective department head. Requests approved by a department head may be sent to the City Manager, or designee, who will review such requests for reimbursement and make a final determination as to approval or denial. Reimbursement requests for business expenses without original receipts will be processed for payment only upon approval by City Manager, or designee.

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Discretion: This policy does not claim to have addressed all contingencies and conditions. Any necessary and reasonable expense that may from time-to-time be justified due to circumstances or opportunities for the City or any necessary and reasonable expenses that may deviate from the provision of this Policy, may be presented to the City Manager, or designee for their review and approval. The City Manager, or designee shall exercise due diligence to ensure that expenses are reasonable and necessary for the conduct of City business, are within budgetary limits and ensure the City's fiscal position by minimizing costs. If an expense is not outlined in this policy, it may be subject to dismissal or rejection.

- C.6. Personal and business travel shall not be commingled in such a manner as to increase allowable expense or otherwise adversely affect the interest of the City.

#### **D. Department Training and Travel Budgets**

Departments will be provided an annual budget for business travel, conferences and training based upon their unique requirements. Departments should monitor their travel and training expenditures to ensure approved allocations are not exceeded. If the overall departmental budgeted allocation has been spent, and additional travel is necessary, authorization by the City Manager, or designee's required.

#### **E. Job Training**

- E.1. The City supports job training as an ongoing process and as an important tool to help employees remain current in their job responsibilities and skills. All training is subject to available funds; however, job-required training will be given preference in the decision-making process for expending training funds. The City encourages training opportunities that can be obtained in a cost-effective manner. Such opportunities will be given priority over other similar types of training.
- a. Job Required Training: Includes mandated certifications, licenses or mandatory training required to perform the duties and responsibilities of a job. This may also include mandated safety training, technical or professional training, seminars and conferences, workshops, and similar programs. For employees required to obtain certification to perform the duties of their job, the City will pay all expenses required to obtain the certification one time. If the employee is required to retake the test, the expenses will be the employee's responsibility unless waived by the City Manager.
  - b. Job Related Training: Includes general types of training related to the performance of current job duties, development of skills, or training that would assist an employee's advancement within their department and/or organization.

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- c. Covered by MOU: These sections are not meant to provide greater or different rights than those that exist in any Memorandum of Understanding (MOU). To the extent that any MOU addresses this topic and/or there is a conflict, the provisions of the MOU will govern.

#### **F. Compensable time**

- F.1 Time attending any work-related training in which the cost is paid by the City is compensable time.
- F.2 Travel Time: The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.
  - (a) Traveling during normal work hours is considered compensable work time, except for travel to and from the normal fixed or assigned workplace.
  - (b) If travelling to a location that is one other than the normal fixed or assigned workplace, an employee's time traveling to and from the abnormal or not assigned workplace location is compensable.
- F.3 Travel Away from Home: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.
- F.4 Home to Work Travel: An employee who travels from home before the regular workday and returns to their home at the end of the workday is engaged in ordinary home to work travel, which is not work time and is not compensable.
- F.5 Time spent by an employee commuting to and from work is not work-related travel and is not compensable time.
- F.6 Lunch or meal breaks are not compensable time unless the lunch includes a speaker and/or is considered a working lunch as evidenced by the agenda.

#### **G. General Travel**

- G.1. Employees shall select the most economical method of transportation in terms of expense to the City and the employee's time away from the office. Employees shall receive approval, per the below, prior to making any travel arrangements.
  - a. If travel expenses total five thousand dollars (\$5,000) or more, including registration, lodging, meals, and transportation (all expenses outlined in the travel approval form), travel shall be approved by the City Manager or designee.
  - b. If travel expenses total less than five thousand dollars (\$5,000), including registration, lodging, meals, and transportation (all expenses outlined in the travel approval form), travel need only be



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- approved by the employee's Department Head.
- G.2. Upon approval of travel, City credit cards may be used to make travel arrangements. Receipts, approval forms, and expense reports shall be submitted when reconciling City credit card statements.
- a. Employees who do not have a City credit card may have their supervisor or other department employee reserve lodging on their behalf using a City credit card.
  - b. A travel advance may also be requested for lodging expenses. (Refer to Section J for additional information relating to travel advances.)
- G.3. If itemized receipts are not included in the Travel Expense Report, the employee may be responsible for travel expenses.
- G.4. An employee who extends the approved travel for their own convenience will not be entitled to any additional allowance for meals or lodging.
- G.5. Travel on behalf of the City in case of an emergency may be exempt from provisions of this section with approval from the City Manager. Expense reports or other paperwork will be completed and submitted as soon as practical upon return from travel, but no longer than thirty (30) days after travel expenses occurred.
- G.6. A valid California driver's license with appropriate endorsement is required if the employee is driving a City, personal, or rental vehicle while on City business. It is the employee's responsibility to maintain a valid California driver's license and report any changes to their supervisor. (Refer to Section M for additional information relating to private automobile.)
- G.7. If more than one employee is attending the same training, employees shall attempt to arrange to carpool, either using a City pool vehicle or a designated employee's personal vehicle. Personal vehicle mileage reimbursement will not be paid to more than one employee when carpooling.
- G.8. Airfare/Train: Allowance for air and train travel is based on actual round trip coach fare, tourist fare or by the method least costly to the City. Employees are expected to make special efforts to take advantage of discounts, special fares, and travel vouchers whenever available at reasonable and convenient times. If an employee opts to travel using a fare above the Coach rate, the employee shall provide documentation for the two fares and is personally responsible for the cost difference.
- G.9. Travel Insurance: The purchase of travel insurance requires prior authorization by the employee's department head for airfare.
- G.10. Car Rental: Allowance for car rental is based on actual cost to rent a mid-range size vehicle. Employees are expected to make special efforts to take advantage of discounts, special fares, and travel vouchers whenever available at reasonable and convenient times. Employees shall have a valid California driver's license and proof of insurance when using a rental vehicle while on City business. Employees are required to notify Risk Management and/or their department head as soon as possible (within 24 hours) of any event/incident causing property damage, or accident related to the rental car.

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- G.11. Taxis, Shuttles, and/or Ride Shares (Uber/Lyft): Taxis, shuttles, and/or ride shares, such as Uber and Lyft may be reimbursed, with no more than 15% gratuity.
  - G.12. Parking Expenses: The City will provide reimbursement for actual cost of parking associated with travel, including parking at the airport, hotel, and conference parking, training, or meeting site or in conjunction with any employee City business activity.
  - G.13. Claims for payment or employee reimbursement shall be allowable when accompanied by a receipt for the purchase and a copy of the ticket purchased or other voucher for the common carrier expense.
  - G.14. Government and group rates shall be used when available. Actual costs evidenced by an original, dated receipt and inclusive of all related taxes and other rental fees shall be submitted along with actual gas receipts (dated, vendor name printed on the receipt) obtained for the purchase of gas for the rental vehicle.

#### **H. Advance Travel Authorization**

- H.1. Travel expenses require prior authorization by the Department Head and the City Manager's (or designee) approval when the estimated total cost (including registration, transportation, lodging, and meals) is expected to cost five thousand dollars (\$5,000) or more per person.
- H.2. Travel expenses require prior authorization by the employee's Department Head when the estimated total cost (including registration, transportation, lodging, and meals) is less than five thousand dollars (\$5,000) per person. The Department Head's approval indicates that the travel is approved and within budget.

#### **I. Use of Travel Advance and/or Travel Expense Report**

- I.1. Each employee submitting a claim for reimbursement under this policy shall file a Travel Expense Report, through the Employee Self Service portal.
- I.2. The Travel Expense Report shall include the date(s) of travel, business destination, total amount, and business purpose. It shall include a copy of accompanied by all required supporting documents (expenditure receipts, lodging facility folio, registration forms, and meeting itineraries, conference flyer, etc.).
- I.3. Claims shall be filed promptly, but no later than 30 days after the expense occurred. Claims filed after this time may not be considered for payment.
- I.4. Each claim form submitted shall meet the requirements of this policy, including providing receipts and/or credit card slips, and shall be reviewed and approved by the submitting employee's department head and the Finance Department for compliance with this policy.
- I.5. All claim forms and associated documents related to reimbursable City

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expenditures are considered public records and may be subject to disclosure under the California Public Records Act {Chapter 3.5 (Commencing with Section 6250) of Division 7 Title 1}.

**J. Travel Advances:**

- J.1. Employees may request a travel advance for use in the course of necessary and allowable travel and shall be requested via the Employee Self Service (ESS) system. The employee's department head shall approve the issuance of cash advances.
- J.2. Travel advances may be requested for the following expenses:
  - a) Meals
  - b) Lodging
  - c) Air fare
  - d) Car rentalIf a travel expense is not listed above, it shall be reimbursed after the fact. Typical reimbursable expenses include mileage, transportation (ride shares), and parking.
- J.3. Travel advances are to be documented and reported in the same manner as expenses incurred and submitted for reimbursements, e.g., receipts shall be saved (exceptions apply to meal expenses – Section L), a claim form may be submitted, expenses are limited, approvals of expenses shall be secured, etc. Should there be unused travel advance, the City shall be reimbursed within five (5) days if the following applies:
  - a. Travel arrangements have been cancelled; or,
  - b. At the conclusion of travel.

Notwithstanding, a travel advance of any denomination will not be granted whenever the requesting employee has an open travel-advance on file, wherein the employee has not submitted the necessary receipts and paperwork confirming the previous advance was used in its entirety for actual and necessary expenditures in accordance with this policy.

Travel advances will be provided through payroll. A Claim Voucher shall be submitted to payroll through the Employee Self Service (ESS) system. Travel shall occur within 30 days of the advance.

**K. Lodging and Related Expenses:**

- K.1. Lodging and overnight stays are not authorized for travel under 50-miles from the city limits. They may be authorized for travel more than 50 miles from City limits.
- K.2. Employees should seek the most affordable rates available for safe, convenient, clean accommodations at 3-star quality properties, using government, group, or discounted rates when available at reasonable and convenient times. In addition to the primary travel cost, e.g., room rate, etc., an employee making lodging arrangements should also consider secondary costs, e.g., internet service fees, property use fees,

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etc.

(a) Reservations for lodging should be booked as early as possible to take advantage of lower rates.

- K.3. When lodging is in connection with a conference or organized educational activity, lodging expenses shall not exceed the group rate published by the conference sponsor for the conference in question. The employee shall endeavor to stay at the conference sponsored lodging facility.
- K.4. Lodging expenses over \$250 per night shall be approved by the City Manager, or designee. If the [GSA's](#) lodging per diem rate for the destination site is greater than \$250, the corresponding GSA per diem rates shall be submitted with the travel approval form for review by all approving parties.
  - a. However, this requirement does not apply if a conference sponsor has set aside rooms for conference attendees at a lodging facility. Instead, you shall book lodging directly with the lodging facility.
  - b. The group rate shall be clearly defined in the supporting documents provided by the conference coordinators or conference sponsor (all supporting documents shall be accompanied with the travel approval form).
- K.5. Actual and necessary cost of lodging and related expenses, including advance payments to any city employee shall be allowed, except as otherwise provided in this Section K.
- K.6. Lodging in upgraded rooms is allowable if:
  - a. the employee pays the cost difference and provides proof of the price difference for the original and upgraded rooms; or,
  - b. the employee or their department can document that no other option exists, and the selected lodging is the only option available – supporting documentation shall be attached to the travel approval form.
- K.7. Lodging and related expenditures outside the provisions of this policy may be allowed only when pre-approved by the City Manager, in accordance with Section C.6.
- K.8. An employee's reimbursement claims for lodging shall include an explanation of the business purpose of the stay and be supported by receipts, a facility folio, and shall be accompanied by all approved travel forms. When reconciling City Credit card travel expenses shall be included as supporting documents for invoice reconciliation.

**L. Meal Expenses:**

- L.1. Meal expenses shall be allowed at the maximum daily meal allowance rate of \$60 (\$15 for breakfast, \$20 for lunch, and \$ 25 for dinner) per employee, inclusive of taxes and reasonable tips. Per diem advances and reimbursements for meals shall be allowed when related to attendance at conventions, scheduled meetings, conferences, seminars, special training, or assignments that require an overnight stay.

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- a. An employee's meal reimbursement claim shall be based on meals while enroute to the training site, at training, and enroute home, but does not include breakfast on the departure date and dinner on the return home date.
    - b. Meal expenses up to the per diem rate do not require a receipt to be allowable. Meal expenses beyond the per diem reimbursement allowance are the responsibility of the employee. If an employee uses a City credit card for meals, then the employee will reimburse the City if any meal limit amounts identified above are exceeded.
    - c. Meals included in a conference or meeting registration are not eligible for reimbursement. Therefore, if a meal is provided by conference or meeting registration, but the traveler chooses to eat elsewhere, the added meal expense is not reimbursable.
  - L.2. Meal expenses during attendance at any single day event will be allowable only when it is not reasonable for the employee to provide their own meal(s). Requests for a same-day travel meal shall only be allowed when preapproved by the employee's department head, in accordance with this policy. In evaluating any request for same-day meal reimbursements, the employee's department head shall consider special situations on a case-by-case basis, taking into consideration the distance traveled and the duration of the specific business activity. The maximum reimbursement for any same day event should be \$20 for lunch

#### **M. Private Automobile**

- M.1. With the exception of employees receiving an automobile stipend, the City's preference is for all employees to use City vehicles rather than personal vehicles.
- M.2. The City's private-vehicle mileage reimbursement rate is the same as the Internal Revenue Service (IRS) standard mileage rate ([www.irs.gov](http://www.irs.gov)) for private vehicles and will be effective concurrently with IRS periodic establishment of said rate.
- M.3. Mileage shall be calculated by deducting the employee's normal commute from the total number of miles to and from the destination.
- M.4. Mileage reimbursements for use of a private vehicle shall be allowed upon authorization of the employee's department head. Reimbursement of private mileage will only be granted when a more economical means of travel is not available. However, travel/map documentation shall be provided with the travel expense form. In any case, mileage will not be reimbursed for portions of the trip made for non-business-related matters.
- M.5. Private vehicle expenses are allowable when in the course and scope of employment, including overnight travel.
  - a. Private vehicle use shall be approved by the employee's department head.
  - b. In the event of an incident or accident, the City does not assume

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responsibility for any physical damage to an employee's personal vehicle or for the payment of any kind of deductible.

- c. Employee shall maintain a valid driver's license, which is appropriate for the class of vehicle to be operated. If any restrictions apply, the employee shall notify their supervisor of the restrictions and/or any and all changes in the license (i.e., suspended, etc.).

- M.6. The use of motorcycles, mopeds, and similar types of vehicles for the conduct of City business is expressly prohibited, with the exception of personnel on duty in a specific assignment.

When a department head or the City Manager authorizes use of a private vehicle for the convenience of the driver, instead of more economical travel by air, reimbursement shall not exceed the cost of usual airfare, plus ground transportation. The quote shall be accompanied by the Travel Expense Report.

- M.7. Employees are required to notify Risk Management and the employee's department head, as soon as possible, but in no event more than twenty-four (24) hours after any incident or accident, unless physically unable.
- M.8. Neither an employee receiving a monthly auto allowance nor an employee utilizing a city owned vehicle in their regular scope of employment is eligible to receive private-vehicle mileage reimbursement.

#### **N. Local Transportation, Tolls, and Parking**

- N.1. Public transportation use is described as local transportation and can be claimed with itemized receipts.
- N.2. Bridge and road tolls may be reimbursable with receipts.
- N.3. Receipts are required for reimbursement of allowable parking fees.

#### **O. Miscellaneous Expenses:**

- O.1. Miscellaneous expenses, including charges for fax service, internet, the cost of usual or necessary services and supplies, including emergency repairs, parts or towing for City vehicles, conference registration fees, vehicle parking, bridge tolls, and any other justifiable business expenses shall be allowed if the expense is necessary for the employee to conduct City related business or is otherwise a legitimate business need.
- O.2. A satisfactory explanation and documentation of the circumstances is required for these miscellaneous expenditures. An employee's reimbursement request for actual miscellaneous expenses shall be accompanied by an original receipt or other original voucher.

#### **P. Non-Reimbursable Expenses:**

- P.1. Expenses that the city will not reimburse include, but are not limited to:
  - a. Purchases made for goods and/or services of a business owned (whether in whole or in part) by any current member of the City

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- Council, or other authority for which the city is a partner agency.
  - b. The personal portion of any trip.
  - c. Political or charitable contributions.
  - d. Family expenses, including spouse or partner's expenses when accompanying an employee on agency-related business, as well as children- or pet-related expenses.
  - e. Personal guest expenses
  - f. Entertainment expenses, including but not limited to theater, movies (either in-room or at the theater), recreational events not related to City business (including gym, massage and/or golf related expenses), and cultural events not related to City business.
  - g. Personal automobile expenses, including repairs, traffic citations, insurance, or gasoline.
  - h. Personal alcohol or bar expenses, even when incurred in conjunction with reimbursable meal expenses.
  - i. Personal losses incurred while on City business.
  - j. Expenses bearing no relation to City business, even if incurred while traveling for City business.
  - k. If an expense is not outlined in this policy, it may be subject to dismissal or rejection.

#### **Q. Penalties:**

- Q.1. Penalties for the misuse of public resources, non-compliance with this policy or falsifying expense reports in violation of expense reporting policies may include, but are not be limited to, employee discipline as well as the penalties specified in state law including:
  - a. The loss of reimbursement privileges.
  - b. Restitution to the local agency.
  - c. Civil penalties for misuse of public resources pursuant to Section 8314 of the Government Code; and,
  - d. Prosecution for misappropriation of public resources, per Section 424 of the Penal Code.

#### **Exemptions**

- A. The City Manager or Designee is authorized to exempt, by ratification after the expense is incurred or prior to the expense being incurred, any City personnel from the official rules, regulations, and procedures set forth herein under extenuating circumstances.
- B. The City Manager or Designee may, at their discretion, approve or disapprove any of the types of travel and/or business expenses outlined above, or any other expense not listed, as they deem appropriate under the specific circumstances.
- C. The City Manager or Designee shall decide all questions of interpretation of the policies, rules, regulations, and procedures set forth herein.

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## **Disputes**

Disputed expenditures may be brought to the City Manager or Designee for resolution.

## **1220**

### **USE OF SOCIAL MEDIA**

#### **1220.1 Introduction and Purpose**

The City of Cathedral City has implemented this Policy to establish guidelines for the appropriate use of social media by City of Cathedral City employees.

#### **1220.2 Covered Individuals and Scope of Policy**

This policy covers City of Cathedral City employees regardless of rank or title, interns, and volunteers.

#### **1220.3 Social Media Use Requirements**

The City of Cathedral City requires covered individuals to:

1. Observe and adhere to all City of Cathedral City policies that may apply to individuals' social media use, including but not limited to those policies that protect individuals' confidentiality or privacy rights, anti-discrimination or harassment policies, and the anti-workplace violence policy.
2. Follow all applicable laws, including but not limited to those that protect individuals' confidentiality or privacy and those that prohibit discrimination and harassment.
3. Refrain from using social media in any way that could adversely affect your job performance, the reputation of the City of Cathedral City, or adversely affect members of the public served by the City of Cathedral City.
4. Refrain from commenting on any matter or issue on behalf of the City of Cathedral City or representing that your posts or comments represent the City of Cathedral City opinion on such subjects unless otherwise allowed.

## **1221**

### **Catastrophic (CAT) Leave Program**

Authorized Employees – For the purposes of this policy, “authorized employees” shall include NON-REPRESENTED (excluding limited term, intern, temporary)

The Catastrophic (CAT) Leave program allows employees who have exhausted their leave credits and must miss work due to a prolonged illness or injury (including that of an eligible family member), or due to a natural disaster, to request CAT leave.



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### Criteria/Limitations

1. An employee is eligible to apply if they are a Regular Full-time Employee (FTE) who has completed their probationary period (does not apply to promotions); or
2. Six (6) months for at-will employees.  
Employees may use catastrophic leave credits for up to three continuous months for a single occurrence. Employees are limited to one three-month period annually, which may be extended up to six months with the approval of the City Manager or designee.

Employees are not eligible for CAT leave if they have filed a Workers' Compensation claim, regardless of whether the claim is pending, delayed, or accepted.

Catastrophic Leave Donation. Circumstances may arise where an employee or the employee's immediate family may suffer an unforeseen event, which may have a catastrophic effect on the employee and/or the employee's family. Under such a circumstance, the employee may request leave donation from fellow employees under the following procedures:

- A. Employee's Own Personal Extended Illness. An employee who is suffering from a serious illness or a serious non-industrial accident may have sick leave and vacation leave donated to cover the difference between payments received from disability insurance and the employee's full salary, and to cover the cost of any insurance plan provided by the City.
- B. Serious Illness or Injury of a Member of the Employee's Immediate Family. An employee whose immediate family member is suffering from a serious illness or injury may have leave donated to provide him/her time off from work to care for that family member. Said donated leave will be used to continue the employee on payroll until said leave is exhausted.
- C. Natural Disaster  
A natural disaster is defined as an act of nature, such as a flood or an earthquake, that has had an effect on the employee's principal residence and the Governor has declared a state of emergency in the county where the employee resides.
- D. Leave Donation Eligibility Procedures.
  1. The employee seeking leave donation must have exhausted all available leave, sick leave, vacation leave, float, holiday and compensatory leave.
  2. The employee must submit a request for leave donation to the Human Resources for review and approval of the City Manager. The employee will be required to provide medical documentation for the need of this leave donation.

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E. Leave Donation Procedure.

1. The donation of leave is voluntary and is irrevocable once donated.
2. Employees wishing to donate leave will submit to the Human Resources Manager an authorization for transfer of leave form.
3. Employees may donate accrued sick leave in excess of 96 hours with a maximum donation of eight (8) hours of sick leave.
4. Employee may donate a maximum of eight (8) hours of accrued vacation leave, float, holiday and/or compensatory leave.
5. The donated leave will be put in to a "holding account" account and can only be used to continue an employee on payroll who was affected by a natural disaster, is caring for a member of the employee's immediate family or to cover the difference between the payments received from the disability insurance company and the employee's full salary and/or to cover the cost of insurance offered by the City for those persons suffering from a personal illness for which the leave was donated.
6. Donated leave will be credited to the "holding account" account on an hour-for-hour basis(i.e., 10 hours donated becomes 10 hours of sick leave at the receiving employee's rate of pay). In no case shall the total amount of leave donated exceed eight (8) hours of sick leave and eight (8) hours vacation, float, holiday and/or compensatory leave per donor.
7. Employees must use their leave credits if they continue to accrue prior to using donated credits. If the employee returns to work before the anticipated return date and donation requests remain in the holding account, they will be returned to the donor in 30 days.