



Cathedral City



CITY OF CATHEDRAL CITY

PERSONNEL RULES

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

100 Introduction and General Information Policies

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 any express or implied contract of employment. 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 has been provided access to the Policies; and b) understands that they are responsible for reading and becoming familiar with the contents of the Policies and any subsequent revisions to the Policies.

104 DELEGATION OF AUTHORITY

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. At-will employees include any of the following:

- a) City Manager
- b) Assistant City Manager
- c) Police Chief
- d) Fire Chief
- e) All positions officially designated as Director
- f) Employees whose positions are funded under a state or federal employment program
- g) Employees designated as temporary/seasonal/limited term/extra-help
- h) Probationary employees that are serving in the initial probationary period
- i) Positions designated by the City Manager as “At Will” as a condition of employment, subject to the provisions in any valid collective bargaining agreement

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*

A full-time employee is one whose position is budgeted to work at least 30 hours per week. Full-time employees receive all benefits provided in these Policies, unless otherwise provided in an MOU, or an employment agreement approved by the City Council. A part-time employee is one whose position is budgeted to work on average less than 20 hours per week. Part-time employees may have different rights to leave and other benefits under the law or these Policies, depending on the number of hours they work.

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 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.

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 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 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. Employees, volunteers, or applicants who believe 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, or the California Department of Fair Employment and Housing.

204.1 Purpose

The City of Cathedral City has a strong commitment to prohibiting and 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 arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The City of Cathedral City encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination. Applicants found to have violated this policy may be removed from consideration for employment with the City.

204.1.1 Covered Individuals and Scope of Policy

The individuals covered by this Policy are: applicants; all employees regardless of rank or title; elected or appointed officials; 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 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. This Policy prohibits discrimination, harassment or retaliation because: (1) of 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 *Protected Activity*

This Policy prohibits discrimination, harassment, or retaliation because of an individual's protected activity. Protected activity includes: (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 *Discrimination*

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

204.2.4 *Harassment*

Harassment includes, but is not limited to, the following types of behavior:

- a) Speech, such as epithets, jokes, derogatory comments or slurs, and propositioning. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race-oriented stories and jokes.
- 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 posters, cartoons, emails, pictures or drawings related to a protected classification.
- d) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

204.2.4.1 *Guidelines for Identifying Harassment*

Harassment includes any conduct that would be unwelcome or unwanted to an individual. The following guidelines to determine if conduct is unwelcomed or unwanted should be followed:

-
- a) It is no defense that the recipient “appears” to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
 - b) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
 - c) Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
 - d) Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

204.2.5 *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.

204.2.5.1 *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, or department head, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint shall notify the Human Resources Manager. Upon receiving notification of a harassment complaint, the Human Resources Manager will complete and/or delegate the following steps. 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 following steps.

- a) 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; and (3) other persons who have relevant knowledge concerning the allegations in the complaint.
- b) Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- c) Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
- d) If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- e) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

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 supervisory or management employees become aware that harassment,

discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

204.3.2 *Option to Report to Outside Administrative Agencies*

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on City of Cathedral City bulletin boards for office locations and telephone numbers.

204.3.3 *Confidentiality*

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty 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 of Cathedral City will not disclose a completed investigation report except as 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.

204.3.4 *Responsibilities*

- a) Each non-manager or non-supervisor is responsible for:
- 1) Treating all individuals in the workplace or on worksites with respect and consideration.
 - 2) Modeling behavior that conforms to this Policy.
 - 3) Participating in periodic training.
 - 4) Cooperating with the City of Cathedral City investigations, when ordered to do so, pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation.
 - 5) Taking no actions to influence any potential witness while the investigation is ongoing.
 - 6) Reporting any act, they believe constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor, or department head, or 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 of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination and, retaliation 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.
3. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
4. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
5. Informing those who complain of harassment or discrimination of their option to contact the EEOC or DFEH regarding alleged Policy violations.
6. Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Policy.
7. 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 these Policies, up to and including termination.
8. Implementing appropriate disciplinary and remedial actions.
9. Reporting potential violations of this Policy of which they become aware to the Human Resources Manager, regardless of whether a complaint has been submitted, or higher authority if the allegation is against Human Resources Manager
10. Participating in periodic training and scheduling employees for training.

205

Bullying

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 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.

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- 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.
- 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 undue hardship or direct threats to the health and safety of employee(s), the City of Cathedral City provides employment-related reasonable accommodations to:

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 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 agency will: (1) explain the insufficiency; (2) allow the employee or applicant to supplement the documentation; 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*

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 he/she 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

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- 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 *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:

- a) The applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act;
- b) The applicant or employee is fit to perform essential job functions;
- c) Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
- d) There are any reasonable accommodations that would enable the employee to perform essential job functions; and
- e) 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 *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 will initiate the interactive process when:

- a) An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s);
- b) 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;
- c) The City of Cathedral City becomes aware of the possible need for an accommodation because the employee with a disability 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;
- d) 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;
- e) An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave;
- f) An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for their safety at work;
- g) An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement; or
- h) 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:

- a) 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;
- b) Job restructuring;
- c) Part-time or modified work schedules;
- d) 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;
- e) Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
- f) Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
- g) 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:

- a) Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
- b) Change in or restructuring of work duties, such as modifying lifting requirements;
- c) Providing more frequent breaks;
- d) Providing seating;
- e) Time off for medical appointments; and
- f) 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-month pregnancy disability leave entitlement.

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:

- a) Transfer, reassignment, modified schedule;
- b) Change in work telephone number;
- c) Change in location of workstation;
- d) Installation of locks;

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- e) Assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace;
 - f) The implementation of a safety procedure(s);
 - g) Adjustment to job structure, workplace facility, or work requirement; and
 - h) 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;

206.4.3 *Determination*

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.

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, and supervisors, on a need-to-know basis, who are responsible for identifying reasonable accommodations. Medical records and information contained therein may be released pursuant to state and federal law.

208 WHISTLEBLOWER PROTECTION

208.1 Policy

The City of Cathedral City prohibits all of the following:

- 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 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, and applicants for employment.

208.3 Definitions

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

- 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;

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- 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:

- 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.

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 Manager.

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.

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.

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:

- a) The title and pay for the position;
- b) The nature of the work to be performed and essential job duties of the position;
- c) The minimum qualifications, including whether the job is a promotional position;
- d) A statement of the employment status of the position – for cause or at-will;
- e) The last date that the Human Resources Manager will accept applications, if any;
- f) 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

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 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 mailed or emailed 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.

402.4 *Employment Examinations*

- a) 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.
- b) 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.
- c) An applicant with a disability may request accommodation in an examination process. Following receipt of a request for accommodation, the Human Resources Manager may require additional information, such as reasonable documentation of the existence of a disability.
- d) 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.
- e) Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and/or reference check.

402.5 *Eligibility Lists*

- a) 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.
- b) 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.

- c) 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.
- d) 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.
- e) A person appearing on an eligible list will be emailed notice of their placement on the list.
- f) 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 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, 1040 hours of actual and continuous service. The probationary period is automatically extended by the length of any absence of one workweek or more. The probationary period can also be extended by the Agency at the discretion of the City Manager or their designee.

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

- a) 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.
- b) Length of Probation: On accepting a promotion, reinstatement, or reclassification, an employee serves a new probationary period of 6 months, 1040 hours of actual and continuous service. The probationary period is automatically extended by the length of any absence of a week or more.

500 Employment of Relatives or Spouses/ Domestic Partners

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.
- 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***

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, 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;

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- 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.

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.

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 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.

600 Compensation and Payroll Practices

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.

602.2 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 employee's 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:

- ❖ Be shielded from view and free from intrusion while being used to express milk;
- ❖ Be safe, clean, and free of hazardous materials;
- ❖ Contain a surface on which to place a breast pump and personal items;
- ❖ Contain a place to sit; and
- ❖ 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.

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

604.2.2 *Prior Approval Required for Overtime*

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*

All hours worked must be accurately reflected in the timekeeping system. Recorded time must accurately reflect all regular and overtime hours worked, absences, late arrivals and early departures. Employees must accurately report all work time to the nearest five minutes.

If an employee's recorded time is not accurate, the employee should notify their supervisor before approving their time. Upon receipt of a paycheck, the employee should verify that the paycheck accurately reflects all regular and overtime hours worked during the pay period.

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:*

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.

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*

On or about the completion of six 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.

800 Leaves of Absences

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

804 SICK LEAVE

804.1 *Purposes for Sick Leave*

Sick leave is paid leave from work that can be used for the following purposes:

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- 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) for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) 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 ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

(a) Sick Leave Use

A part-time employee may use accrued sick leave, in a minimum increment of two hours, beginning on the 90th day after the first day of employment with the City, subject to the limits and request provisions in this Policy.

(b) Protected Sick Leave:

- a) For full 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
- b) For seasonal/temporary/extra help employees, up to 24 hours, or three 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 on July 1 or the employee's anniversary of hire date, whichever is later.

(c) 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.

(d) 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, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

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- (e) **Sick Leave Reinstatement:** If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 6 days or 48 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. 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) "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.
- b) "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.
- c) "Family member" for FMLA leave means an employee's child, parent, and spouse. "Family member" for CFRA leave means an employee's child, parent, spouse, domestic partner, grandchild, grandparent, and sibling.
- d) "Child"
 - l) 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 he/she requires 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.

- II) 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.
 - e) “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.
 - f) “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 below.
 - g) “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.
 - h) “Grandparent” means a parent of the employee’s parent.
 - i) “Grandchild” means a child of the employee’s child.
 - j) “Sibling” means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
 - k) “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

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- of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
- 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.
- 3) 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.)
 - 4) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - ❖ 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;
 - ❖ Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - ❖ 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.
 - 5) 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.
 - 6) 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 calendar days in the absence of medical intervention or treatment.
 - i) “Health Care Provider” means:
 1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
 2. Individuals 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;

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3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (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. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
 5. Christian Science practitioners 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.
- m) "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.
- n) "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.
- o) "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.
- p) "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 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.
- q) "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.

806.3

Reasons for Leave

Leave, under the Family and Medical Leave Policy, 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, spouse, or domestic partner who has a serious health condition;
- d) Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, or sibling 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;
- 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.

806.4

Employees Eligible for Leave

An employee is eligible for leave if:

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- 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*

- a) 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. 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.
- b) If leave is requested to care for a child, parent, spouse or the employee him/herself 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:

- 1) 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
- 2) 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.
- 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, spouse, domestic partner or child.

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

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 exceptions:

- a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays 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/CFRA leave entitlement. The only exception is for peace officers and firefighter who are on paid industrial injury 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.

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, domestic partner or a spouse 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, or spouse, 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 or spouse. 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*

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 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 he/she 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.)
- 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.

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).)

808.3 Compensation During Leave

Pregnancy disability leaves are without pay. However, if on PDL the employee shall use sick leave if any exist. 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 California Family and Medical Leave Act.
- 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.

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- 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.

810

OTHER LEAVES

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

Any employee, excluding temporary, seasonal, or extra help employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify their supervisor or department head as soon as possible. Any employee who is released from jury service prior to the end of their scheduled work hours must report to work unless otherwise authorized by their supervisor.

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. The time spent on jury duty is not work time for purposes of calculating overtime compensation. The City of Cathedral City will offset from pay the amount the employee receives from the Court for jury fees.

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. The City of Cathedral City will offset the amount from pay the employee receives from the Court for jury fees.

810.3 *Other Court or Administrative Proceeding Appearances*

810.3.1 *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.

The City of Cathedral City will offset the amount from pay the employee receives for witness fees.

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 that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the 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 listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at

issue, 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, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or 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, 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 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 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, 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 employees, except temporary, seasonal, or extra help employees, may utilize paid bereavement leave to attend a funeral or memorial service, or to take care of family matters, that are related to the death of a member of immediate family. "Immediate family" consists of the following: employee's spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, mother/father-in-law, son or daughter-in-law, brother or sister-in-law, legal guardian, or custodial child, or the same relatives of a domestic partner. Employees are entitled to up to three days for each death in the immediate family. An employee who utilizes bereavement leave shall notify their supervisor or department head of the intent to use such leave.

810.6 *Military Leave*

Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose shall promptly provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

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 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.

8.10.7.2 *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 levels existing as of the effective date of the leave.

810.10 *Industrial Injury Leave*

810.10.1 *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*

Whenever any regular employee is 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 though they were not on leave of absence.

810.10.1.3 *Unpaid Leave and Continuation of Health Care Benefits*

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 *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. 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*

Any employee, if they do 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.

900 Resignation, Job Abandonment, Layoff, and Separation

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 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 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.

902.7 *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*

A for cause employee may be separated for disciplinary reasons.

902.9 *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.

902.10 *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.

1000 *Workers' Compensation*

1002.1 *On the Job Injuries*

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.

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.

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.

1003 Selection of Treating Physician

The City has prearranged qualified medical facilities to provide quality and prompt medical care to injured employees. If, after 30 days of care by an employer-directed physician, you are for any reason dissatisfied, you may select your own doctor. 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.

1200 Miscellaneous Policies

1202 PERSONNEL FILES

1002.1 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 the Human Resources Manager 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.
- 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. Each department head shall complete such form according to their recommendation. Such status shall become effective on the date specified by the Human Resources Manager. All employees shall receive a true 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*

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*

- 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.
- 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) **One Year Authorization:** An outside employment authorization is valid only up to one 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.

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 he/she 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.

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, 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.

1208 **PROHIBITIONS ON DRUGS AND ALCOHOL IN THE WORKPLACE**

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

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

- 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.
- b) 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 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 he/she 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>.

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

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 he/she is 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

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 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.

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

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- 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:

- **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.

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.

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 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.
- 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 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.

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*

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.

1210.4 *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;

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- 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 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

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- 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, 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

- a) 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.
- b) 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.
- c) 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

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

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- (both essential and marginal) from an Alternative 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*

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.

- 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 Manager.

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- 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

- 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.

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- 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.

EXCERPT FROM MINUTES OF MEETING
CITY COUNCIL, CITY OF CATHEDRAL CITY, CALIFORNIA
HELD SEPTEMBER 14, 2022

A regular meeting of the City Council of the City of Cathedral City was called to order in the Council Chambers of the City Council at 68-700 Avenida Lalo Guerrero, in the City of Cathedral City, at the hour of 5:30 p.m. on the 14th day of September 2022, with Mayor Ernesto Gutierrez presiding.

ROLL CALL: PRESENT: Mayor Ernesto Gutierrez Mayor Pro Tem Rita Lamb and Councilmembers Carnevale Ross and Gregory

ABSENT: None

A quorum of the City Council was present.

LEGISLATIVE

6A. Adoption of Personnel Rules for all City Employees

A MOTION WAS MADE BY MAYOR PRO TEM LAMB AND SECONDED BY COUNCILMEMBER ROSS to adopt Personnel Rules for all City Employees and Rescind the Human Resources Policies.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYE: 5-MAYOR GUTIERREZ, MAYOR PRO TEM LAMB AND COUNCILMEMBERS CARNEVALE, ROSS AND GREGORY

ABSENT: 0

M.O. 2022-159

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF CATHEDRAL CITY)

I, **TRACEY R. HERMOSILLO**, City Clerk of the City of Cathedral City, California, **DO HEREBY CERTIFY** that the foregoing is a full and correct excerpt of the minutes of the meeting of the City Council held on the 14th day of September 2022.

Tracey R. Hermosillo
TRACEY R. HERMOSILLO, CMC
CITY CLERK

This 15th day of September.