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AGENDA REPORT
Business | Discussion

December 4, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Susanne St. Clair, Contract RGS Consultant

SUBJECT: **Draft Comprehensive Update to Personnel Policies**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will review a draft update to the personnel policies as part of the adopted workplan. The draft update has been prepared by LAFCO's contract human resources consultant – Regional Government Services Authority (RGS) – with input from senior staff. The draft follows a Commission approved scope of work and transitions personnel policies away from relying on the County of San Diego and towards a stand-alone document scaled to LAFCO's unique setting as a public agency with less than 10 employees. The draft is being presented for discussion and feedback, including potential topic expansions, and ahead of its finalization for future action.

BACKGROUND

Human Resources Support & Current Personnel Policies

Starting in October 2022, San Diego LAFCO contracted with RGS to provide human resources support services. These support services are billed hourly and primarily focus on employee relationships ranging from benefit and leave administration to performance management.

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This relatedly includes reconciling the Commission's own policies on certain personnel topics with more expansive cross-references to the County of San Diego's policies as part of Rule 6.

Adopted Workplan & Two-Part Comprehensive Update to Personnel Policies

San Diego LAFCO's current workplan was adopted at a noticed public hearing in May 2023 and includes 30 priority-listed projects for the fiscal year. This includes a two-part project tied to a comprehensive update to LAFCO's personnel policies (Rule 6) and divided between setting a scope of work and proceeding with the drafting of the document itself. The underlying intent to the two-part project is to scale LAFCO's personnel procedures as a stand-alone document and reflect the employer-employee needs of a relatively small public agency. The Commission proceeded to approve a scope of work in August 2023.

DISCUSSION

This item is for San Diego LAFCO to review a draft comprehensive update to the personnel policies (Rule 6) for discussion and feedback. The draft update follows the completion of the first part of this two-part workplan project involving a scope of work approved by the Commission in August 2023. The draft update divides the personnel policies into four sections – introduction, working conditions, employment administration, and leave administration – and collectively serves the role of an employee handbook. This includes setting clear expectations with respect to a range of employer-employee scenarios, like leave uses and complaint procedures. A summary of key provisions within each of its four sections follows.

- Introduction Section
  Serves as a welcoming to new employees with a summary of the organization's history and core statutory responsibilities. It also communicates the five shared employee values developed by consensus at a recent team-building workshop- with respect to being accountable to each other. Specifically, each employee will be responsible for ensuring they emphasize respect, teamwork, duty, innovation, and integrity in performing their job functions as well as interacting with others.

- Working Conditions
  Addresses employer allowances and protections with respect to addressing employee work accommodations and related requests to help ensure a healthy, fair, and productive work environment. Examples include addressing anti-harassment protocols, teleworking privileges, outside work activities, and work-related reimbursements. Similarly sets employee standards and related LAFCO expectations and includes addressing interoffice relationships, outside activities – including social media usage, and alcohol and drug testing.

- Employment Administration
  Addresses employee classifications and related benefit rights as well as general operational settings. This latter category includes workhours, attendance, and breaks. Also addresses employee dress code and appearance standards. Additional topics include dependent care accommodations, training, performance reviews, and grounds for disciplinary procedures up and to termination. Document makes explicit all employees serve at-will and Executive Officer makes final decision on discipline.

- Leave Administration
  Addresses accrual rights and uses involving employee vacation and sick leaves. This includes setting caps on accrual consistent with County standards.

The draft update is provided as Attachment Three.

ANALYSIS

The draft update before San Diego LAFCO follows the Commission's approved scope of work and scaled to the organization's unique setting as a public agency with less than 10 fulltime employees. This includes addressing evolving workforce themes with respect to setting modern rules and expectations of employment at LAFCO ranging from adaptive accommodations to health and safety protections. Equally, the draft update addresses modern rules and expectations of employees with respect to workplace interactions and relationships, attire and appearance, and off-duty activities – including outside employment and social media uses. The draft update also – materially – establishes more direct and simplified complaint and disciplinary processes. Discussion and feedback is desired to help ensure the draft update's content is consistent with Commission expectations and interests before a final version is presented for future approval.

RECOMMENDATION

This item is presented to San Diego LAFCO for discussion only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for discussion as part of the business calendar. The following procedures are recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
2) Invite comments from interested audience members if any.
3) Provide feedback to staff as requested.

Respectfully,

Keene Simonds
Executive Officer

Attachments:

1) Rule 6: Existing Personnel Policies
2) Approved Scope of Work to Update Personnel Policies
3) Draft Update to Personnel Policies

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RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION

ARTICLE VI
PERSONNEL RULES

6.1	Application
6.2	Definitions
6.3	Rest Periods
6.4	Holidays
6.5	Classification
6.6	Compensation
6.7	Performance Reports
6.8	Eligibility for Step Adjustments
6.9	Overtime
6.10	Leave
6.11	Vacation
6.12	Dismissal or Suspension
6.13	Temporary Appointment to a Higher Class
6.14	Employees Previously Employed by a County
6.15	Benefits
6.16	Compensation Plan
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6.18	Suspension of Personnel Rules
6.19	Effective Dates
6.20	Executive Officer Compensation Plan
6.21	Telecommuting

6.1 APPLICATION -

Unless otherwise provided in the employment contract between the Commission and the Executive Officer, the foregoing personnel rules and the attached compensation / benefits summary shall apply to all employees who have been:

1. Appointed and serve at the pleasure of the Commission; or
2. Appointed by the Executive Officer.

6.2 DEFINITIONS -

1. "Biweekly Pay Period" means the 14-day period commencing on August 16, 1974 and ending at midnight of the second Thursday thereafter and each subsequent 14-day period.

2. "Commission" means the San Diego Local Agency Formation Commission.

3. "County" means the County of San Diego.

4. "Discipline" means an action or actions taken by the Executive Officer or Commission to reprimand, dismiss, demote or suspend an employee of LAFCO.

5. "Executive Officer" means the Executive Officer appointed by the Commission pursuant to Government Code Section 56038.

6. "Immediate Family" means husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, any person serving or who has served as parent or any other person living in the same household as the employee.

7. "Overtime" means authorized or ordered work required of an employee which is in excess of the work week as set by the Executive Officer for that employee.

8. "Part-time Employee" means an employee whose biweekly work week is less than 80 hours.

9. "Professional Employee" means the Executive Officer, Assistant Executive Officer, Chief of Policy Research, Chief of Governmental Services, and Local Governmental, Geographic Information Systems (GIS) Analyst, Local Governmental Analysts I, II, and III for the purpose of these personnel rules only.

10. "Rate of Compensation" means the specific amount of compensation established for a specific period of work.

11. "Reprimand" means a written or verbal expression of disapproval related to the activities of an employee of LAFCO.

12. "Rules" mean the Rules of the Commission.

13. "Support Employee" means Administrative Assistant, Administrative Aide, Commission Clerk, Executive Assistant, Records Clerk, for the purpose of these personnel rules only.

14. "Temporary Employee" means an employee hired by the Commission for a period not to exceed six calendar months.

15. "Work week" means the number of hours authorized in a biweekly pay period by the Executive Officer for each employee.

6.3 REST PERIODS -

Each employee may take a 15-minute rest period at midmorning and at mid-afternoon.

6.4 HOLIDAYS -

Full-time, permanent employees shall be entitled to the same holidays on full pay as authorized for the employees of the County of comparable classes unless otherwise specified by the Commission. Part-time, permanent employees' pay for holidays shall be equivalent to one-tenth (1/10) the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

6.5 CLASSIFICATION -

The Commission, through the adoption of these Rules, shall provide for the classification of its employees per the position specifications included in Article VI of the Rules (Exhibit A).

6.6 COMPENSATION -

The compensation for each position shall be according to a schedule fixed by the Commission. To the extent each position is comparable to a similar position in the County of San Diego, compensation shall approximate that for the comparable county position. Wage and benefit adjustments given by the County to its employees will be applicable to the comparable Commission positions. The rate of compensation set forth in the pay schedule shall represent the total compensation in every form except for overtime compensation, health insurance benefits, compensation plans, retirement benefits and reimbursement for actual and necessary expenses for traveling subsistence and general expenses authorized and incurred incident to employment. With commission budgetary approval, the Executive Officer is authorized to implement the employee performance incentive program. The program is based on recognizing exemplary performance through providing bonuses and/or cash awards. The Executive Officer may provide a one-time annual exemplary performance bonus to qualified Commission staff, not to exceed 5% of the annual salary for employees deemed eligible by the Executive Officer. The annual cycle is based on the fiscal year. Commission employees may receive exemplary performance pay and/or recognition pay in one lump sum cash award or in incremental cash awards.

In addition to performance bonuses up to 5% of an employee's annual salary, the Executive Officer may also provide recognition pay to Commission staff not to exceed $1,000 per award. The criteria for the award will be based on cost-savings, service improvement, or other tangible benefits to LAFCO operations directly attributable to an individual member of the LAFCO staff. Multiple awards may be granted to Commission staff as long as the aggregate monetary total of the awards do not exceed $1,000 for each member of the staff during the fiscal year. The Executive Officer is also authorized to establish an office-wide performance recognition program and is authorized to allocate up to $1,250 annually to support this program.

Non-executive Commission employees with a minimum of 15 years of continuous LAFCO/County of San Diego employment are eligible for a 1-2% annual salary band increase, contingent on exemplary performance subject to a determination by the Executive Officer.

Further information about the wages and benefits are included in the Benefits / Compensation Summary attached to the Rules.

6.7 PERFORMANCE REPORTS -

For the purpose of determining the step adjustment to which each employee of the Commission may be entitled, the Executive Officer shall provide for a system of reporting the performance and progress of employees. Performance reports for each employee shall be prepared prior to the six-month anniversary appointment and at least once a year thereafter. Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard performance reports of employees. The Executive Officer shall, upon completion of the performance report, review same with the affected employee. Employees who do not concur with the Executive Officer's performance report may, within 15 days following the review of the performance rating, file a written request for reconsideration with the Executive Officer, unless that person reports to the Executive Officer. Employees who report to the Executive Officer may, within 15 days following the review of the performance rating, file a written request for reconsideration to the Personnel Committee.

6.8 ELIGIBILITY FOR STEP ADJUSTMENTS -

Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard employee performance evaluations. On the first day of the pay period immediately following the twelve month anniversary of the appointment of an employee to a position and after completion of each additional year of service in the same position, an employee may be eligible to receive step adjustments. Step adjustments are awarded upon the approval of the Executive Officer.

6.9 OVERTIME -

Any authorized time worked in excess of the employee's weekly work schedule as established by the Executive Officer (see Section 6.2) shall be considered overtime.

Cash payment in lieu of compensatory time-off shall be considered when, in the judgment of the Executive Officer, granting compensatory time-off would detrimentally affect the operations of the office. Overtime shall be recorded in units of hours and tenths of hours on a biweekly basis. All hourly (non-exempt) employees are allowed compensatory time-off on an hour and a half-for-hour basis. Employees' hourly (non-exempt) positions may receive cash payments for overtime worked in any work week only at the discretion of the Executive Officer.

Compensatory time-off to which employees are entitled shall be allowed and taken no later than the last day of the fiscal year following the end of the fiscal year in which the overtime was worked. In authorizing compensatory time-off, the Executive Officer shall give consideration to the desires of the employee as to the date of such time-off and to the needs of the office.

6.10 LEAVE -

Any employee returning from an approved leave shall return to the same position, at the same pay-step, and with the same rights, privileges and obligations as other employees of the same position.

1. Leave With Pay

   (a) Sick leave - Sick leave is paid time off that may be used when an employee is absent from duty for the reasons outlined below. Employees shall accrue sick leave at a rate of .05 x hours worked or of paid leave of absence (4 hours per 80-hour pay period) during each biweekly pay period. Unused sick leave may be accumulated from year to year. An employee may be authorized to use a maximum of eighty (80) hours of paid accrued sick leave in a twelve-month period for the purpose of caring for a member of the immediate family who is ill or injured. In addition, if the employee requests paid sick leave in excess of eighty (80) hours in order to care, or arrange care, for a member of the immediate family who is critically or terminally ill, additional accrued sick leave may be available to the employee when granted by the Executive Officer upon receipt of satisfactory verification from a physician.

   Sick leave is paid time off that may be used because of the employee's:

   (1) illness, injury, or exposure to contagious disease which incapacitates the employee for work;

   (2) receipt of medical or dental care or consultation, including prenatal and postnatal care, which is not available except during working hours;

   (3) requirements to care for an ill or injured immediate family member;

   (4) necessity to be present because of a critical or terminal illness of an immediate family member; or

   (5) need to discharge the required obligations that arise from the death of an immediate family member.

   Upon termination of employment, employees hired prior to March 3, 1980 shall be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave shall apply so long as an employee has unbroken service even though the employee may change classification as a Commission employee. Employees in all LAFCO classes may upon retirement, deferred retirement, disability retirement, or death, convert all or a portion of accrued sick leave balance into retirement service credits subject to the rules and regulations of the of the San Diego County Employees Retirement Association, provided: (a) the employee has completed five (5) or more years of continuous

service during that employee's present employment; and (b) the employee's sick leave balance totals one hundred (100) hours or more. In addition, upon retirement or termination of service with the Commission, employees within benefit designation 01 (Executive Officer) may also elect to receive cash payment for all or a portion of unused sick leave credits equal to 50% of its value. One hundred (100%) of all sick leave credits that are paid to the employee in cash at 50% will be removed from the employee's sick leave balance.

(b) Bereavement Leave - Employees shall be allowed up to five working days of leave with pay upon approval of the Executive Officer due to death in the immediate family.

(c) Military Leave - Military leave may be allowed an employee in the same manner and under the same conditions as granted by the Civil Service Rules of the County of San Diego.

(d) Disability Leave - Disability leave may be allowed an employee in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(e) Absence due to Required Attendance in Court - Absence due to required attendance in court may be allowed an employee upon approval by the Executive Officer and in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(f) Administration of Leave With Pay - The Executive Officer shall maintain records of leave with pay and shall require of the employee a statement of reasons for absence by the employee; sick leave taken for more than three consecutive work days shall be verified by the attending physician or dentist. If, after investigation, the Executive Officer is convinced that the employee is not entitled to paid sick leave, the Executive Officer shall notify the employee accordingly.

(g) Computation of Leaves With Pay - Authorized leaves with pay shall be recorded in units of one hour; pay shall be allowed at the rate the employee would be paid for working during the same period.

2. Leave Without Pay

An employee may be allowed up to one year of leave without pay upon approval by the Executive Officer when such leave is in the best interests of the Local Agency Formation Commission. Any such request shall be in writing, shall state the reason for requesting leave and shall specify the dates requested. Reasons for requesting leave without pay shall include, but are not limited to, military service, extended illness or maternity.

(a) Leaves of Absence on Account of Illness or Injury - Leaves of absence without pay on account of illness or injury, which are not job incurred, may be granted for a maximum period of 26 full biweekly pay periods. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.

(b) Leaves of Absence for Personal Reasons - Leaves of absence without pay for personal reasons may be granted for a maximum of 13 full biweekly pay periods. Such leaves shall only be granted after all accrued vacation, and holiday credits have been used.

(c) Family/Medical Leave (FML) - Family/Medical Leave shall be allowed in accordance with the provisions of the Moore-Brown-Roberti California Family Rights Act of 1993 (Government Code Sections 12945.1-12945.2, and relevant provisions within Section 4.3.12 of the County Compensation Ordinance notwithstanding minimum employee limits contained in the CFRA. Employees may use accrued sick and vacation leave balances during this time.

(d) The Executive Officer shall maintain records of such leave without pay. Any determination by the Executive Officer of a request for leave without pay shall be in writing. Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.

6.11 VACATION -

1. All permanent professional employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, professional employees shall be allowed 15 working days per calendar year of vacation time to be accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees shall be allowed 25 working days of vacation time per calendar year to be accumulated at a rate of 7.6 hours per biweekly pay period.

2. All permanent support employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first three years of continuous service, support employees shall be allowed 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of three years of continuous service, support employees shall be allowed 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of nine years of continuous service, support employees shall be allowed 20

working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.

3. All permanent professional and support employees hired on or after January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, employees shall be allowed 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of five years of continuous service, employees shall be allowed 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of 10 years of continuous service, employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. A summary of the vacation accrual rates applicable to LAFCO employees hired on or after January 1, 2013 follows:

0 to 5 years =	10 days/year*
5+ to 10 years =	15 days/year
10+ years =	20 days/year

**Vacation time credit shall accrue and may be taken during the first twelve calendar months of employment; however, 10 days of vacation time credit will take twelve calendar months to accrue.*

4. Vacation time for part-time professional or support employees shall be computed on the basis of the number of hours in the normal work week as established for that part-time employee by the Executive Officer.

5. No employee will be allowed to accumulate vacation time credits exceeding twice the amount allowed during any one calendar year. Employees who have reached 80% of their maximum balance of vacation leave (annual leave) will receive notification from the Commission payroll administrator about the excess leave balances. Employees whose vacation accruals reach the maximum accumulation limit shall cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit. Vacation time credit shall be accrued and may be taken during the first twelve calendar months of employment. The time at which each employee shall be granted vacation leave shall be at the discretion of the Executive Officer.

6. Upon termination of employment, an employee shall be compensated in cash for the unused vacation time, provided such employee has been in continuous service for more than six months. The cash compensation for unused vacation time shall be computed on the basis of the employee's rate of pay at the time of termination, but will not count toward the retirement benefit formula.

6.12 DISMISSAL OR SUSPENSION -

(a) Probationary Period. All employees appointed by the Executive Officer shall serve a one-year probationary period. During the probationary period, the Executive Officer

may dismiss the employee with or without cause. No appeal may be taken to the Personnel Committee from discipline imposed during the probationary period. In addition, any temporary employee may be dismissed by the Executive Officer, and the employee shall have no right of appeal.

(b) Discipline Subsequent to Probationary Period. The Executive Officer may dismiss, demote or suspend a permanent employee for cause after the employee has completed his or her probationary period. Rule VII of the San Diego County Civil Service Rules shall apply to any disciplinary action regarding a non-probationary permanent employee except that the Personnel Committee ("Committee") shall take the place of the Civil Service Commission. The Committee may appoint one of its members to hear the appeal and report back to the Committee with findings and a proposed decision. Any decision adopted by the Committee shall be final unless overturned by a court on appeal.

(c) No employee reprimanded by the Executive Officer shall have the right of appeal to the Personnel Committee.

6.13 TEMPORARY APPOINTMENT TO A HIGHER CLASS –

On the recommendation of the Executive Officer, the Commission may grant an employee a ten percent increase in compensation while such employee is assigned to perform the duties of a position which at the time is compensated at least ten percent higher than such employee's class; the assignment must be for a period exceeding 10 continuous working days but shall not exceed 130 working days.

6.14 EMPLOYEES PREVIOUSLY EMPLOYED BY A COUNTY -

The Commission shall accrue all sick leave, vacation, and retirement benefits of persons hired from counties pursuant to Section 56385 of the Government Code. For the purpose of calculating such benefits, the Commission may add previous county service to the tenure of service of employees, providing service has been continuous.

6.15 BENEFITS –

The Commission may contract for retirement, health and medical benefits for its employees pursuant to Section 56385 of the Government Code. LAFCO employees participate in the County of San Diego's Health and Medical Plans, Retirement System, Deferred Compensation Plan(s), Terminal Pay Plan, and other programs available to county employees.

6.16 COMPENSATION PLAN –

All employees are entitled to receive compensation plan benefits granted to personnel working in similar positions in the County of San Diego.

6.17 RECRUITMENT –

The Commission is an equal opportunity employer and in the recruitment and selection of

new employees directs the Executive Officer to apply similar principles as used by the Department of Human Resources of the County of San Diego.

6.18 SUSPENSION OF PERSONNEL RULES –

Upon good cause being shown and upon a finding of the public interest being served, the Commission reserves the right to waive, suspend, change or modify any of the foregoing rules.

6.19 EFFECTIVE DATES –

The Personnel Rules of the Commission shall become effective on August 5, 1974 and shall be amended thereafter by a majority vote of the Commission. Technical changes or updates to the Rules may be approved by the Executive Office subject to provision 1.12 of the Rules.

6.20 EXECUTIVE OFFICER COMPENSATION PLAN –

This Executive Officer Compensation Plan establishes the compensation for the Executive Officer, an Executive Management position. The plan provides for initial placement and subsequent adjustment of salary within the salary schedule fixed by the Commission. Any adjustment in rate of compensation pursuant to this plan shall be administered by the Commission.

1. Structure

   (a) The minimum, midpoint, and maximum rate of the designated range are set forth in the salary schedule. The salary band range for the Executive Officer classification will be aligned with and automatically adjusted from time to time with the same salary range as comparable classifications in the County (i.e., planning director, public works director, registrar of voters, etc.).

   (b) The midpoint rate of the designated range represents the job value of a fully competent employee and is the benchmark used to compare the class to other classes, internally and externally. The midpoint rate may be changed periodically by the Commission to reflect changes in internal and/or external factors. Any such change to the midpoint shall not automatically effect a change in the then current rate of the Executive Officer.

   (c) The relationship between the minimum and maximum rates of the designated range shall approximate a differential of 50%.

   (d) The range does not have steps. The Executive Officer may be paid an amount equal to or between the minimum and maximum rate of the designated range, according to the provisions of this plan.

   (e) The structure of the range shall be reviewed periodically, and may be changed by the Commission. The structure will be automatically adjusted based on salary band changes authorized by the County to its employees in comparable positions.

2. Appointment

The Executive Officer is appointed by the Commission and serves at the pleasure of the Commission. A person initially appointed as Executive Officer shall receive a salary determined by the Commission.

3. Adjustment Within Range up to Midpoint

For an employee whose salary is below midpoint of the designated range, adjustments up to the midpoint shall be governed by this subsection (3). No provision in this subsection (3) shall be construed to provide a guarantee of adjustment at any time during the employee's term of employment.

(a) Effective the first day of any pay period after each anniversary date of the employee's appointment as Executive Officer, the employee may receive a salary adjustment of 5% of current salary, not to exceed midpoint. Any adjustment shall be approved by the Commission and based upon the determination by the Executive Officer Compensation Committee that the employee's overall performance is rated at the level of "meritorious" or higher.

(b) No provision contained in this subsection (3) shall be construed to limit or deny the Commission's discretion to postpone an adjustment or reduce the compensation of an employee as a result of the employee's performance, as recommended by the Executive Officer Compensation Committee. However, any subsequent salary adjustment prior to the employee's next annual anniversary date must be based upon a mid-cycle Performance Evaluation. If such adjustment is an increase, the new salary rate shall not exceed that which the employee would have been eligible to receive on or after the immediately preceding anniversary date, pursuant to this subsection (3).

(c) Notwithstanding subdivisions (a) and (b) of subsection (3) above, the Commission may approve an adjustment of the Executive Officer's salary rate upon recommendation of the Executive Officer Compensation Committee.

4. Adjustment Within Range Above Midpoint

The Commission may adjust the Executive Officer's salary rate above midpoint if the employee's overall performance is rated at the level of "outstanding" by the Executive Officer Compensation Committee. This rating alone does not entitle the employee to a pay adjustment.

5. Exemplary Performance Compensation Adjustment

(a) Eligibility and Maximum. An Executive Officer may receive an exemplary performance compensation adjustment (e.g., cash award and/or bonus) in

increments of one percent (1%) not to exceed a total of (10%) of the employee's approximate annual salary at the time of approval of the adjustment.

(b) Approval. Adjustments shall be based upon the recommendation of the Executive Officer Compensation Committee following a performance evaluation, subject to the availability of funds within the budget.

(c) Term of Adjustment. An Executive Officer shall be limited to one exemplary compensation adjustment in a calendar year and shall be paid either in a lump sum or in incremental payments during the year.

(d) Compensation Unfixed. Payment of compensation adjustments shall not affect the Executive Officer's rate of compensation. Commencing the first day of the first full pay period of each calendar year, compensation of the Executive Officer shall be unfixed and indefinite for the year until such time as the Commission determines whether to authorize an exemplary performance compensation adjustment. That determination is to be based upon an evaluation of the employee's performance by the Executive Officer Compensation Committee.

6. Executive Officer Compensation Committee

Wherever this plan refers to the Executive Officer Compensation Committee, the following shall apply:

(a) The Executive Officer Compensation Committee shall consist of three members of the Personnel Committee as provided under Rule No. 1.11 with the option of the Chair to add a fourth member at his or her discretion.

(b) The Executive Officer Compensation Committee shall periodically review and rate the performance of the Executive Officer and make recommendations to the full Commission for any adjustments to the Executive Officer's compensation.

7. Relocation Allowance

Upon determination by the Commission that relocation allowance is appropriate to facilitate recruitment for and appointment of an Executive Officer, a relocation allowance in an amount not to exceed $12,000.00 may be authorized for the actual and reasonable relocation expenses incurred incidental to relocation of the appointee and his/her immediate family to San Diego County. Expenses may include, but are not limited to, personal transportation, moving expenses for household goods and temporary housing arrangements. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Chairperson prior to reimbursement. Reimbursement for relocation expenses shall be subject to review of the full Commission.

8. Severance Pay

If an Executive Officer is terminated by the Commission, s/he may be eligible to receive up to six (6) months of their then annual salary upon approval of the Commission; provided, however, that no severance pay may be paid if termination is for reasons of malfeasance or misfeasance in office or conviction of a crime involving moral turpitude.

6.21 TELECOMMUTING –

Telecommuting is an arrangement that allows eligible LAFCO employees to work in a designated area outside the office. Telecommuting is a cooperative arrangement between employees and LAFCO. Telecommuting benefits employees, LAFCO, and the community, and as such is encouraged by the Commission to the extent applicable with these provisions.

Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible.
- Increased productivity.
- Efficient use of LAFCO resources, including office space.
- Recruitment and retention of highly qualified employees.
- Greater flexibility for employees.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commute time and costs.
- Decreased energy consumption, pollution, traffic, and related congestion.

1. Policy Guidelines

a) Telecommuting is a privilege, not a right. All LAFCO employees who telecommute must have an approved telecommuting agreement under this policy. In his/her discretion, the Executive Officer may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

b) Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Telecommuting employees must comply with all LAFCO rules, policies, practices, and instructions.

c) A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.

d) Employees must read the telecommuting policy and any guidelines issued by the Executive Officer, obtain the Executive Officer's approval and execute the telecommuting agreement before telecommuting.

e) The Executive Officer may deny, modify, or terminate a telecommuting agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time.

f) Telecommuting is intended to be cost neutral. LAFCO is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite.

g) The Executive Officer has the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting. Any provision to reimburse costs should be addressed expressly in the telecommuting agreement.

h) All LAFCO rules regarding the use of computers, network, and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

i) Telecommuting is distinguished between "regular" and "situational." Regular telecommuting involves an employee continually working specific days/times from an offsite location. Situational telecommuting involves an employee working specific days/times from an offsite location with defined start and ending periods and typically in response to temporary issues (daycare, schooling, transportation, etc.).

2. Eligibility

a) Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well suited for telecommuting.

b) All professional positions as defined in Rule No. 6 are eligible for regular or situational telecommuting privileges.

c) All support positions as defined in Rule No. 6 are eligible for situational telecommuting privileges.

d) The determination of whether eligible employees are authorized for regular or situational telecommuting is the sole discretion of the Executive Officer.

e) Only employees with most recent satisfactory or above job performance evaluations are eligible to telecommute.

f) Notwithstanding eligibility under normal conditions, all employees shall automatically telecommute for the duration of any declared emergency by the County Health Officer unless otherwise required by the Executive Officer.

3. Agreement Options

a) Telecommuting agreements can be authorized by the Executive Officer on a regular or situational basis as defined in this policy.

b) Telecommuting agreements – whether regular or situational – shall follow the form approved by Commission Counsel and signed by both employee and Executive Officer.

c) All signed telecommuting agreements shall be filed with employees' personal records.

4. Work Hours

a) Under normal conditions, the percent of telecommuting hours for any authorized employee should not exceed 50% of their total workhours during the fiscal year.

b) All the rules applicable at the regular worksite are applicable while telecommuting.

This includes all of the following standards:

- Telecommuting employees must perform their designated duties and tasks during scheduled work hours.
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the agreement.
- Time accounting should be included in the telecommuting agreement.
- Employees may work overtime only when directed to do so and approved in advance by the Executive Officer or Assistant Executive Officer.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked and use sick leave for hours not worked.

5. Offsite Work Area

a) A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently.

b) Employees are responsible for ensuring their work areas comply with the health and

safety requirements covered in the telecommute agreement. LAFCO may request photographs of the employee's designated work area to determine compliance with health and safety rules.

c) Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify the Executive Officer or Assistant Executive Officer and complete any required forms immediately.

d) LAFCO is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

6. Equipment and Supplies

a) A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an offsite location and must specify those items in the telecommute agreement. If LAFCO does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.

b) Equipment, software, or supplies provided by the LAFCO are for LAFCO business only. A telecommuting employee does not obtain any rights to LAFCO equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all LAFCO equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the Executive Officer's request.

c) A telecommuting employee must protect LAFCO equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

d) Any equipment, software, files, and databases provided by the LAFCO shall remain the property of the LAFCO. A telecommuting employee must adhere to all software copyright laws and may not make unauthorized copies of any LAFCO-owned software.

e) Employees may not add hardware or software to LAFCO equipment without prior written approval.

f) Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Telecommuting employees must understand and agree that the LAFCO is entitled to, and may access, any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records. Employees must contact the Executive Officer or Assistant Executive Officer if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

7. Security of Confidential Information

   a) All files, records, papers, or other materials created while telecommuting are LAFCO property. Telecommuting employees shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them.

   b) LAFCO may require employees to work in private locations when handling confidential or sensitive material. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to LAFCO networks or databases to anyone who is not authorized to have access.

8. Sunshine Laws

   a) The California Public Records Act a regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the LAFCO regardless of physical form or characteristic. Public information means the contents of a public record.

   b) Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

9. Procedures

   a) Employees must complete the following steps before telecommuting:

      - Talk with the Executive Officer to determine eligibility.
      - Complete the telecommute agreement as required by the Executive Officer.
      - Receive approval of the telecommute agreement by the Executive Officer.

10. Denial, Modification, or Termination

    a) Denial, modification, or termination of a telecommuting agreement is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedures, except as noted in this section.

    b) An employee who believes their telecommute agreement has been denied, or whose previously approved agreement has been modified or terminated, for arbitrary or capricious reasons may appeal the decision to LAFCO's Personnel Committee or its designee. The decision of LAFCO'S Personnel Committee or its designee is final.

Project Scope of Services

1. Provide a draft set of comprehensive personnel policy documents to the Agency. To accomplish this deliverable, RGS Advisor(s) will:

    a. Collect and review all existing personnel-related policy documents (i.e., existing Personnel Rules, MOU's, compensation resolutions, benefits resolutions, employee handbooks, administrative and payroll policies, and personnel-related sections of local government codes, etc.).
    b. Provide a recommended set of comprehensive personnel policies, which may incorporate unique local ordinances, resolutions and appropriate practices as described in existing documentation.
    c. Identify what supplemental documents and forms should be created and/or retained and referenced for correct administration. Provide information regarding existing policies or practices which should be eliminated entirely.
    d. Engage in problem-solving and project-planning meeting(s) with Agency project staff, and will develop action plans and timelines as needed for accomplishment of project activities.
2. Be reasonably available to perform the services during the normal work week. Provide project summary reporting as often as necessary for the purpose of consulting about the scope of work performed with the appropriate Agency project manager.

3. RGS will maintain open communication lines with Agency staff through written documentation, video conference calls, phone, and e-mail.

4. The Agency will only be invoiced for the actual hours worked. The work will be done remotely.

5. Projects and activities may be modified on request of the Agency.

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SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

CHAPTER ONE
GENERAL PROVISIONS

1.1 INTRODUCTION

Welcome to San Diego County Local Agency Formation Commission (LAFCO or the "Commission"). We hope you will enjoy partnering with us and will find your work interesting, challenging and fulfilling.

LAFCOs were established in 1963 and are political subdivisions of the State of California responsible for providing regional growth management services in all 58 counties. LAFCOs are comprised of locally elected and appointed officials with regulatory and planning powers delegated by the Legislature to collectively ensure smart and sustainable growth in California relative to the unique needs and conditions characterizing each county. Pertinently, LAFCOs coordinate and oversee the establishment, expansion, and organization of cities, towns, and special districts as well as their municipal service areas. This means actively balancing competing public policy interests and headlined by accommodating new growth and development while protecting agricultural and open space resources from their premature conversion. Further, when accommodating new growth, LAFCOs are tasked with prioritizing housing for persons and families of all incomes given the essentiality to the social, fiscal, and economic well-being of the state.

A common thread underlying San Diego LAFCO activities over its first 60 years has been the proven principle that local government is dynamic and evolves to the changing needs of the county and its nearly 3.3 million residents. More changes to local government are assuredly needed to help ensure San Diego County continues to grow for its own economic and social well-being. Equally assured is the next 60 years will not necessarily resemble the last 60 years and each employee is vital in helping to ensure the Commission remains adaptive and responsive in its service to the public.

1.2. SHARED VALUES

On June 21, 2023, San Diego LAFCO staff participated in a facilitated team workshop to assess shared values in step with continuing to improve organizational performance. At the conclusion of the workshop, staff identified the following five shared values to serve as baseline expectations in holding each employee accountable to one another at work.

1. **Respect**
   Treat all persons with courtesy and respect at all times. Be mindful and have regard for others in all interactions.

2. **Teamwork**
   Promote and foster collaborative work environment to achieve San Diego LAFCO's mission and shared sense of purpose.

3. **Duty**
   Dutifully serve and support the Commission in its mission to promote the public good, public engagement, transparency, and accuracy.

4. **Innovative**
   Be empowered to work independently and adaptively in generating innovative solutions. Be produce and resourceful in producing quality work.

5. **Integrity**
   Demonstrate personal integrity. Commit to being honest and adhere to a high standard of ethical values.

1.3 EXPECTATIONS

1.3.1 Policy Intentions

The personnel policies and procedures outlined in this handbook are not intended to be a legal contract or agreement with employees. Instead, this handbook serves to describe the way the organization works and what mutual expectations you and the Commission should have from each other. There will be circumstances that will require changes to the policies, practices, and benefits. Amendments to these policies and procedures may be made and updates may be distributed to you from time to time. Where an applicable employee agreement specifically conflicts with a policy, the employee agreement provision will prevail.

1.3.2 Employee Responsibilities

Each employee at San Diego LAFCO is responsible for reading and complying with these policies and procedures. Violations of these policies and procedures will be addressed with employees in performance discussions and may result in disciplinary action up to and including termination of employment.

In the event there is a discrepancy between the language in these policies and procedures relative to state or federal law, federal or state law will prevail.

1.4 SEVERABILITY

If any part of these policies and procedures is determined to be unconstitutional or illegal, that part will be severed and the remaining provisions will be applicable.

CHAPTER TWO
WORKING CONDITIONS

2.1 EQUAL EMPLOYMENT AND RELATED PROTECTIONS

San Diego LAFCO affords equal employment opportunity for all qualified employees and applicants to all terms of employment with the Commission including, but not limited to, compensation, hiring, training, promotion discipline, and termination of employment.

The Commission protects all employees, interns, applicants, and any others doing business with LAFCO from harassment, discrimination, and retaliation. This includes prohibiting any forms of discrimination, harassment, and retaliation from occurring within the Commission working experience; to define those terms; and to establish procedures for investigating and resolving internal complaints.

Any employee, job applicant, intern, volunteer, officer, official, or contractor who believes they have experienced any form of harassment or discrimination are encouraged to report this immediately to the Assistant Executive Officer or the Executive Officer using the complaint procedure provided in Appendix A, Prevention of Harassment and Discrimination. Alternatively, complaints may be made by contacting the United States Equal Employment Opportunity Commission or the State of California Civil Rights Department (CRD) www.calcivilrights.ca.gov

2.1.1 Reasonable Accommodation

San Diego LAFCO is committed to providing reasonable accommodations to affirmatively address employees and applicants' disabilities or other types of hardships whether temporary or permanent that otherwise effect their work activities. Where it is not an undue hardship or a direct threat to the health and safety of others, the Commission provides employment-related reasonable accommodations to:

- Employees and applicants who request reasonable accommodations to enable them to perform essential job functions based on temporary or permanent health conditions and as verified by an authorized medical provider;

- 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;

- Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and

- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

The Commission 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 Commission will: (1) explain the insufficiency; (2) allow the individual 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.

If the employee's – other than the Executive Officer – condition causes them to be unable to perform the essential functions of their position even with a reasonable accommodation, the Commission may separate the employee from employment. Similarly, should the Executive Officer's condition cause the same limitations, as described above, the Commission may separate the employee from employment.

If a pregnant employee, or an employee with a pregnancy-related condition – including an adoption, requests a reasonable accommodation, the Executive Officer or designee 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 is sufficient if it contains:

- A description of the requested accommodation;

- A statement describing the medical advisability of the accommodation due to pregnancy; and

- The date that the need for the accommodation will become necessary and the estimated duration of the accommodation.

2.1.2 Certification of Victim Status

Any San Diego LAFCO 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 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

- 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.

2.1.3 Fitness for Duty Examinations

With respect to current employees at San Diego LAFCO, and to help ensure appropriate protections for all parties, the Executive Officer may require an employee to submit to a fitness for duty examination. The purpose of the examination is to determine whether the employee has a disability and can perform the essential functions of their job when there is significant evidence of the following:

- Employee's ability to perform one or more essential functions of their job has declined; or

- Circumstances 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.

Should an employee not comply with a request from the Executive Officer to report to the designated medical provider for a fitness duty examination they will be subject to discipline including possible termination of employment.

With respect to applicants, after the Commission extends a conditional offer of employment to an applicant, San Diego LAFCO 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 Commission will notify an applicant or employee who is required to pass a medical and/or psychological examination of their right to obtain a second opinion at their expense and that they may submit such second opinions for consideration.

2.2 OUTSIDE EMPLOYMENT AND RELATED ACTIVITIES

Employees at San Diego LAFCO may not engage in any outside employment or perform off-duty work, paid or volunteer, if it conflicts with or impairs the employee's ability to perform their job duties and responsibilities through the end of their workday. Similarly, any outside employment or off-duty work that impacts any aspect of the Commission's operations in terms of otherwise reasonable requests for employees to attend meetings, trainings, and conferences that are outside their normal workday schedules shall be avoided and is the responsibility of the employee to mitigate.

To avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain prior written approval from the Executive Officer or designee.

2.2.1 Off Duty Conduct

While San Diego LAFCO does not seek to interfere with an employee's off-duty conduct, certain types of conduct exhibited outside of work may interfere with the Commission's legitimate business interests. Employees are expected to conduct their personal affairs

in a manner that does not adversely affect the Commission's integrity, reputation, or credibility. Off-duty conduct that adversely affects legitimate Commission business interests or an employee's ability to perform their work is not permitted.

2.3 CONFIDENTIAL INFORMATION

San Diego LAFCO is a public agency and most but not all of the information on fille is readily available to the public through proper request procedures. However, the Commission also possess information regarded as confidential. A prominent example involves personnel records, which should remain confidential except when disclosure is required by law. The following examples are intended to serve as a guide to the types of such information and material:

- Commissioners and coworkers' home addresses, private telephone numbers, and personal email addresses.
- Privileged communications with Commission Counsel's Office.
- Working documents – including emails, notes, and draft reports – generated in the ongoing administrative review of applicants' proposals and requests.
- Any information that, if disclosed, could adversely affect the Commission's business.

Upon separation of employment, or at any time upon the Commission's request, employees must deliver all copies of confidential information or other property belonging to San Diego LAFCO.

2.4 ELECTRONIC COMMUNICATION

Electronic information and communications require safeguards and impose unique responsibilities on all users at San Diego LAFCO. This policy and related procedures provide guidelines for the acceptable use of all Electronic Communications Resources and the responsibility for use of data stored electronically. The provisions of this policy apply to all employees of the Commission, including, but not limited to, full-time, part-time, and temporary employees, as well as volunteers, interns, agents, and vendors.

This policy governs all Electronic Communications including, but not limited to, the following commonly used devices at LAFCO:

internet	e-mail	voice-mail
smart phones	computers/laptops	tablets
video + audio equipment	wireless networks	email networks
data networks	agency social media sites	software programs

The Commission, as the provider of access to its electronic communications and data e-sources, reserves the right to specify how those resources will be used and administered to comply with this policy. Employees may be subject to corrective action including termination for using the Electronic Communications Resource Devices in a manner other than for their intended purposes, or in a manner that violates applicable laws.

2.4.1 No Expectation of Privacy

San Diego LAFCO's information and communication network is provided by the Commission to individual employees based on authorization by the Executive Officer. It remains at all times Commission property. All employee transactions on the internet from Commission devices (e.g., computers, telephones, smart phones, and tablets as well as e-mail and data networks) - including e-mail, contact lists, and task lists - are considered public information. Records of these transactions can be requested by anyone at any time, subject to certain Public Records Act exceptions and attorney-client privilege material. In that regard, the internet may be monitored for legitimate reasons at any time.

Employees using the internet from Commission devices have no reasonable expectation of privacy. Messages that are transmitted via the internet can be intercepted by anyone and the information contained in the message can be used for any purpose by anyone retrieving the message. Access to the web browser is being logged and these files can be subject to review at any time.

2.4.2 Active Monitoring

All communications transmitted via Commission Electronic Communications Resources Devices at San Diego LAFCO, whether related to personal or confidential matters, are subject to monitoring, at the Commission's discretion. The Commission monitors communications transmitted via the assigned Commission e-mail in the ordinary course of business for purposes that include ensuring their reliability and security. The existence of passwords and "message delete" functions do not restrict or eliminate the ability or right of the Commission to access electronic communications.

Employees should not communicate any personal, private, privileged, or confidential information including but not limited to personal attorney client communications, financial, medical information, or other privileged information, using the Commission's Electronic Communications Resources Devices. Employees who do communicate their private, privileged, or confidential information using the Commission's Electronic Communications Resources Devices will be considered to have waived any privilege or privacy rights in those communications, even where those communications are made via personal password-protected accounts using the Commission's Electronic Communications Resource Devices. Users can have no reasonable expectation of privacy in use of Commission systems, devices, or materials. Additionally, the Commission may be required to produce information transmitted or stored on its Electronic Communications Resource Devices pursuant to a court order, subpoena, or statute.

2.4.3 Internet Restrictions

The information sources accessible through the internet are worldwide and constantly growing in kind and number. It is not possible to fully itemize the types of information accessible by systems and their users. Nonetheless, San Diego LAFCO reserves the right to restrict access to any online data source at its sole discretion. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all the possibilities, the following are examples of inappropriate use of the Commission's Electronic Communications Resource Devices:

- Exposing others unwillingly, either through carelessness or intention, to material which is offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, or hostile work environment.

- Using Electronic Communications Resource Devices in any way that may, for a reasonable person, create or further a hostile attitude or give offense based on race, color, religion, national origin, citizenship, ancestry, marital status, gender, disability, age, veteran's status, sexual orientation, or any protected status.

- Communicating confidential LAFCO information to unauthorized individuals within or outside the Commission.

- Sending messages or information that conflicts with applicable law or LAFCO policies, rules, or procedures.

- Attempting to access unauthorized data or break into any LAFCO or non-LAFCO system.

- Engaging in theft or the unauthorized copying of electronic files or data.

- Intentionally misrepresenting one's identity for improper or illegal acts.

- Engaging in unlawful activities.

- Transmitting and/or accessing obscene material and/or pornography.

- Online gambling.

- Engaging in commercial activity or activity for financial gain, not under the support of the Commission.

- Receiving and/or downloading executable files and programs using electronic mail or the Internet without express permission of the Executive Officer is prohibited. This includes, but is not limited to, software programs and software

upgrades. All downloaded files must be scanned for viruses before installing on Commission owned equipment. Software applications/programs that must be upgraded on a routine basis are exempt from this restriction.

- Using another user's name and/or account, without express written permission of the Executive Officer, to access the Internet is strictly prohibited.

- Violating copyright and license agreements regarding software or publication they access or download from the internet. The Commission will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication that is downloaded onto Commission computer resources, becomes the sole property of the Commission.

- Using Commission equipment or resources to speak on the Commission's behalf without authorization.

2.4.4 Incidental Personal Use

San Diego LAFCO employees may use Commission devices (e.g., computers, telephones, smart phones, and tablets as well as e-mail and data networks) for incidental personal communications if kept to a minimum and limited to break times or non-working hours and does not violate the terms of this policy.

2.4.5 Personal Social Media Code of Conduct

San Diego LAFCO understands that employees may engage with personal social media and social networking websites on their own time. While the Commission respects its employees' right to engage in these off-duty activities, employees are nonetheless held to a high professional standard as public servants and expected to conduct themselves appropriately in all such public communications, whether on or off the clock. Individuals violating this policy may be subject to discipline up to and including termination.

To ensure that Commission employees understand the Commission's expectations regarding external social media use, the following guidelines have been developed. Employees are expected to follow these guidelines using their best personal and professional judgment. Employees are expected to always conduct themselves professionally, and in a manner that does not adversely impact Commission interests.

- Employees are personally responsible for the content they publish on blogs, wikis, or any other online form of user-generated media and should be mindful that what is published will be public indefinitely.

- Employees should avoid discussing Commission or Commission-related matters using personal social media. If such matters must be discussed, the employee

should write in the first person and make it clear that they are representing themselves, and not the Commission.

- Employees may not publish or disclose Commission or another's confidential or other proprietary information. Employees should not publish or report on conversations or any communication on information that is meant to be private or internal to the Commission.

- Employees may not use insensitive language or otherwise engage in any conduct that would be discourteous, offensive, or unprofessional in the workplace, or that would otherwise violate any Commission policy, including but not limited to the policy prohibiting harassment and discrimination.

- Employees are not to use Commission logos in any of forums for non-work-related purposes.

- Employees should be aware of their association with the Commission in online social networks and ensure that their profile and related content are consistent with how they wish to present themselves to colleagues and the public.

- Employees are encouraged to be the first to correct unprofessional behavior, not to provoke fights, and avoid altering previous posts without indicating that they have done so.

- Employees should refrain from using social media during paid work hours, even if they are not actively posting to social media.

This policy is in no way intended to prevent employees from engaging in protected concerted activity or engaging in otherwise lawful conduct on their own time. This policy is separate from the Commission's Administrative Policy (A-107) regarding the Social Media Use Program.

2.5 TELECOMMUTING

San Diego LAFCO has implemented a telecommuting policy under Commission Rules 6.21 (Telecommuting) and allows certain employees to telecommute from an alternative worksite on a situational or regular basis for some of their regularly scheduled work hours. Telecommuting is a privileged and cooperative arrangement between employees and the Commission and subject to certain eligibility conditions and requirements.

The Executive Officer or designee possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy. The Executive Officer or designee, may decide using criteria including, but not limited to, the following:

- Regular status full time employees who have worked at the Commission for at least one 6 months, including the probationary period, with the discretion of the Executive Officer to reduce or expand the period;

- Prior annual job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;

- The employee is self-motivated and demonstrates high dependability;

- Job duties and requirements allow the employee to be away from the Commission's worksite for a period during the work week;

- The availability or ability to create a functional, reliable, healthy, safe, and secure alternate worksite for the employee at a reasonable cost;

- The risk factors associated with performing the employee's job duties from a location other than the LAFCO office;

- Telecommuting does not impede other employees or work groups from performing their job duties, impact the Commission's business needs, or diminish the operations of the Commission;

- Telecommuting does not reduce service to internal or external customers; and

- The supervisor can manage the employee remotely – this includes the ability to have ready access to the employee throughout the workday.

2.5.1 Requesting Privileges

San Diego LAFCO employees may request telecommuting privileges by completing a LAFCO Telecommuting Application under Commission Rule 6.21. The employee is responsible for filing the completed request form with their supervisor or manager. The employee's supervisor or manager will proceed to provide the request to the Executive Officer with a recommendation. The Executive Officer will consider the recommendation provided by the employee's supervisor or manager in acting on the request with respect to approving, approving with modifications, or denying.

The Executive Officer 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 telecommute. The decision of the Executive Officer regarding an employee's telecommuting request is final and binding. The employee possesses no right to appeal the decision.

2.5.2 Participation Guidelines

The duties, obligations, responsibilities, and conditions of employment at San Diego LAFCO are not changed by telecommuting. Employee's wage, retirement, benefits, and insurance coverage remain unchanged.

The telecommuting employee remains obligated to comply with all Commission rules, policies, practices, and instructions. Violations may result in disqualification from telecommuting and/or disciplinary action, up to and including termination of employment. The Commission's Workers Compensation liability for job-related accidents will continue to apply during the employee's telecommuting work hours.

Work hours, overtime compensation, and vacation schedule will conform to Commission policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by the employee's supervisor, except that, those terms may not violate the laws/provisions stated above. Flexible hours of work can be arranged with the supervisor.

Employees will work at a designated location during hours agreed upon. Arrangements for flexible work schedules are subject to the Executive Officer's or supervisor's approval.

2.5.3 Employer Expectations

San Diego LAFCO expects employees to match productivity whether they are working at the office or telecommuting. Expectations must be pre-established within the agreement and between telecommuters and supervisor or manager regarding work assignment(s), productivity level, and productivity measurements to be used when employee is telecommuting. Timeliness, quality, and quantity of work must be maintained.

Attendance and punctuality that observes scheduled hours on a regular basis is essential and must be maintained during telecommuting, unless otherwise approved in advance. The employee is expected to be prepared to participate in videoconferencing at any time during their scheduled telecommuting work hours and is expected to abide by the appearance and dress code policy, have their video feed on at all times, and be in a professional approved off-site work setting without distractions.

The employee agrees not to engage in employment activities other than Commission assignments during telecommuting hours.

- <u>Telecommuting Equipment</u>

  Equipment provided by the Commission is not an entitlement for telecommuters. The Commission may provide equipment but is not obligated to do so. Office supplies needed by the telecommuter will be provided by the Commission. All requests must be pre-approved by the responsible supervisor or manager. The Commission retains ownership of all equipment and/or licenses provided.

Use of Commission equipment and supplies is limited to authorized persons for purposes relating to Commission business. The employee is responsible for ensuring that equipment is used properly. The Commission will provide for maintenance and repairs to Commission equipment.

When using personal equipment for telecommuting, the employee is responsible for maintenance and repair of the equipment.

The Commission is not responsible for the payment of utilities (heat, electricity, etc.) or home maintenance costs. Telephone charges related to Commission business will be paid by the Commission.

In the event of delay in repair or replacement of equipment or any other circumstance under which it would be ineffective for the employee to telecommute, the employee will return to the Commission workplace.

- Telecommuting Location

The employee must designate a workspace at home or another location that is maintained in a safe condition, free from hazards. The telecommuter will be responsible for completing a workspace safety review. Any accident must be brought to the immediate attention of the supervisor.

As part of telecommuting responsibilities, the telecommuter must ensure that safety and ergonomic standards are met in their workspace. Although the workspace does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.

Telecommuters must have a method for appropriately receiving and responding to communications (phone calls, messages, mail, etc.) from other staff, supervisors, and when applicable, clients and/or the public. Communication method(s) will be included in the written agreement between the supervisor and the employee.

During the employees' work schedule, the supervisor and/or manager may make an unannounced visit to the employees off-site designated work area.

The teleworker is solely liable for injuries to third persons and/or members of employee's family on employee's premises. The Commission is not liable for damage to the employee's real property.

Telecommuters must take all reasonable precautions necessary to secure Commission information and equipment in their workspace and prevent unauthorized access to any Commission system or information. Data and information used by teleworkers must be treated with the same caution and respect

that confidential material is given in the office. In some cases, teleworkers will need to take a few added precautions.

The Commission's Telecommuting Policy under Commission Rules 6.21 serve as a supplement to the above policy.

2.6 USE OF LAFCO VEHICLES

San Diego LAFCO employees with a valid California driver's license and insurance certificate on file with the County of San Diego and the Executive Officer are eligible to use LAFCO-owned vehicles for official agency business. Use is subject to approval by the employee's supervisor and/or manager and may include overnight privileges. LAFCO-owned vehicles shall not be used to transport authorized passengers, including family members except as may occur on an incidental basis or with a business justification. Employees with authorization to use the LAFCO-owned vehicles will be responsible for keeping the vehicle clean and presentable at all times. Accidents and/or damages must be immediately reported to the employee's supervisor and/or manager.

2.7 USE OF PERSONAL VEHICLES

San Diego LAFCO employees who travel using their personal vehicles on work-related business must have a valid California driver's license and insurance certificate on file with the County of San Diego and the Executive Officer. An employee who is asked and who agrees or is required as a condition of employment as defined in their job description to use their personal vehicle while performing Commission business is eligible for mileage reimbursement at the current rate established by the Internal Revenue Service.

Only hands-free mobile devices may be used when driving in adherence with current law. Employees who drive on work-related business whether using their own or a San Diego LAFCO vehicle should use available safety belts in the vehicles being operated.

2.8 INTEROFFICE RELATIONSHIPS

2.8.1 Employment of Relatives

On occasion, a qualified applicant for job opening at San Diego LAFCO may be a relative, or spouse or registered domestic partner of a present employee. Although given no preferential treatment, they will be considered when applying for job openings. However, consideration will not be limited solely to a relative, but will include all other applicants. The Executive Officer reserves the right to refuse employment of an existing employee's relative where such employment would or could reasonably compromise the safely, security, supervision, or morale of Commission operations. Additionally, relatives will not directly report to and/or supervise another family member.

The following definitions apply to this policy.

- A “relative” is defined as a child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

- A “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.

- “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 under the Commission’s organizational chart.

2.8.2 Workplace Relationships

San Diego LAFCO defers to employees’ best judgement with respect to entering workplace relationships. Should a workplace relationship develop, both employees should immediately disclose the relationship to their supervisor and/or manager. The subject employees will be required to re-review the Commission’s anti-harassment policies and avoid any public displays of affection with each other. Notwithstanding the preceding provisions, the Commission prohibits workplace relationships between superiors and subordinates given the inherent power imbalance.

2.8.3 Married or Domestic Partners After Employment

If two San Diego LAFCO employees later become spouses or domestic partners, and no accommodations for both partners can be found, the Executive Officer has sole discretion to separate one of the employees from employment.

2.9 ALCOHOL AND CONTROLLED SUBSTANCES

Employees are the most valuable resource at San Diego LAFCO. For this reason, the Commission has a critical interest in assuring the health, safety, and wellbeing of its employees and the maintenance of a safe and efficient work environment. This includes adopting standards and guidelines to promote a professional workplace environment and eliminate drug and alcohol related inefficiencies and associate risks while adhering to state and federal laws applicable to public entities. The following polices and related standards apply to all Commission employees whether they are on LAFCO property, or they are performing Commission related business elsewhere.

- Employees may not consume alcohol while on regular duty, irrespective of place. in any manner that impairs their professional judgement.

- Employees cannot consume or manufacture, use, sell, purchase, possess, or distribution of any controlled substances, narcotic (including marijuana) or prescription drug that has not been lawfully prescribed while on regular duty, irrespective of place.

- An employee who is on notified call to return to work outside their regular duty is expected to adhere to all consumption standards and/or prohibitions outlined in this section.

- "Regular" duty means an employee's approved work schedule, which may include authorization to telework from home on certain days.

Employees must inform the Executive Officer of any criminal conviction for an alcohol or drug violation that occurred while on regular duty or on-call within five days after the conviction, and irrespective of filing any legal appeals.

Violation of this policy will result in corrective action, up to and including termination of employment, even for a first offense.

2.9.1 Medications

San Diego LAFCO employees must notify the Executive Officer or Assistant Executive Officer before beginning work when taking medications which could reasonably interfere with the safe and effective performance of duties. This includes the employee's ability to use and/or operate Commission equipment and devices as well as any vehicles – whether LAFCO-owned or personal.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking a prescribed or over-the-counter medication is responsible for consulting the prescribing physician or pharmacist to determine whether the medication may interfere with safe performance of their job. An employee is not required to disclose the nature of their medical condition, or to identify the medication they are taking, but must clearly indicate effects, such as impaired alertness, balance impairment, warning about operation of machinery, etc. The Executive Officer or Assistant Executive Officer reserves discretion to determine whether to direct the employee to take sick leave.

Violation of this policy will result in corrective action, up to and including termination of employment, even for a first offense.

2.9.2 Reasonable Suspicion Drug and Alcohol Testing

If the Executive Officer or Assistant Executive Officer has reason to suspect that an employee with San Diego LAFCO may be under the influence and/or impaired due to drugs or alcohol while at work, or when reporting for work, that employee may be ordered to immediately submit to testing. The test will be conducted by a professional medical staff and laboratory. Likewise, when the Executive Officer or Assistant Executive Officer reasonably suspects that an employee's impairment from drugs or alcohol may have been a factor in an injury or accident during work or while operating Commission equipment or a vehicle, that employee may be also ordered to take a test.

Such examination and/or tests, when requested, will be on Commission time, are considered a condition of employment, and will be at the sole expense of the Commission. Transportation will be provided to and from the medical facility. If the employee tests positive, the employee may be subject to immediate discharge. Should an employee refuse to submit to the requested examination or test, the employee will be subject to corrective action, up to and including termination of employment.

2.10 HEALTH AND SAFETY

San Diego LAFCO is committed to providing employees with a work environment that is conducive to safe, effective, and productive job performance. The health and safety of our employees is a priority. All employees must follow safe working practices and instruct others to work safely. The following best practices should be followed at all times.

- Employees uncertain of the safe way to perform a job, should ask for help. An employee should also inform the supervisor or manager of any perceived hazards.

- All accidents must be immediately reported to the employee's supervisor and/or manager. Any injury, no matter how minor that occurs during regular duty, irrespective of place, must be reported promptly to ensure that the appropriate documentation of the incident is completed. Employees may be entitled to Workers' Compensation benefits for on-the-job injuries, and prompt, accurate reporting of accidents will assist in obtaining the benefits.

In compliance with California law, and to promote the concept of a safe workplace, the Commission maintains an Injury and Illness Prevention Program (IIPP).

2.11 WORKPLACE VIOLENCE

San Diego LAFCO 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 Commission business is conducted, including vehicles and parking lots. Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while working for the Commission. The Commission has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting. Violations of this policy may lead to criminal prosecution, or corrective action, up to and including termination of employment.

"Workplace violence" is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their co-workers, family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following actions:

- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;

- The destruction of, or threat of destruction of Commission property or another employee's property;

- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay;

- Striking, punching, slapping, or assaulting another person;

- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise;

- Harassing or threatening phone calls, tests, videos and/or emails;

- Surveillance;

- Stalking; and

- Possessing a weapon(s) during work hours unless the Commission 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.

Equally, employees should not be subjected to violence or threats. It is the responsibility of all employees to notify the Executive Officer or Assistant Executive Officer immediately of any threats or acts of violence in the workplace. Notification may be made to any of these persons as appropriate and should be reported as soon as practicable. Retaliation against any person who reports such an incident will not be tolerated.

The Commission whether through the Executive Officer or Commission Counsel will see that reported violations of this policy are investigated as necessary.

2.12 TRAVEL AND EXPENSE REIMBURSEMENTS

San Diego LAFCO business travel will be carried out in an efficient, cost-effective manner resulting in the best value. The Commission will pay or reimburse all pre-approved business travel-related expenses based on reasonableness, meal guidelines and on the actual amount of expense incurred by the employee. Reimbursement for personal expenses and alcoholic beverages will not be authorized for payment and may not be charged to a Commission credit card. Additional guidelines follow.

- Commissioners and employees may be paid for travel time with prior authorization the Executive Officer or Assistant Executive Officer.

- Receipts must be submitted for all expenses, with the completed expense report, including bridge toll receipts and parking costs. If receipts are not available, a written explanation must be provided as to why this is the case and the reason the expense was incurred.

- Complete expense reports submitted to the Executive Officer or Assistant Executive Officer at least two days prior to the end of the pay period to be processed on the upcoming pay period.

2.12.1 Meals

While traveling, San Diego LAFCO employees and Commissioners are responsible for payment of all employee meals unless the Executive Officer and/or the Assistant Executive Officer are present and participating in the meal. Appropriate expenses may be submitted for reimbursement using the employee expense reimbursement form. Employees are expected to use good judgment when incurring expenses while traveling and purchasing meals and remain mindful of appearances.

Meals not incurred as part of out-of-area or overnight travel are limited to activities outside of normal duties, such as business-related meetings held before or after regular working hours (including working lunches) or extended time due to special projects or emergencies. Meal reimbursements are not allowed as part of routine daily work assignments, unless part of the registration cost or the meal is served on site as part of the program to keep all participants together.

2.12.2 Public and Commercial Travel

San Diego LAFCO employees at times may be required to travel as a part of their assigned duties. Common examples include attending out-of-area trainings, conferences, and hearings. Employees should coordinate through the Executive Officer or designee for their air travel, car rental and lodging arrangements and submit expenses on an expense report. Whenever practicable, employees should prioritize public transit options.

Discounted government or sponsoring group rates for transportation and lodging should be used whenever offered and available. When conference or training sponsors have arranged for lodging, employees will stay at these facilities and the cost should not exceed the maximum published group rate. If rooms are not available at these facilities, accommodations should be at a comparable facility at a comparable cost.

2.13 TUITION REIMBURSEMENT

San Diego LAFCO encourages the advancement of its employee in subjects related to Commission functions, including job-related courses that lead to a degree or certification from an accredited institution. The Commission, following completion of a course, will reimburse the employee for the cost of tuition subject to the following conditions:

- The employee has the prior approval of the Executive Officer, and the course is directly related to the position and beneficial to the Commission.

- The applicant is a full-time employee in good standing, that is, not on probation or under disciplinary action, and has met all the course requirements. (The Executive Officer may waive this requirement for probationary employees on a case-by-case basis).

- Approved courses are successfully completed with a letter grade of "C" or better, or a pass/fail grade of "Pass".

- Reimbursement equals 10% of the tuition cost or $1,500, whichever is greater. Reimbursements are made at the end of each semester, quarter, or class ending.

Courses requiring attendance during work hours will not be charged to vacation time provided the Executive Officer has approved the absence from duty. A forty-hour workweek must be maintained.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Commission generally encourages all employees to improve their job skills and promotional qualifications, these activities will not be subject to this policy regarding reimbursement or compensation unless prior written approval is obtained from the Executive Officer.

2.13.1 Advanced Payment

San Diego LAFCO employees may request advanced payment. Employees who receive advanced payment must submit transcript and receipts for covered expenses within 30 days of completion of the class. The Commission will automatically deduct the full amount advanced from the employee's payroll check if the employee fails to submit the required documents or terminates their employment. Employees may request advanced payment for approved courses which might not otherwise be financially feasible.

If an employee retires, resigns, or is terminated prior to the completion of the class and has received an advance, the advanced amount will be deducted from the employee's last paycheck. Hardships will be considered on a case-by-case basis.

2.14 WHISTLEBLOWER PROTECTION

San Diego LAFCO prohibits all the following:

- 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 Commission, 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;

- Preventing an employee from disclosing information to a government agency, including to the Commission 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;

- 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

- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any of the protected activities listed above.

This policy governs and protects Commission officials, officers, employees, or applicants for employment.

An applicant or 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 Commission's 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.

CHAPTER THREE
EMPLOYMENT ADMINISTRATION

3.1 CATEGORIES OF EMPLOYEES

3.1.1 At-Will Employee

All employment at San Diego LAFCO is "at will" meaning both the employee and the Commission have the right to terminate the employment relationship at any time, without cause or advance notice. This also means that any Commission employee may be disciplined, have job responsibilities altered, or incur a decrease in pay without cause or advance notice. No experience with the Commission, including, but not limited to, oral statements, length of employment, performance reviews, promotions, salary increases, or disciplinary measures may be regarded as implicitly changing this at-will relationship.

3.1.2 New Hire Employee

The first six (6) months of continuous employment with San Diego LAFCO is considered a new hire introductory period during which the employee will learn their job responsibilities, get acquainted with co-workers, and learn more about the Commission. Completion of the introductory period does not entitle the employee to remain employed by the Commission for any definite period, but rather allows both the employee and the Commission to evaluate whether the employee is right for the position. During the introductory period, an employee's employment may be terminated at any time with or without cause or advance notice. The Executive Officer may extend the probation period for an employee for an additional six months at their discretion.

3.1.3 Promotional Employee

After being promoted to a higher job classification, an employee at San Diego LAFCO will be evaluated after completion of six months in the new position as to their suitability for the position.

3.1.4 Regular Full Time Employee

A regular full-time employee at San Diego LAFCO holds a position budgeted to work at least 40 hours per week. Regular full time_employees receive all benefits provided in these policies.

3.1.5 Regular Part Time Employee

A regular employee at San Diego LAFCO who holds a position budgeted to work less than 30 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.

3.1.6 Temporary, Intern, or Seasonal Employee

Employees at San Diego LAFCO hired on an “as needed” or casual work basis for a limited duration or for a specific project or projects and may be regularly scheduled to work up to 40 hours per week. Generally, these assignments do not last longer than three months, but may be extended to a maximum of six continuous months (or longer for casual or seasonal employees). Temporary or seasonal employees are not eligible for employment benefits other than those authorized by applicable law.

3.2 CLASSIFICATION PLAN

San Diego LAFCO’s classification plan, as per the position specifications included in Article VI of the LAFCO Rules, consists of classes of positions described and defined by class specifications (duties, responsibilities, qualifications) and class title. Fulltime and parttime regular positions may be established only upon recommendation of the Executive Officer and approved by the Commissioners. Fulltime and parttime temporary positions may be established only with the approval of the Executive Officer or designee.

3.2.1 Reclassification

The Executive Officer may initiate a job audit to determine whether the duties of a position at San Diego LAFCO have changed to such an extent that they require reclassification of the position from the existing classification to a more appropriate classification. This applies regardless of any incumbent who holds the position(s). When the job audit is completed, the Executive Officer will make a recommendation regarding reclassification to the Commission Board.

3.3 RECRUITMENTS

The Commission or Executive Officer may utilize any legitimate recruitment procedure for attracting qualified applicants to fill budgeted positions at San Diego LAFCO. The Executive Officer or designee may fill a vacant budgeted position with an existing Commission employee, who is both qualified for the position and willing to accept the employment change, leave the position vacant, or fill the vacancy with a person who is not currently a Commission employee. The Executive Officer or designee may make appointments without going through a recruitment procedure, when in the best interest of the Commission.

3.3.1 Disqualification from Further Consideration

The Commission or Executive Officer may reject any application submitted as part of a recruitment at San Diego LAFCO which: is not properly completed or incomplete; received after an application deadline; or indicates that the applicant does not meet the minimum qualifications for the position. Whenever an application is rejected, the applicant will be notified.

False, or misleading information of material fact on application materials may result in rejection or dismissal of the applicant. Application materials and examinations are confidential records and will not be returned to applicants. No applicant information will be asked that is prohibited under any state or federal law.

3.3.2 Reference Checks

All job applicants with San Diego LAFCO will provide information on previous employment and other references as required. Final offers of employment will not be made until the Commission or Executive Officer has had an opportunity to verify the information to their satisfaction.

It is the policy of the Commission not to discuss the information obtained by way of the reference check with prospective employees and all related correspondence is kept in a separate confidential file.

3.3.3 Background Checks

A candidate being considered for hire at San Diego LAFCO will be subject to a background check that may include review of their credit record (if applicable to the position for which they are applying), personal history, education, professional credentials, military record, and criminal records. However, any background check will be conducted only after a conditional job offer has been made, in accordance with applicable law. No background check will be undertaken without first obtaining the candidate's written authorization. If the candidate refuses to give authorization, the candidate will be considered to have withdrawn their application for employment.

3.4 COMPENSATION

3.4.1 Salary Ranges

Budgeted compensation at San Diego LAFCO is determined by the Commission consistent with current policies and procedures. The Commission sets salary ranges for all established positions sufficient to attract and retain quality employees. The Executive Officer administers and maintains the salary range and benefits (Compensation Plan) for all budgeted positions, and this includes setting employee's pay within the position range.

3.4.2 Hiring Up to Mid Points

All new San Diego LAFCO employees are advised at the time of hire as to their starting base rate of pay and benefits. Unless otherwise merited, the staring base rate will not exceed the mid-point of the established salary range. The base rate of pay of an employee does not change during their introductory period.

3.4.3 Post New Hire Compensation

The Commission or Executive Officer will consider changes to an employee's base rate of pay after the completion of their introductory period with adjustments only occurring at the beginning of a pay period. Changes to pay will be consistent with an employee's performance as determined by supervisor and/or manager.

3.5 PERFORMANCE REVIEWS

Performance reports for each employee at San Diego LAFCO will be prepared prior to the six-month anniversary of hiring, and at least once a year thereafter. The performance review will follow a standard format established by the Executive Officer and serve as the basis to determine any compensation adjustments to which each employee of the Commission may be entitled. The performance review will also provide an opportunity for the Executive Officer with input from any supervisor to set formal objectives for the employee proceeding forward.

After the completion of the performance review, the Executive Officer will share their assessment with the employee and provide a written summation. Employees who do not concur with the Executive Officer's performance review may, within 15 days following the review of the performance rating, file a written response outlining specific objections. The employee's written response will be attached to the Executive Officer's performance review placed in the employee's personnel file at LAFCO.

3.6 HOURS OF WORK

San Diego LAFCO's basic workweek consists of seven consecutive calendar days, beginning at 12:01 a.m. on Sunday and ends at 12:00 p.m. on Saturday. The standard workday begins at 8:00 a.m. and concludes at 5:00 p.m., Monday through Friday at the LAFCO office. All regular employees follow a set work schedule consistent with the standard workday. All part-time, seasonal, or temporary employee follow a set work schedule within the hourly parameters of the standard workday as set by the Executive Officer or Assistant Executive Officer.

Any work outside of the 8:00 a.m. to 5:00 p.m. workday must receive prior approval.

The Executive Officer may authorize an alternative work schedule for employees as a privilege to accommodate employee preferences and/or needs so long as most of their time falls withing the standard workday hours of 8:00 a.m. to 5:00 p.m. Employees' set work schedule may only be changed by the Executive Officer. The Executive Officer has the discretion to suspend or terminate the privilege and return an employee's schedule to the workday hours.

The Executive Officer has the authority to establish and maintain appropriate timekeeping procedures and related verification for all employees;

3.7 EMPLOYEE BREAKS

3.7.1 Meal Break

A 30-minute non-compensated meal break will be provided by San Diego LAFCO to all full-time overtime-eligible employees who work at least an eight-hour workday. The meal break will be taken within the first five hours of the employee's workhours. It is the responsibility of the employee to take their meal break.

3.7.2 Rest Break

A 15-minute compensated rest period will be provided by San Diego LAFCO to all eligible employees for each four-hour period of service. The rest period is to be taken at a time chosen by the employee. Rest periods may not be combined to shorten the workday or to extend the meal period.

3.8 DEPENDENT CARE ACCOMODATIONS

3.8.1 Family Friendly Efforts

San Diego LAFCO appreciates the additional challenges experienced by employees with dependent care responsibilities away from work. Accordingly, the Commission encourages the Executive Officer to consider and implement additional accommodations for employees with dependent care obligations to assist their work-family balance so long as essential job duties are being met.

3.8.2 Lactation Accommodation

San Diego LAFCO employee who wishes to express breast milk for her infant child during her scheduled work hours will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period. Those who wish to take a lactation break must notify the Executive Officer or Assistant Executive Officer 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 urgent circumstances.

The Commission will make reasonable efforts to accommodate employees by providing an appropriate location, which is not in a bathroom, to express milk in private. The Commission will attempt to find a location near the employee's work area. The appropriate location will also 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 material;
- 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-powered breast pump.

The Commission will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk near the employee's work area.

Employees occupying these private areas will 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. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Any employee storing expressed milk in any authorized refrigerated area within the Commission must clearly label it as such. No expressed milk can be stored at the Commission beyond the employee's workday/ shift.

The Commission encourages any employee who does not believe they are being provided with an appropriate lactation accommodation as required by state law to inform the designated RGS Liaison Officer. An employee who does not believe that the Commission is providing them with an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standard Enforcement/Labor Commissioner. Their nearest offices are in the government section of the telephone book.

3.9 OVERTIME

Overtime is all hours an overtime-eligible employee at San Diego LAFCO works over 40 hours in the designated 7-day workweek. Only actual hours worked will be counted towards the 40-hour threshold for purposes of calculating overtime pay under the Fair Labor Standards Act (FLSA); paid leave will not be counted.

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

3.10 TIMEKEEPING

All San Diego LAFCO employees must accurately report all work time to the nearest five (5) minutes. All time spent for the benefit of the Commission 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 at LAFCO.

3.11 PAY DAYS

San Diego LAFCO employees are paid biweekly on Fridays through the County of San Diego Auditor-Controller's Office. Employees with an account at the San Diego County Credit Union, may receive their pay up to one day in advance on Thursdays.

3.11.1 Direct Deposit

San Diego LAFCO employees may choose direct deposit with their own bank or with the San Diego County Credit Union. Should they choose the SDCCU they will receive their pay sooner. Employees who choose this method of payment must complete a form authorizing the Commission to take this action. Forms are available from the Assistant Executive Officer.

3.12 ATTENDANCE

San Diego LAFCO employees are required to seek advance permission from their supervisor and/or manager for any foreseeable absence or deviation from regular working, break, and mealtimes. An 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 Executive Officer or Assistant Executive Officer.

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, without prior authorization. An 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 considered to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

3.12.1 Excessive Tardiness

Excessive tardiness occurs when an 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 federal or state law, exceeds three days in any three-month period.

Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination of employment.

3.12.2 Abuse of Leave

Abuse of leave is a claim of a right to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination of employment. Should the Commission suspect that there is an abuse of leave by an employee, the employee may be required to submit a physician's certificate to support the absence.

3.13 DRESS CODE

San Diego LAFCO employees are required to dress appropriately during their regular work hours. The following dress code regulations shall apply to all employees – fulltime, part time, seasonal, etc. – and distinguished between office telecommuting attendance. These standards are considered baseline expectations; employees are free to wear more formal attires should they prefer. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor and/or manager.

3.13.1 Office Attire

While at the San Diego LAFCO office, all employee's dress attire must be professional and reflect a business casual appearance Monday through Thursday. Clothing and footwear must be neat, clean, in good repair, and appropriate. Acceptable attire includes:

- Blazers, peacoats, vests, and cardigans.
- Slacks or dress pants, khakis, and chinos.
- Jeans are allowed if free of any tears, fading or fraying.
- Professional maxi or knee-length dresses, skirts and jumpsuits.
- Button-down shirts, sweaters, blouses, or polo shirts.
- Tank tops allowed if paired with a blazer, jacket, or cardigan.
- Closed-toed shoes such as loafers, oxfords, boots, pumps, or flats.
- Open-toed shoes are allowed; however, flipflops are not permitted.
- Simple, professional accessories such as scarves and belts.

Employees should use their professional judgement in appropriately formalizing their attire when attending Commission meetings.

Employees working at the LAFCO office on Fridays are welcomed to dress more casually so long as they clothes remain neat, clean, and in good repair. The following exceptions apply and are not allowed at any time: gym or workout attire; shirts or t-shirts with imagines or designs; and flipflops.

3.13.2 Telework Attire

While teleworking, San Diego LAFCO employees must remain available by video during their regular workday. Accordingly, employees should generally follow the same attire standards applied at the LAFCO office whenever on video camera.

3.14 APPEARANCES

San Diego LAFCO employees are expected to project a professional appearance while at work and must abide by the standards below.

3.14.1 Tattoos

Permanent or temporary tattoos are not allowed anywhere on the head or face of a San Diego LAFCO employee. Any visible tattoos cannot be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang related. Any non-conforming tattoos must be covered while at work, irrespective of place.

3.14.2 Body Piercings

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

3.15 EMPLOYEE RECORDS

3.15.1 Personnel Files

San Diego LAFCO's personnel files are confidentially maintained according to state and federal guidelines. The Commission maintains a personnel file on each employee. Files are kept for at least three years after separation of employment. A personnel file will contain only material that the Commission considers necessary and relevant or that is required by law. Personnel files are the property of the Commission and access to the information they contain is restricted to protect employee privacy interests.

Upon reasonable notice and during normal business hours on normal business days, current and former employees, or a representative of the employee, may review their official personnel file in the presence of the Executive Officer or designee. Employees are permitted to see any records regarding qualification for employment, promotion, wage increases, earnings and deductions, or discipline. Employees may, upon written request, receive copies of documents from their personnel files; only documents that they have signed may be copied. Employees may respond to anything in writing that is in the personnel file, including any negative information, and may request that the response be included in their file. The file is the property of the Commission; employees may not

remove or add items to their file without Commission approval; and the file must always remain in the custody of the Commission.

Employees may designate a representative to conduct the inspection of the personnel record or receive a copy. However, a designated representative must be authorized in writing to inspect or receive a copy of the personnel record. The Commission may take reasonable steps to verify the identity of the designated representative

3.15.2 Personal Employee Information

San Diego LAFCO employees are responsible for updating their personal information using the County of San Diego's online self-service application – InSite – which is accessible on the Commission's computer network. This includes updating any changes in name, address, telephone number, driver's license, number of dependents, marital status, beneficiary, education certificates or any other pertinent information All updates entered on InSite are automatically forwarded to the Executive Officer and added to the personnel file.

3.15.3 Release of Employee Information

San Diego LAFCO is authorized to release information to verify the position, salary, and employment dates only for Commission employees. No other reference information will be released. Any other information, including address and phone numbers, may be released only with a written authorization from the employee. All reference inquiries regarding Commission employees should be referred to the supervisor. Employees will be notified of any requests for personal information unless the Commission is prevented from doing so by court order, federal, or state law. Legal requests for information should also be referred to the supervisor.

3.15.4 Medical Files

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

3.16 TRAINING

San Diego LAFCO employees may be assigned to attend training programs, seminars, conferences, lectures, meetings for the benefit of the Commission or the individual employees. Such training assignment is subject to approval by the Executive Officer or designee, and the Commission will pay for associated fees and necessary and approved travel expenses.

Employee attendance at assigned training activities will be considered hours worked and will be compensated in accordance with normal payroll practices. Procedures to request and obtain reimbursement for approved training-related costs can be found in Section B. (Working Conditions, Travel and Expense Reimbursement).

3.16.1 Mandatory Attendance

Employee attendance at assigned training programs, seminars, conferences, lectures, and related meetings occurring during their regular work hours is not optional.

3.16.2 Optional Attendance

Employee attendance at assigned training programs, seminars, conferences, lectures, and related meetings occurring beyond their regular work hours – such overnight conferences – is discretionary. Nonetheless, and with appreciation to manage dependent care obligations, the Commission expects the employee to make good-faith efforts to accommodate their availability in coordination with their supervisor and/or manager.

3.16.3 Exclusions

This policy does not apply to an employee's self-sponsored attendance at formal or informal educational sessions, even if these sessions generally may lead to improved job knowledge or performance. While the Commission generally encourages all employees to improve their knowledge and job skills, these activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained.

3.17 BENEFITS

San Diego LAFCO offers a variety of benefits to employees through contracts with the County of San Diego and San Diego County Employee Retirement Association (SDCERA). At hire, open enrollment, or when applicable, benefits for which an employee is eligible will be offered. Below is a snapshot of benefits provided to eligible employees:

- Healthcare
  Medical, Dental, Vision, Employee Assistance Program, Life, and Short Term & Long-Term Disability

- Retirement & Savings
  Defined Benefit Pension, Health Care Flexible Spending Account, and Dependent Care Flexible Spending Account, Health Savings Account

- Unique Perks
  Flex Credits, Tuition Reimbursement, Perk Spot Discounts

Employees have access to up-to-date information on benefit Offerings – among other items – are made available via the following link:

https://www.sandiegocounty.gov/content/sdc/hr/EmployeeBenefits.html

3.18 WORKERS COMPENSATION

All employees at San Diego LAFCO are covered under the California Workers' Compensation laws. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, rehabilitation services, as well as partial payment for lost wages due to work related injuries or illness. Procedures established by the County of San Diego for Workers Compensation must be followed alongside the steps below.

To ensure that employees receive any Workers' Compensation benefits to which they may be entitled, the following steps are required:

- Immediately report any work-related injury to their supervisor or manager;
- Seek medical treatment and follow-up care as necessary;
- Complete the Employee's Claim Form (DWC Form 1), along with other required forms, provided by the Commission and return it to the supervisor; and
- If medically advised, provide the Commission with a medical certification regarding the need for Workers' Compensation disability leave, as well as the eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee can return to work after a workers' compensation leave, the employee, under most circumstances, will be reinstated to the same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if they had been continuously employed rather than on leave.

3.18.1 Leave and Benefits

Should a San Diego LAFCO employee receive Workers' Compensation benefits while on leave, reconciliation may be needed to remit any excess monies paid beyond their regular pay. In these circumstances, and when employee authorizes, the difference between the benefit amount established by Workers' Compensation and the employee's regular pay will be deducted from the employee's accumulated leave balances - such as sick leave, vacation, and/or other personal leave if available. The employee will continue in pay status and receive pay until their accumulated sick leave, vacation days, or other personal leave have been depleted to the nearest hour.

During the time the employee is in fully paid status while absent from work by reason of injury or illness covered by Workers' Compensation, sick leave and vacation benefits will continue to accrue as though they were on a leave of absence.

Any employee subject to this policy who depletes their accumulated sick leave, vacation days or other personal leave 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.

3.18.2 Dishonesty

Employees who are found to abuse, or fraudulently use these temporary disability provisions may be subject to corrective action up to and including termination.

3.19 SEPARATION OF EMPLOYMENT

Separation of employment at San Diego LAFCO can be either voluntary or involuntary and may be initiated either the employee or the Commission.

3.19.1 Voluntary Separation

A San Diego LAFCO employee who wishes to resign their employment should submit written notice of resignation to the Executive Officer generally, two weeks prior to the planned separation date. The written notice should state the reasons for the resignation. A resignation becomes final when the Executive Officer accepts the resignation in writing.

3.19.2 Involuntary Separation / Discharge

An involuntary separation/discharge is one that is initiated by San Diego LAFCO for any reason other than a reduction in work force.

3.19.3 Job Abandonment

A San Diego LAFCO employee is believed to have resigned from their position if they are absent for three consecutive scheduled workdays without prior authorization and notification to their supervisor, and without extraordinary circumstances that can be verified. The last day worked will be the date of separation.

3.19.4 Layoff

A layoff is normally an involuntary termination that is initiated by San Diego LAFCO because of reorganization, position elimination, declining operations/lack of work, or lack of funds and not otherwise caused by the affected employee. Layoffs will be determined by positions(s) at the sole discretion of the Commission with or without a recommendation from the Executive Officer. Generally, positions identified for layoff will be those determined to be the least vital to the continuation of Commission operations even if service levels or types are reduced or modified, or other jobs become subject to reorganization and a change in job duties.

If more than one employee occupies a position identified for layoff, comparative consideration as to which employee will be laid off will be based on merit with consideration given to skills and qualifications possessed, performance records and work history. Any employee laid off will be placed on a rehire list for not less than one year from the date of separation and will be given preference over external applicants in the event the same position, or substantially similar position having reasonable similar requirements, becomes available during that period.

3.19.5 Return of Commission Property

All San Diego LAFCO property in the employee's possession must be returned prior to separation. This includes, but not limited to, keys, key fobs, parking passes, transit cards, identification cards, equipment, laptops and related accessories, credit cards, gas cards, cell phones, and any other Commission holdings.

3.19.6 Job References/Verification of Employment

All reference inquiries and verifications of employment at San Diego LAFCO must be referred to and approved by the Executive Officer. Unless the Executive Officer receives a written waiver signed by the employee, the Commission will release only the employee's dates of employment, last position held, final salary rate, and rehire eligibility. Supervisors and/or managers should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Executive Officer on a case-by-case basis.

3.20 DISCIPLINARY PROCESS

San Diego LAFCO employees are expected and required to perform to the best of their abilities at all times. Any employee who fails to perform at least at a satisfactory level, who violates a Commission policy or who otherwise engages in inappropriate conduct may be subjected to discipline, up to and including termination of employment.

While employment may be terminated at will by the employee or the Commission at any time, the Commission may choose to exercise its discretion to use forms of discipline that are less severe than termination in certain cases. Examples of less severe forms of discipline include, but are not limited to written reprimand, suspension, reduction in salary, and demotion. Although one or more forms of discipline may be administered with respect to a particular employee, no formal order or progressive system is necessary or required.

The existence and availability of this process does not change in any way whatsoever the at-will nature of employment, does not grant any property interest nor right in employment, or grant due process rights.

3.20.1 Grounds for Discipline

Regular employees at San Diego LAFCO may be disciplined for, including but not limited to, any of the following causes of discipline.

- Violation of any Commission policy, rule, regulation, ordinance, or resolution;
- Absence without authorized leave;
- Excessive absenteeism and/or tardiness as determined by the Commission;
- Use of disability leave in a manner not authorized or provided for pursuant to the disability leave policy or other policies of the Commission;
- Making any false statement, omission, or misrepresentation of fact;
- Providing wrong or misleading information or other fraud in securing appointment, promotion, or maintaining employment;
- Unsatisfactory job performance;
- Inefficiency;
- Malfeasance or misconduct, which includes, but is not limited to, the following acts or omissions:
    - Conviction of a felony. "Conviction" is interpreted to be a determination of guilt of the accused by a court, including a plea of guilty or *nolo contendre*, regardless of sentence, grant of probation, or otherwise.
    - The damaging of Commission property, equipment, or vehicles, or the waste of Commission resources through negligence or misconduct.
- Insubordination; or insulting or demeaning the authority of a supervisor or manager;
    .
    - Hostility towards co-workers and/or Commissioners.
    - Dishonesty and/or distorting facts.
    - Theft.
    - Disclosure of confidential Commission information to any unauthorized person or entity.

- Misuse or unauthorized use of any Commission property, including, but not limited to physical property, tools, equipment, Commission communication systems, Commission vehicles or Intellectual Property.

- Mishandling of public funds.

- Falsifying any Commission record.

- Discourteous treatment of the public or other employees.

- Failure to cooperate with employee's supervisor or fellow employees.

- Violation of the Commission's Drug-Free Workplace Policy.

- Unapproved outside employment or activity that violates the Commission's policy, or other enterprise that constitutes a conflict of interest with service to the Commission.

- Any conduct that impairs, disrupts, or causes discredit to the Commission, the employee's Commission employment, to the public service, or other employee's employment.

- Failure to comply with OSHA Safety Standards and Commission safety policies or Illness and Injury Prevention Plan.

- Altering, falsifying, and tampering with time records, or recording time on another employee's time record.

- Working overtime without prior authorization or refusing to work assigned overtime.

- Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance.

3.20.2 Notice of Discipline

All disciplinary actions at San Diego LAFCO involving loss of compensation other than termination (i.e., suspension without pay, reduction in salary, or demotion) are presented to the employee in writing. The written notice of discipline will include:

- The nature and level of the discipline proposed;

- A statement of the facts upon which the discipline is based;

- The policy, rule, or other authority allegedly violated;

- The effective date of the disciplinary action;
- The identity and signature of the Commission representative initiating the discipline;
- Copies of all materials that relied upon in support of the discipline;
- Instructions on how to respond to the discipline; and
- The name of the Commission representative who will hear the employee's response.

3.20.3 Ability to Respond to Discipline

Any San Diego LAFCO employee has the right to respond to a written reprimand, suspension without pay, reduction in salary, or demotion orally or in writing within five (5) calendar days of receipt. An employee's failure to respond within the five (5) calendar days of receipt is a waiver by the employee of their right to respond and an acceptance of the proposed discipline.

3.20.4 Final Decision to Discipline

Upon receipt of and consideration of the employee's response, if any, the Executive Officer will issue a final decision to the employee.

3.21 TERMINATION OF EMPLOYMENT

Although always executed for valid business reasons, San Diego LAFCO does not provide written notice of, nor an ability to respond to, any at will termination of employment.

3.22 COMPLAINT PROCEDURE.

All employment with San Diego LAFCO is "at will" meaning both the employee and the Commission have the right to terminate the employment relationship at any time, without cause or advance notice.

To resolve work-related issues, if a Commission employee believes that they have been unfairly subjected to an adverse employment action, or adversely affected by a perceived violation, misapplication, or misinterpretation of employment law, or a Commission rule or policy, they may initiate a complaint. Employees who have concerns regarding perceived harassment of discrimination may wish to use instead the special procedure outlined in the Commission's policy prohibiting harassment and discrimination.

3.22.1 Step I of Complaint Procedure

The employee first must meet with the Assistant Executive Officer to discuss the issue within seven calendar days after the employee becomes aware of the concern. The Assistant Executive Officer will attempt to resolve the matter within five calendar days of that meeting.

3.22.2 Step II of Complaint Procedure

If the complaint has not been resolved to the employee's satisfaction at Step I, the employee may take their concern to Step II. To do so, the employee must, within seven calendar days of being advised of the Assistant Executive Officer's proposed resolution mentioned in Step I above, present the issue in writing to the Executive Officer. The Executive Officer will attempt to resolve the complaint by meeting with the supervisor and employee, either jointly or separately, and will communicate a written decision regarding the matter to the employee within 14 calendar days of receiving the written complaint. The Executive Officer's decision is final.

3.22.3 No Retaliation

No retaliatory action will be taken against any San Diego LAFCO employee because they elected to use, or otherwise participate in, this complaint process. Commission employees who violate this non-retaliation provision will be subject to discipline, up to and including termination of employment.

3.22.4 Process

If an employee at San Diego LAFCO is unsure of which step to file a complalnt they may file with the Executive Officer', and the complaint will be sent to the appropriate level.

Failure of Commission representatives to comply with the time limits allows the employee to appeal to the next level of review, and failure of the employee to comply with the time limits constitutes abandonment of the complaint. However, the parties may extend time limits by mutual written agreement in advance.

The existence and availability of this process does not change in any way whatsoever the at-will nature of employment, does not grant any property interest nor right in employment, nor grant due process rights.

CHAPTER FOUR
LEAVE ADMINISTRATION

4.1 HOLIDAYS

San Diego LAFCO's regular and probationary employees except as otherwise provided, are eligible for the following holidays off with regular pay:

- New Year's Day (January 1st)
- Martin Luther King Day (Third Monday of January)
- Presidents' Day (the third Monday in February)
- Cesar Chavez Day (March 31st)
- Memorial Day (the last Monday in May
- Juneteenth Day, June 19th
- Independence Day (July 4th)
- Labor Day (the first Monday in September)
- Veterans Day (November 11th)
- Thanksgiving Day (the 4th Thursday in November)
- Friday after Thanksgiving Day
- Christmas Day (December 25th)

Employees entitled to paid holidays will be paid for the number of hours the employee was scheduled to work had it not been a holiday. An overtime-eligible employee who is required to work on a holiday will receive holiday pay and pay for the actual time worked on the holiday.

Part-time employees pay for holiday is prorated based upon the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

4.2 SICK LEAVE

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

- Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee themselves or any of the following family members of the employee: a child of any age or dependency status; a parent; a parent-in-law; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling;

- The need to discharge the required obligations that arise from the death of an immediate family member, or

- For an employee who is a victim of domestic violence, sexual assault, stalking, or other crime in order for the employee to engage in any of the following activities: (1) obtain or attempt to obtain a temporary restraining order or other court

assistance to help ensure the health safety or welfare of the employee or their child; or (2) obtain medical attention or psychological counseling, services from a shelter, program or crisis center, or (3) participate in safety planning or other actions to increase safety.

4.2.1 Accrual Rates

San Diego LAFCO provides paid sick leave benefits for all eligible regular full-time and regular parttime, non-probationary parttime employees. Sick leave accrues at the rate of 4 hours for every 80 regular hours worked. For parttime employees, sick leave accrues on a prorated basis according to the percentage of hours worked.

A seasonal, temporary, or extra help employee who works 30 or more days within a year from the beginning of employment with the District accrues one hour of paid sick leave for every 30 hours worked. Accrued and unused sick leave carries over to the following year of employment but a seasonal, temporary, or extra help employee stops earning sick leave once they have accrued 80 hours or 10 workdays/shifts, whichever is greater.

4.2.2 Accrual Uses

An 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 San Diego LAFCO, subject to the limits and request provisions in this policy.

For regular full-time employees one-half of their accrued and available annual sick leave is protected and may be used for any purposes stated in this policy. For seasonal, temporary, or extra help employees, up to 40 hours, or five (5) days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any purpose stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

4.2.3 Notice of Use

If the need for sick leave is foreseeable, an employee must give the Executive Officer or Assistant Executive Officer reasonable advance written or oral notice.

If the need for sick leave is not foreseeable, the employee must provide written or oral notice of the need for the leave as soon as possible.

If the employee is required to be absent on sick leave for more than one day, the employee should keep the Executive Officer or Assistant Executive Officer informed each day as to when 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.

4.2.4 Restrictions

Sick leave benefits at San Diego LAFCO are intended solely to provide income protection for employees in the event or illness or injury and may not be used for any other absence except as required by law.

4.2.4 Final Disposition

Upon separation of employment, employees hired prior to March 3, 1980, will be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave applies so long as an employee has unbroken service even though the employee may change classification as a Commission employee.

Employees in all LAFCO classes may upon retirement, deferred retirement, disability retirement, or death, convert all or a portion of accrued sick leave balance into retirement service credits subject to the rules and regulations of the of the San Diego County Employees Retirement Association, provided: (a) the employee has completed five (5) or more years of continuous service during that employee's present employment; and (b) the employee's sick leave balance totals one hundred (100) hours or more.

In addition, upon retirement or termination of service with the Commission, employees within benefit designation 01 (Executive Officer) may also elect to receive cash payment for all or a portion of unused sick leave credits equal to 50% of its value. One hundred (100%) of all sick leave credits that are paid to the employee in cash at 50% will be removed from the employee's sick leave balance

The Commission may, as allowable by current law and with advance written notification, require an employee to submit a doctor's certificate or other evidence acceptable to the Commission, after five days of protected leave such as kin care or sick leave.

For purposes of sick leave use, family is defined as follows:

- A "child" is defined as a biological, foster, or adopted child; stepchild; or a legal ward, regardless of the age or dependency of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if they are not your legal child.

- A "parent" is defined as a biological, foster, or adoptive parent; stepparent; or legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if they are not your legal parent.

- A "spouse" is defined as a legal spouse according to the laws of California, which do not recognize "common law" spouses (a union that has not been certified by a civil or religious ceremony). All conditions and restrictions placed on an employee's

use of sick leave apply also to sick leave used for care of a child, parent, spouse, or domestic partner.

- A “domestic partner” is defined as a legal domestic partner according to the laws of California and who has filed a Declaration of Domestic Partnership with the Secretary of State.

When an employee is unable to report for duty due to the employee’s own illness or that of a family member as defined above, the employee should notify the Executive Officer or Assistant Executive Officer as soon as possible. The employee should report the intended use of sick leave. If the Executive Officer or Assistant Executive Officer is not immediately available, the employee may leave a voice mail message, text, or email, unless otherwise directed

4.3 VACATION

Vacation leave is paid leave from work that a San Diego LAFCO employee may use for any purpose.

4.3.1 Accrual Rates

All fulltime regular professional employees at San Diego LAFCO hired prior to January 1, 2013, are eligible for vacation with pay according to the schedule established for those positions. During the first five years of continuous service, professional employees accrue 15 working days per calendar year of vacation time accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees accrue 20 working days of vacation time per calendar year accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees accrue 25 working days of vacation time per calendar year accumulated at a rate of 7.6 hours per biweekly pay period.

All fulltime regular support employees hired prior to January 1, 2013, are eligible for vacation with pay according to the schedule established for those positions. During the first three years of continuous service, support employees accrue 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of three years of continuous service, support employees accrue 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of nine years of continuous service, support employees accrue 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.

All fulltime regular professional and support employees hired on or after January 1, 2013, are eligible for vacation with pay according to the schedule established for those positions. During the first five years of continuous service, employees accrue 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of five years of continuous service, employees

accrue 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of 10 years of continuous service, employees accrue 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. A summary of the vacation accrual rates applicable to LAFCO employees hired on or after January 1, 2013, follows:

0 to 5 years = 10 days/80 hours/year

5+ to 10 years = 15 days/120 hours/year

10+ years = 20 days/160 hours/year

* *Vacation time credit accrues and may be taken during the first twelve calendar months of employment; however, 10 days of vacation time credit will take twelve calendar months to accrue*

Vacation time for part-time professional or support employees is computed based on the number of hours in the normal work week as established for that part- time employee by the Executive Officer.

4.3.2 Caps on Accrual

No employee at San Diego LAFCO may accumulate vacation time credits exceeding twice the amount allowed during any one calendar year. Employees who have reached 80% of their maximum balance of vacation leave (annual leave) will receive notification from the Commission payroll administrator about the excess leave balances. Employees whose vacation accruals reach the maximum accumulation limit cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit.

4.3.3 Accrual Uses

Vacation time credit accrues and may be taken during the first twelve calendar months of employment at San Diego LAFCO. The time at which each employee's vacation leave is approved is at the discretion of the Executive Officer.

4.3.4 Request to Use

All employees must first request and receive permission from their supervisor and/or manager before using vacation time to help ensure San Diego LAFCO is sufficiently staffed to meet day-to-day operations. The following noticing protocols apply:

- Any vacation time that involves three or more consecutive workdays should be requested and approved at least three weeks in advance.

- Any vacation time that involves two or less consecutive workdays should be requested and approved at least one week in advance.

- Any vacation time that involves less than one-half day of the employee's normal workday can be requested and approved the day before.

4.3.5 Final Disposition

Upon separation of employment at San Diego LAFCO, an employee will be compensated in cash for the unused vacation time, provided the employee has been in continuous service for more than six months. The cash compensation for unused vacation time is computed based on the employee's rate of pay at the time of termination but will not count toward the retirement benefit formula.

4.4 FAMILY MEDICAL LEAVE

In accordance with the California Family Rights Act (CFRA), San Diego LAFCO employees are provided up to 12 work weeks of unpaid family/medical leave within a 12-month period, or 26 workweeks to care for a covered military service member proportional to the employee's average hours work. The California Family Rights Act (CFRA) Leave policy may be found at Appendix B, California Family Rights Leave (CFRA) / Pregnancy Disability Leave.

4.5 PREGNANCY DISABILITY LEAVE (PDL)

San Diego LAFCO employees who are disabled because of pregnancy, childbirth or related medical conditions are provided an unpaid leave of absence for the period of disability up to a maximum of 17 1/3 weeks per pregnancy. Employees are entitled to pregnancy disability leave on a pro-rated basis proportional to an employee's average hours work. Time off needed for prenatal care, severe morning sickness, doctor ordered bed rest, childbirth and recovery from childbirth will all be counted as pregnancy disability leave. The Pregnancy Disability Leave (PDL) policy can be found at Appendix B, California Family Rights Leave (CFRA) / Pregnancy Disability Leave.

4.6 UNPAID LEAVE OF ABSENCE

Regular employees at San Diego LAFCO may be eligible for a leave of absence approved by the Executive Officer for urgent and substantial reasons, for up to a maximum of one (1) year, providing satisfactory arrangements can be made to perform the employee's duties without undue interference with the normal routine of work. Leaves for up to sixty (60) days for a regular employee may be approved by the Executive Officer.

Any accrued vacation time (and sick leave if law permits) must be taken before unpaid time is granted.

4.7 VICTIMS OF VIOLENT CRIMES

San Diego LAFCO employees who are victims of domestic violence, sexual assault or stalking are eligible for paid leave using accrued leaves, according to the California Family Rights Act and will be provided reasonable accommodation. Employees may use available accrued leave, or unpaid leave.

Employees may request leave if they are involved in a judicial action, such as obtaining restraining orders, appearing in court to obtain relief to ensure their health, safety, or welfare, or that of their child or to seek medical/psychological treatment including safety planning.

4.8 MILITARY LEAVE

Any San Diego LAFCO employee who is ordered to serve as a member of the state militia or the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or any division thereof will be granted a military leave according to applicable state or federal laws upon providing the Executive Officer with a copy of the military orders. Upon the termination of service or upon honorable discharge, the employee may be entitled to return to the employee's position, provided the position still exists, according to applicable state or federal laws.

4.8.1 Military Family Medical Leave Entitlements

Qualified Exigency Leave. Eligible employees with a spouse, son, daughter, or parent in regular Armed Forces or National Guard or Reserves in support of a contingency operation, or an employee's domestic partner who is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation, may use their 12-week CFRA leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include addressing needs arising from short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, addressing needs related to the care of the military member's parent who is incapable of self-care, attending certain counseling sessions, to spend up to 15 calendar days with a military member who is on R and R leave, and attending post-deployment reintegration briefings.

Leave is permitted 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. Contact the General Manager for further information.

4.9 BEREAVEMENT LEAVE

San Diego LAFCO provides paid bereavement leave for employees for up to five days. Employees may take bereavement leave in the event of death of any of the following family members: employee's current spouse, domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. Exceptions to this list of qualifying family members may be made on a case-by-case basis by the Executive Officer. This benefit is provided for the purpose of attending memorial or burial services and or handling related matters**.** Refer to the definition of "child", "parent", "spouse" or "domestic partner" under the Sick Leave policy.

Effective January 1. 2024, Bereavement Leave is available for employee who experience a Reproductive Loss.

4.10 JURY DUTY / COURT APPEARANCES

San Diego LAFCO provides paid jury duty pay to regular and probationary employees. Employees are to provide appropriate verification to the Executive Officer. If an employee is provided jury duty pay, the employee should remit, within 15 calendar days of receipt, all fees received for serving as a juror except those fees specifically allowed for mileage and expenses,

An employee who is subpoenaed to appear in court as a witness in a judicial proceeding related to the Commission will receive regular pay for such time. An employee subpoenaed to appear in court in a matter unrelated to their official Commission capacity, or who is appearing in court in a matter initiated by the employee, is permitted time off without pay, or if the employee chooses, to use accrued vacation for such purpose, if eligible for such leave.

4.11 TIME OFF TO VOTE

Any employee at San Diego LAFCO who does not have sufficient time outside of working hours to vote, may request up to two (2) 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 the Executive Officer at least two (2) days prior to Election Day.