



## MANUAL OF PERSONNEL & ADMINISTRATIVE RULES

Approved by:

A handwritten signature in blue ink, which appears to read "Michael J. Beck", is written over a horizontal line.

Michael J. Beck  
City Manager

November 16, 2015

Prepared by the Human Resources and Finance Departments

# Table of Contents

<b>INTRODUCTION</b> .....	<b>i</b>
<b>SECTION 1. PERSONNEL SYSTEM</b> .....	<b>1</b>
A. PURPOSE OF PERSONNEL AND ADMINISTRATIVE RULES.....	1
B. HIERARCHY OF RULES .....	1
C. CONFLICTING RULES .....	1
1. Memorandum of Understanding or Salary Resolution .....	1
2. State & Federal Law .....	1
3. Departmental Rules .....	1
D. EQUAL EMPLOYMENT OPPORTUNITY.....	1
E. MUNICIPAL EMPLOYEE RELATIONS OFFICER .....	2
F. EMPLOYER-EMPLOYEE RELATIONS RESOLUTION .....	2
G. AMENDMENTS AND REVISIONS TO RULES .....	2
H. VIOLATION OF RULES .....	2
I. PERSONNEL RECORDS.....	2
1. Changes to Personal Information.....	2
2. Employment Verification .....	3
<b>SECTION 2. CITY-WIDE POLICIES &amp; STANDARDS OF CONDUCT</b> .....	<b>4</b>
A. CODE OF CONDUCT/ETHICS.....	4
B. EMPLOYMENT OF RELATIVES (NEPOTISM) .....	8
C. CONFLICTS OF INTEREST .....	10
D. GIFTS AND GRATUITIES .....	12
E. POLITICAL ACTIVITY.....	13
F. DELEGATION OF DUTIES .....	14
G. OUTSIDE EMPLOYMENT AND BUSINESS ACTIVITIES DISCLOSURE POLICY.....	15
H. NO SMOKING .....	18
1. Purpose .....	18
2. Definitions.....	18
3. Policy.....	18

4.	Application .....	18
5.	Enforcement.....	18
I.	ELECTRONIC EQUIPMENT USE .....	20
1.	Purpose .....	20
2.	General Policy.....	20
3.	Requirements.....	20
4.	Definitions .....	21
5.	Employee Obligations .....	21
6.	Policy Violations .....	22
7.	Electronic Media Privacy Policy .....	25
J.	SOCIAL MEDIA POLICY .....	26
1.	Purpose .....	26
2.	Definition .....	26
3.	Policy Statement .....	26
4.	Responsibility .....	26
5.	Policy.....	27
6.	Retention of Records .....	29
K.	MEDIA POLICY .....	30
1.	Purpose .....	30
2.	Policy.....	30
3.	Emergency Media Relations.....	32
4.	Departmental Media Policies.....	32
L.	CITY IDENTIFICATION POLICY.....	33
M.	DRESS CODE .....	34
1.	General Guidelines.....	34
2.	Departmental Standards.....	34
N.	ALCOHOL AND DRUG ABUSE POLICY .....	36
1.	Purpose .....	36
2.	Policy.....	36
3.	Application .....	36
4.	Employee Responsibilities .....	37
5.	Management Responsibilities and Guidelines .....	37

6.	Physical Examination and Procedure .....	39
7.	Consequences of Failing Drug and/or Alcohol Analysis .....	39
8.	Confidentiality .....	39
O.	WORKPLACE HARASSMENT, DISCRIMINATION, AND RETALIATION PREVENTION POLICY .....	41
1.	Purpose .....	41
2.	Policy .....	41
3.	Definitions .....	42
4.	Guidelines for Identifying Harassment: .....	43
5.	Retaliation .....	44
6.	Confidentiality .....	44
7.	Responsibilities .....	44
8.	Dissemination of Policy .....	45
P.	SEXUAL HARASSMENT .....	46
1.	Definition of Sexual Harassment .....	46
2.	Types Of Sexual Harassment .....	46
3.	Retaliation .....	47
4.	Sexual Harassment Investigation .....	47
5.	Disciplinary Action .....	48
6.	Management Responsibility .....	48
Q.	HARASSMENT/DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURE .....	49
R.	POLICY AGAINST RETALIATION .....	51
1.	Policy .....	51
2.	Policy Coverage .....	51
3.	Definitions .....	51
S.	ANTI-BULLYING POLICY .....	53
T.	DISCRIMINATION COMPLAINT PROCEDURE .....	54
1.	Policy .....	54
2.	Procedure .....	54
3.	Complaint .....	54
4.	Investigation .....	56
5.	Recommended Disposition .....	57
6.	Appeals .....	58

U. WORKPLACE VIOLENCE.....	59
1. Purpose .....	59
2. Policy.....	59
3. Acts Which Violate the Policy .....	59
4. Types of Workplace Violence.....	60
5. Prohibition Against Weapons in the Workplace .....	60
6. Procedures and Responsibilities.....	61
V. PRIDESHARE PROGRAM.....	64
1. City Policy .....	64
2. Purpose .....	64
3. Program Plan .....	64
4. Rules.....	64
5. General Conditions.....	64
6. Specific Conditions .....	65
W. PUBLIC RESPONSIVENESS .....	68
1. Complaints About City Services .....	68
2. Guidelines .....	68
X. INTERACTIVE PROCESS / REASONABLE ACCOMMODATION.....	69
1. Introduction .....	69
2. Responsibilities.....	69
3. Guidelines for Making Reasonable Accommodations .....	70
4. Medical Documentation .....	72
5. Workers' Compensation .....	72
Y. FRAUD PREVENTION, REPORTING, AND INVESTIGATION POLICY .....	73
1. Purpose .....	73
2. Policy.....	74
3. Investigation Responsibilities .....	75
4. Reporting Procedures .....	75
5. Receipt of Fraud Hotline Submissions.....	76
6. Confidentiality .....	76
7. Disciplinary Actions.....	77
Z. DISASTER SERVICE WORKER .....	78

1. Purpose .....	78
2. Response .....	78
3. Identification .....	78
4. Work Related Injuries or Illness .....	79
5. Liability and Performance .....	79
AA. STANDARD OF CONDUCT REGARDING CONFIDENTIALITY .....	80
BB. LACTATION ACCOMMODATION POLICY .....	82
CC. HYBRID WORK POLICY.....	260
<b>SECTION 3. SALARY ADMINISTRATION.....</b>	<b>87</b>
A. TYPES OF EMPLOYMENT AND APPOINTMENTS.....	87
1. Full Time Appointment (40 hours per week) .....	87
2. Part-Time Appointment (Less than 40 hours per week) .....	87
3. Temporary At-Will Appointment .....	87
4. Exceptions to the Formal Competitive Examination Process for Other Temporary Appointments .....	88
5. Independent Contractor .....	89
B. SALARY ADMINISTRATION .....	89
1. Salary Rates.....	89
2. Initial Appointment .....	89
3. Promotion .....	90
4. Demotion .....	90
5. Advancement in Compensation within the Salary Schedule (Merit Increases) .....	90
6. Overtime .....	90
7. Additional Compensation.....	91
8. Re-employment of Former Employees .....	91
9. Appointment Date (Salary Review Date) .....	92
10. Pay Periods.....	92
11. Payroll Deductions.....	92
C. OVERPAYMENT & UNDERPAYMENT OF COMPENSATION & BENEFITS POLICY .....	93
D. RETROACTIVE COMPENSATION & BENEFITS .....	93
<b>SECTION 4. RECRUITMENT AND SELECTION.....</b>	<b>95</b>
A. RECRUITMENT PROCEDURES.....	95

1.	Standard Recruitments .....	95
2.	Promotional Recruitments .....	95
B.	EXAMINATION PROCEDURES .....	96
1.	Examinations .....	96
2.	Rater Panels.....	96
3.	Examination Appeals .....	96
4.	Waiver of Examination Process .....	97
5.	Appointment of Disabled Individuals.....	97
C.	ELIGIBLE LISTS AND REFERRAL PROCEDURES .....	97
1.	Eligible Lists .....	97
2.	Referral Procedures .....	97
3.	Selection Interview Process .....	99
D.	BACKGROUND REVIEWS / OFFERS OF EMPLOYMENT .....	100
E.	POST-OFFER PRE-EMPLOYMENT PROCESSING .....	101
1.	Pre-Employment Physicals .....	101
F.	TRANSFER.....	101
G.	PROBATIONARY PERIOD .....	102
1.	Purpose .....	102
2.	Initial Probation .....	102
3.	Promotional Probation .....	103
4.	Transfer Probation.....	103
5.	Apprentice/Trainee Probation .....	103
6.	Extended Absence During Probation .....	103
7.	Reinstatement.....	103
8.	Re-employment.....	103
9.	Reclassification .....	103
	<b>SECTION 5. CLASSIFICATION SYSTEM .....</b>	<b>105</b>
A.	CLASSIFICATION PLAN.....	105
B.	ALLOCATION OF POSITIONS .....	105
C.	CLASSIFICATION STRUCTURE AND CLASS SERIES .....	105
1.	Classification Structure.....	105
2.	Class Specifications (Job Descriptions) .....	105

3.	Title Changes .....	105
4.	Use of Classification Titles (“Working Titles”) .....	106
5.	Reclassification .....	106
D.	WORKING OUT OF CLASS .....	110
E.	ACTING ASSIGNMENTS.....	111
1.	Purpose .....	111
2.	Scope.....	111
3.	Policy and Guidelines.....	111
4.	Compensation for Acting Assignments .....	111
5.	Acting Assignment Procedures.....	112
<b>SECTION 6. ATTENDANCE AND LEAVES OF ABSENCE .....</b>		<b>113</b>
A.	ATTENDANCE (TIMEKEEPING AND REPORTING OF ABSENCES).....	113
1.	Timekeeping.....	113
2.	Reporting of Absences .....	113
B.	JOB ABANDONMENT.....	113
C.	WORK SCHEDULES .....	113
D.	APPROVAL OF LEAVES.....	114
1.	Leave Requests .....	114
E.	LEAVE PRIOR TO RETIREMENT OR SEPARATION FROM EMPLOYMENT.....	114
F.	SICK LEAVE (NON JOB-RELATED INJURY OR ILLNESS) .....	114
G.	HOLIDAYS.....	114
H.	JURY DUTY.....	114
I.	COURT APPEARANCES.....	115
J.	MANAGEMENT TIME OFF.....	115
K.	DISABILITY LEAVES.....	115
1.	Pregnancy Disability Leave (PDL) .....	115
2.	Short Term / Long Term Disability Leave .....	118
3.	Workers’ Compensation (Industrial Disability Leave) .....	118
L.	FAMILY AND MEDICAL LEAVE POLICY (FMLA/CFRA).....	118
1.	Statement of Policy.....	118
2.	Coverage and Eligibility.....	119
3.	Intermittent or Reduced Leave .....	119



4.	Substitution of Paid Leave.....	120
5.	Notice Requirement.....	120
6.	Certification.....	121
7.	Effect on Benefits.....	121
8.	Job Protection .....	122
M.	FAMILY SICK LEAVE (KIN CARE).....	123
N.	MILITARY LEAVE .....	123
O.	VOTING LEAVE .....	123
P.	LEAVE TO PARTICIPATE IN CHILD’S SCHOOL OR CHILD CARE ACTIVITIES .....	123
Q.	LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT .....	123
R.	BEREAVEMENT LEAVE.....	124
S.	REDUCED WORK SCHEDULE / VOLUNTARY FURLOUGH .....	124
1.	Purpose .....	124
2.	Eligibility .....	124
3.	Furlough Types.....	125
5.	Effect on Leave Accruals .....	125
6.	Effect on Benefits.....	125
7.	Effect on Retirement.....	125
8.	Effect on Seniority.....	126
T.	UNPAID LEAVES OF ABSENCE .....	126
	<b>SECTION 7. PERFORMANCE MANAGEMENT .....</b>	<b>127</b>
A.	PERFORMANCE EVALUATIONS .....	127
1.	Purpose .....	127
2.	Timelines.....	127
3.	Performance Evaluation Process.....	127
B.	SERVICE AWARDS.....	128
1.	Purpose .....	128
2.	Policy and Guidelines .....	128
3.	Responsibility .....	128
C.	DISCIPLINE POLICY .....	129
1.	Policy.....	129
2.	Causes for Disciplinary Action.....	129

3.	Types of Discipline.....	132
4.	Investigations .....	134
5.	Disciplinary Procedures / Due Process.....	135
6.	Notices .....	136
D.	SEPARATION FROM EMPLOYMENT.....	137
1.	Resignation.....	137
2.	Return of Equipment and Materials Upon Separation .....	137
3.	Processing of Final Paychecks .....	137
4.	CalPERS Employee Contributions .....	137
5.	Exit Interviews.....	138
6.	Separation Check-Out Process .....	138
	<b>SECTION 8. BENEFITS &amp; EMPLOYEE DEVELOPMENT .....</b>	<b>139</b>
A.	CALPERS .....	139
B.	ADDITIONAL BENEFITS.....	139
C.	TRAINING .....	139
1.	Purpose .....	139
2.	Policy.....	140
3.	Authority and Responsibility .....	140
4.	Nature of Training and Development .....	142
D.	TUITION REIMBURSEMENT .....	143
1.	Purpose .....	143
2.	Employee Eligibility .....	144
3.	Policy.....	144
4.	Coursework .....	145
5.	Exclusions.....	146
6.	Procedures .....	146
E.	BILINGUAL INCENTIVE PAY.....	148
1.	Purpose .....	148
2.	Administration .....	148
3.	Bilingual Fluency Certification .....	149
4.	Compensation .....	149
5.	Limitations.....	149

F. PAID TIME OFF DONATIONS .....	149
G. EMPLOYEE ASSISTANCE PROGRAM (EAP).....	151
1. Purpose .....	151
2. Confidentiality .....	151
3. Procedures for Referral.....	152
H. MOBILE PHONES AND WIRELESS DATA.....	152
1. Purpose.....	152
2. Scope.....	153
3. Procedure.....	153
4. Employee Responsibilities.....	153
<b>SECTION 9. RISK MANAGEMENT .....</b>	<b>156</b>
A. WORKERS' COMPENSATION POLICY .....	156
1. Responsibilities.....	156
2. Objectives.....	156
3. Definitions.....	156
4. Policy.....	156
5. Workers' Compensation Appeals Board Hearing.....	162
B. INJURY AND ILLNESS PREVENTION PROGRAM .....	163
1. Introduction .....	163
2. The City of Pasadena's Commitment to Safety.....	164
3. Supervisor Commitment to Safety .....	165
4. City of Pasadena Safe Working Conditions Statement.....	165
5. Scope And Purpose .....	166
6. Responsibilities.....	166
7. Compliance .....	168
8. Communication .....	169
9. Hazard Assessment .....	170
10. Hazard Correction .....	172
11. Accident/Exposure Investigation .....	172
12. Training .....	174
13. Record Keeping .....	176
14. Workplace Violence .....	177

15. Glossary Of Terms.....	178
C. MOTOR VEHICLE SAFETY.....	180
1. Policy.....	180
2. Objectives.....	180
3. Responsibilities.....	180
4. Motor Vehicle Accident Reviews.....	182
D. CITY VEHICLE AUTHORIZATION AND CONTROL.....	183
E. DEPARTMENT OF TRANSPORTATION REGULATIONS FOR SAFETY SENSITIVE POSITIONS.....	187
1. Purpose.....	187
2. Definition of Safety Sensitive Employees.....	188
3. Positions Subject to this Policy.....	190
4. Contact Person.....	190
5. Prohibited Behavior.....	190
6. Definitions.....	191
7. Prescription & Non-Prescription Drug/Medication Use.....	191
8. Voluntary Rehabilitation.....	192
9. Types of Drug and Alcohol Testing Required.....	192
10. Testing Procedures.....	195
11. Collection Site Protocol – Drug Testing.....	196
12. Collection Site Protocol – Alcohol Testing.....	197
13. Consequences of a Positive Test Result.....	198
14. Refusal to Take a Test.....	199
15. Refusal or Failure to Comply with Treatment Recommendations.....	200
16. Return to Duty.....	200
17. Education and Training.....	201
18. Employee Assistance Program.....	201
19. Confidentiality.....	201
20. Federally Required Record Keeping.....	202
<b>SECTION 10. FINANCIAL POLICIES.....</b>	<b>203</b>
A. ACCOUNTS PAYABLE POLICY.....	203
1. Purpose.....	203
2. Authorities.....	203

3.	Scope of Application .....	203
4.	Policy.....	203
5.	Forms .....	210
B.	ACCOUNTS RECEIVABLE / COLLECTION POLICY .....	212
1.	Purpose .....	212
2.	Authorities.....	212
3.	Scope of Application .....	212
4.	Policy.....	212
C.	CITY OF PASADENA PURCHASING POLICY.....	214
D.	PURCHASING CARD POLICY.....	215
1.	Purpose .....	215
2.	Authorities.....	215
3.	Scope of Application .....	215
4.	Procedures .....	215
E.	FEE WAIVER POLICY .....	222
1.	Purpose .....	222
2.	Authorities.....	222
3.	Scope of Application .....	222
4.	Policy.....	222
F.	DONATION / GIFT POLICY .....	224
1.	Purpose .....	224
2.	Authority .....	224
3.	Scope of Application .....	225
4.	Policy.....	225
G.	CONTRACT MANAGEMENT POLICY.....	229
1.	Purpose .....	229
2.	Authorities.....	229
3.	Scope of Application .....	229
4.	Policy.....	229
H.	CASH HANDLING POLICY.....	234
1.	Purpose .....	234
2.	Authorities.....	234

3.	Scope of Application .....	234
4.	Policy / Procedures .....	234
I.	TRAVEL AND EXPENSE POLICY .....	247
1.	Purpose .....	247
2.	Policy .....	247
3.	Roles and Responsibilities .....	256
4.	Definitions .....	258
5.	Forms / Resources.....	259
	<b>SECTION 11. INFORMATION TECHNOLOGY AND SECURITY POLICIES .....</b>	<b>260</b>
1.01.	EMAIL RETENTION POLICY.....	260
1.02	ACCEPTABLE USE POLICY .....	262
1.03	INFORMATION SECURITY POLICY .....	267
1.04	MOBILE DEVICE POLICY.....	270
	<b>Index .....</b>	<b>84</b>

## INTRODUCTION

The City of Pasadena has prepared this Manual of Personnel/Administrative Rules, Practices and Procedures to provide employees with an overview of the City's rules, practices and procedures. It is intended to familiarize employees with important information about the City of Pasadena, as well as information regarding their own privileges and responsibilities. It is important that all employees read, understand, and follow the provisions of the manual as it may be amended from time to time by the City.

It is obviously not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. In addition, circumstances will undoubtedly require that personnel rules, practices and procedures described in this manual change from time to time. Accordingly, the City must reserve the right to modify, supplement, rescind or revise any provision of this manual from time to time as it deems necessary or appropriate at its discretion. Employees will, of course, be advised of changes that occur.

The City's collection of personnel rules, practices and procedures are formally known as the Manual of Personnel/Administrative Rules, Practices and Procedures. However, the working title utilized throughout this document will be the Manual of Personnel/Administrative Rules. This manual is available to employees only for informational purposes. It is not intended to constitute an employment contract of any kind and does not create any express or implied contractual obligations, nor convert an otherwise at-will employee to a regular employee. If there is any conflict between this Manual of Personnel/Administrative Rules, Practices and Procedures and any applicable Memorandum of Understanding (MOU) with a recognized bargaining unit, the MOU shall take precedence.

The City of Pasadena is constantly striving to improve its policies, the services it provides its customers, and positive relations with its employees. Employees should bring suggestions for improvement to the attention of their supervisors or department directors. By working together, the City hopes that it will share with its employees a sincere pride in the workplace and the services that we are all here to provide to the public.

### **HUMAN RESOURCES DEPARTMENT AS A RESOURCE**

The Human Resources Department has been established to provide employees with information and necessary assistance to understand the City's personnel/administrative policies and to promote a positive work environment. The Human Resources Department is the best resource for employees to obtain current information on work rules, benefits, personnel policies, personnel records, insurance, and job opportunities.

If you have any difficulty reading or understanding any of the provisions of this manual, please contact the Human Resources Department at (626) 744-4366. We will gladly make assistance available to any employee who is unable to understand or interpret the policies.

SECTION 1. PERSONNEL SYSTEM

A. PURPOSE OF PERSONNEL AND ADMINISTRATIVE RULES

These Personnel and Administrative Rules (Rules) are designed to facilitate efficient and economical service to the public and provide a fair and equitable system of personnel management in the municipal government. These Rules set forth policies and procedures to ensure similar treatment for those who compete for original and promotional employment and define certain obligations, rights, privileges, benefits and prohibitions which are placed upon all City employees.

B. HIERARCHY OF RULES

The hierarchy of rules/regulations governing the City's employment policies and practices shall generally be as follows:

1. Federal and State Laws
2. City Charter
3. [Pasadena Municipal Code/Ordinances](#)
4. [Memoranda of Understanding](#) (MOU's) and Employment Contracts
5. Council approved resolutions, including salary resolutions
6. Manual of Personnel/Administrative Rules
7. Departmental Rules

C. CONFLICTING RULES

1. Memorandum of Understanding or Salary Resolution

If there is any conflict between this Manual of Personnel Rules, Practices and Procedures and any applicable Memorandum of Understanding (MOU) with a recognized bargaining unit or Salary Resolution for Non-Represented employees the MOU/Salary Resolution shall take precedence.

2. State & Federal Law

If there is a conflict between items stated in these Rules and existing California State or federal law, the State/federal statutes shall prevail as required under the law.

3. Departmental Rules

City departments that establish internal personnel policies must provide a copy to the City Manager and Human Resources for review prior to implementation. Any portion of such policy found to be in conflict with federal or State law, this manual, or with any applicable code, ordinance, MOU or salary resolution shall be reviewed and determined whether or not it needs to be modified prior to implementation.

D. EQUAL EMPLOYMENT OPPORTUNITY

The City of Pasadena is committed to a policy of equal opportunity for applicants and employees. Employment decisions will comply with all applicable laws prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Older Workers Protection Act, the Americans with Disabilities Act of 1990, and the Americans with



SECTION 1 | PERSONNEL SYSTEM

Disability Act Amendments Act of 2008, the Immigration and Nationality Act, and any other applicable State or federal laws.

In keeping with this policy, the City does not engage in impermissible discrimination based on any protected characteristic, including race, color, religion, sex, gender identity, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information, sexual orientation, or any other characteristic protected by State or federal law. The City will also make reasonable accommodations that are necessary to comply with the State and federal disability discrimination laws. This means the City will make reasonable accommodations for the known physical or mental disability or known medical condition of an applicant or employee, consistent with its legal obligations to do so.

E. MUNICIPAL EMPLOYEE RELATIONS OFFICER

The City Manager of the City of Pasadena is designated as the Municipal Employee Relations Officer pursuant to the City's Employer-Employee Labor Relations Resolution ([Resolution 555](#)) adopted on February 10, 1970. The Municipal Employee Relations Officer may delegate to any management employee, as defined in the Employer-Employee Labor Relations Resolution, any powers or duties conferred to him/her by the provisions of the Resolution.

F. EMPLOYER-EMPLOYEE RELATIONS RESOLUTION

The City of Pasadena's Employer-Employee Relations Resolution ([Resolution 555](#)), adopted on February 10, 1970, provides orderly procedures for the administration of employer-employee relations between the City and its employee organizations and for resolving disputes regarding wages, hours, and other terms and conditions of employment.

G. AMENDMENTS AND REVISIONS TO RULES

The City reserves the right to modify, supplement, rescind or revise any provision of these Rules from time to time as it deems necessary or appropriate at its discretion. Any changes or modifications will be subject to City Manager approval. Employees will be notified of all changes that occur.

H. VIOLATION OF RULES

Violation of a provision(s) of these Rules shall constitute grounds for disciplinary action including, but not limited to, dismissal, rejection, demotion, reduction in salary, suspension, or written reprimand. A violation shall not make disciplinary action mandatory, but shall be considered as appropriate in view of all the circumstances.

I. PERSONNEL RECORDS

The Human Resources Department is responsible for maintaining complete and up-to-date personnel records for all current employees. Employees may have access to their Human Resources Department personnel file during normal working hours and upon reasonable notice. An employee organization may have access to personnel files only with the employee's written permission.

1. Changes to Personal Information

Employees must notify the Human Resources Department promptly of any change in their names, marital status, number of dependents, or home address and telephone numbers. This ensures that the benefits status and information for all employees can be kept current and accurate.

## 2. Employment Verification

All requests for employment verifications must be handled through the City's automated employment verification system known as "The Work Number for Everyone," in which the employee calls (800) 367-2884, enters Pasadena's verification code **10158**, and the employee's social security number, and receives an authorization code. That code is then given to the person seeking job verification, and they call (900) 555-9675 to obtain your employment information. There is a nominal fee for the service of \$2.00 per minute. Employment verification shall provide information on the following items only: dates of employment, classification and salary. Except as provided by law or with the written authorization of the former employee, information concerning an employee's suitability for employment shall not be discussed or provided.

The City does not generally provide job references for individual employees except with regard to loan verifications that require a live person or letter on City letterhead, which is handled by Human Resources' Benefits Division at (626) 744-4079.

Employees under the reporting authority of the City Manager, except those in Human Resources responsible for providing employment verifications, shall not provide any verification of employment or employment references or recommendations as an official or representative of the City of Pasadena without prior authorization of the Human Resources Department. Nor shall any such persons provide a written employment verification, job reference or recommendation on City letterhead or as an official reference or recommendation by the City except with the prior authorization of the Human Resources Department. Only the City Manager, City Attorney, and City Clerk may provide reference letters for current or former employees of their department(s) without obtaining prior approval from Human Resources.

SECTION 2. CITY-WIDE POLICIES & STANDARDS OF CONDUCT

A. CODE OF CONDUCT/ETHICS

1. Employees of the City are required to discharge the duties and responsibilities of their positions with professional impartiality, regardless of personal considerations, and recognizing that the public interest, as articulated by City policy, is their primary concern. The conduct of employees in their official capacity must be beyond reproach. Their conduct shall be such that when viewed by the reasonable person, it is a credit to the integrity of City government.
2. To meet this above stated requirement, employees must:
  - a. Respect and comply with the rules, ordinances and statutes establishing standards of ethical conduct, both on and off the job.
  - b. Refrain from disclosing, promulgating, or validating information concerning City government or other employees and officials which is false, confidential, protected by rights of privacy or common courtesy, or disruptive to the work environment, without official authorization.
  - c. Be responsive, efficient, courteous, and impartial in the performance of their job, assuring fair and equal treatment of all persons, claims and transactions coming before them in their official capacities.
  - d. Work in full cooperation with other City employees in promoting the public welfare, recognizing that private interest (of an individual employee or anyone associated therewith) must always be subordinate to the public interest.
  - e. Make decisions in full compliance with the law and the policies promulgated by the City Council, and subordinate personal views to official policy while acting in an official capacity.
  - f. City funds or property may never be used for personal or private use, gain or benefit and employees must be absolutely honest in all dealings, in whatever capacity, with City funds, properties and facilities.
  - g. Refrain from modifying or altering City documents, forms, or records in order to misrepresent facts or circumstances. Should a City record need to be modified, any modifications to City records should be noted with the signature and date of the employee making the modification.
  - h. Never accept or engage in outside employment or on-duty or off-duty activities that may appear to be, or are incompatible with public duties. Employees of the City should not become involved or affiliated with any company, agency or entity that receives funds from the City, either directly or indirectly, where that association or affiliation may create a conflict of interest, or an appearance of a conflict of interest or impropriety.
  - i. Refuse to represent private interests before government agencies in any matter in which the City is a party, or in which the employee's official position with the City is, or may be, a

consideration in, or influence the decision of such agency on the matter before it.

- j. Disclose all financial interests which may constitute a conflict of interest with official duties, and disclose the nature and extent of personal interests in any business entity engaging in any transaction with the City to the extent required under the City's conflict of interest resolution and any applicable state and federal law.
  - k. Refuse to accept gifts, favors, services or promise of future benefit from any person or entity doing business with the City of Pasadena, such as, but not limited to, vendors, contractors, developers, agents, attorneys or others where such gift, favor, service or promise could compromise independence of judgment or action as a public official or employee, and disclose any offer of gift, favor, service or promise to the employee's supervisor.
  - l. Not act in any manner, whether or not specifically prohibited by law, rule, practice or procedure, which could be construed by an objective, reasonable person to result in or create the appearance of:
    - i. Using public office for personal gain.
    - ii. Giving preferential treatment or partiality to any person or group.
    - iii. Willfully impeding governmental responsiveness, efficiency or effectiveness.
    - iv. Making a governmental decision outside the established, official City procedures or beyond the authority of the employee.
3. Because the City is tax-supported and exists to promote the general health and welfare of the community, employees of the City have responsibilities greater than their counterparts in private industry. Pasadena City employees are in the "public eye", and employment with the City carries an obligation of personal integrity and conduct that serves to establish public respect, confidence and trust.

Employees represent the City of Pasadena and the quality of City service is judged through their appearance and demeanor. The residents of Pasadena have the right to expect that City employees will provide services in an efficient, complete and courteous manner. Employees must be "public relations" conscious and service oriented. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards and proper job performance, and in avoiding potential conflicts of interest both in fact and appearance.

Failure of an employee to comply with any of the standards set forth in this policy shall be the basis for disciplinary or other appropriate action.

4. All employees have the right to expect:
- a. Courteous treatment from fellow City employees and officials.
  - b. Equality of treatment under the same policies, rules, and regulations established for all

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- employees.
- c. Opportunity to obtain redress of grievance without jeopardizing their employment.
  - d. Participation in a recognized employee organization for the purpose of representation on matters within the scope of representation as well as the right to choose not to participate in any employee organization. Employees in classifications represented by bargaining groups with Agency Shop agreements who choose not to be a part of the union may be required to pay a Fair Share Fee, or pay a sum equal to the Agency Shop fee to a non-religious and non-labor charitable fund exempt from taxation under Section 501(c)(3) of the Internal Revenue Service Code.
  - e. Equal opportunity for career advancement and organizational mobility to realize their full potential based on qualifications and as positions become available.
5. The City, as a condition of employment, expects to receive from the employee:
- a. Initiative and a conscientious effort to perform productive work.
  - b. Cooperative, positive, responsive and courteous relations with fellow employees, supervisors, and the public.
  - c. A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
  - d. Compliance with all rules of conduct, practices, procedures, and ordinances established by the City.
  - e. Public loyalty to and support of the official policies of the employee's department and the City.
  - f. Responsible work habits demonstrated by:
    - i. Being flexible and adaptable to change.
    - ii. Keeping informed on developments and matters affecting job performance.
    - iii. Dependability, promptness, reliable attendance and performing required duties competently.
    - iv. Accepting constructive suggestions and criticism.
  - g. Neat, clean, and appropriate grooming and attire. Prescribed uniforms and safety equipment must be worn where applicable.
  - h. The City prides itself on the professional appearance it maintains and the favorable image that employees present as representatives of the City of Pasadena. Employees are expected

to use their best judgment in determining their appearance and dress, consistent with the City's standards and the positive image and professional appearance it wishes to maintain. Employees should dress conservatively, in good taste and according to the requirements of his or her position.

**B. EMPLOYMENT OF RELATIVES (NEPOTISM)**

1. It is the policy of the City that relatives of City officers or employees shall not be hired, promoted or transferred into positions in which one relative may supervise, directly or indirectly, any other relative, or work in a capacity which would allow an employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.
2. Indirect supervision refers to a situation in which a relative is hired, promoted, or transferred into the chain of command of another relative, and one of the individuals has management or supervisory responsibilities in the division or section in which both would work even if the relative would not directly supervise or interact with the newly hired, promoted, or transferred employee.
3. This prohibition shall apply to all full-time and part-time regular employees, to all temporary City Service Workers and City Temporary employees, and to all individuals working for the City through a temporary services agency. This policy will not prevent relatives from being regularly assigned to shifts that may overlap, or from short-term temporary or acting assignments, as long as one relative does not supervise, directly or indirectly, another relative, nor work in a capacity which would allow an employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.
4. No relative of the City Manager, Assistant City Manager or Director of Human Resources shall be hired to any position in the City. Relatives of Department Directors may not be hired in to the same department as the Director.
5. Relatives of City officers or employees, or members of the City Council or members of any City Board or Commission shall not be employed in any position in which the employment of such relative has the potential for adversely impacting the safety, security, morale or efficiency of supervision or function of other employees, or in which there may be created an actual or potential conflict of interest or the appearance of a conflict of interest. Whether this shall apply to paid or unpaid interns or volunteers shall be at the discretion of the department director and City Manager, subject to review and recommendation by Human Resources as to actual or perceived conflicts and appropriateness.
6. A "relative" shall be defined as a son, daughter, brother, sister, parent, grandparent, spouse, registered domestic partner, or a person sharing the same household/cohabitating (in a marriage-like relationship). Half-relatives, step-relatives, adopted relatives, domestic partners as defined by State law, and in-laws are included in these restrictions.
7. In those cases in which the aforementioned relationships existed as of March 1990, or in which employees marry or acquire a covered relationship, the department director shall be responsible to ensure that work assignments are made so as to avoid conflicts of interest or violation of this policy. If no conflict of interest exists because employees have no working interrelationship, supervisory or evaluative control over one another, no action shall be necessary. If conflict exists, such action may include reassignment to another position, work location or work shift within the department. If such reassignment or other alternative is not available within the department, the Human Resources Department will be contacted to identify other possible alternatives within other City departments. If no alternative placement is found for which the employee qualifies and

SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

is accepted upon interview with the receiving department, the employee may be separated from employment.

The employee is responsible for immediately notifying the department director of an impending marriage or an impending acquired relationship with another employee within the same department.

8. No relatives may be hired, transferred or promoted into the same department without the approval of the Director of Human Resources.
9. Upon the request of a department director, the City Manager may approve the hiring or promotion of a relative as an exception to this policy when in the opinion of the department director, the hiring or promotion of the relative is of significant benefit to the operational effectiveness of the department and/or the customer service needs of the community and is in the best interest of the City. The department shall identify and implement methods to mitigate actual or perceived issues that may arise by the hiring or promotion of the individual.
10. The Human Resources Department is responsible for enforcing this policy with assistance of the applicable department.



C. CONFLICTS OF INTEREST

1. Employees are expected to devote their full efforts, energies, and loyalty to the City. Due to the importance of this requirement, the City strictly prohibits any outside employment or other activities or relationships that create any actual, potential or apparent conflict of interest. Examples of situations that violate this policy include acting as a consultant, advisor, employee or independent contractor of or with a customer or vendor of the City, owning any significant interest (other than as a shareholder of a publicly traded company) in any business or organization that conducts or seeks to conduct business with the City, or using any assets or resources of the City for personal gain, advantage, or benefit. As a general rule, no employee shall engage in any transactions or have any personal or financial interest, direct or indirect (as defined in the City's Conflict of Interest Code) which would lead the objective, reasonable person to believe that independence of judgment or action in the performance of official duties would be impaired.
2. The following are examples of conduct which the City deems to be conflicts of interest and as such are prohibited and may lead to disciplinary action up to and including discharge:
  - a. Engaging in private employment or rendering services for private interests when incompatible with the proper discharge of official duties or gives the appearance that independence of judgment or actions in the performance of official duties would be impaired.
  - b. Engaging in private employment during the regular work day, or while being paid by the City at the same time to render work for the City, or while in or using City facilities or equipment.
  - c. Without legal authorization, using official influence, insignia of office or disclosing information, either confidential or not generally known or readily available to the public, concerning the property, government or business of the City for the purpose of furthering or influencing any private interest.
  - d. Appearing on behalf of or attempting to influence any agency, committee or official body of the City for the benefit of any private interest except for appearances by the employee as a member of the general public for self-representation on matters related solely to his or her personal interests. In such instances, when testifying before the City Council, or any committee or subcommittee thereof, or any other commission, board, ad hoc committee or other entity or agency owned or controlled in whole or in part by the City of Pasadena, such employee shall state on the record that he or she is appearing as a private citizen and not in their capacity as a representative of the City.
  - e. Knowingly participate in any City decision which could affect his or her personal or financial interests. Upon learning of a possible conflict pursuant to this paragraph, the employee must make such facts known to his or her department director as soon as possible before participating in such decision and recuse himself or herself there from.
  - f. Soliciting or accepting, in the course of employment, directly or indirectly for the employee's personal use, any gifts, gratuities, favor, promise of future benefit, discount not available to all public employees, entertainment, loan, or other things of value, from any person or entity doing business with the City, such as, but not limited to, vendors, contractors, developers,

agents, attorneys or others.

3. No City employee or contractor who administers, makes recommendations or decisions regarding, or otherwise participates in the review process for disbursement of City sponsored grants or funds (including, but not limited to, Community Development Block Grants, Emergency Shelter Grants, Low and Moderate Income Housing Trust Fund, American Communities Fund, Home Investment Partnership Grants, Housing Enabled Local Partnership (HELP) Fund, Northwest Special Activity Fund, Human Services Endowment Fund, Supporting Housing Grants, Housing Opportunities for Persons with AIDS Grants, or Shelter Plus Care Grants) shall serve on the board of directors or other governing or decision making board of any organization that is applying for these funds. This prohibition applies for the period 12 months before, and 12 months after the employee or contractor's last participation in the disbursement of said City sponsored grants or funds.
4. Taxpayer Protection Act (Pasadena City Charter, Article XVII)

The Taxpayer Protection Act, Article XVII of the City Charter, provides, in relevant part, that any employee who confers a discretionary public benefit to a recipient, either individual or business, of an amount as described in the Act may not receive personal advantage from the recipient for a period ending no later than one year from the employee's separation from the City. Personal advantage includes gifts, employment, and campaign contributions. Employees should review the Taxpayer Protection Act, which may be accessed [here](#).

All inquiries regarding the Taxpayer Protection Act should be directed to the City Attorney's Office.

D. GIFTS AND GRATUITIES

No official or employee shall accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:

1. Use of public office and/or employment for personal or private gain.
2. Preferential treatment of any person.
3. Loss of complete independence or impartiality.
4. Making a City decision outside of official channels.
5. Reduction of public confidence in the integrity of City government and/or its employees.
6. Impeding government efficiency or economy.

Employees who are designated in the City's Conflict of Interest Code shall follow all guidelines in accordance with applicable state law.

E. POLITICAL ACTIVITY

The City Council adopted Resolution No. 4874 on February 1, 1983, which contains the following regulations:

1. No officer or employee shall participate in any political activity during his or her working hours.
2. No officer or employee shall authorize entry into a City facility for the purpose of soliciting or receiving political funds or contributions.


In addition, the Government Code contains the following regulations pertaining to political activities of officers and employees:

1. No officer or employee shall participate in any political activity while in a City uniform. (Government Code Section 3206)
2. No officer or employee shall use his or her official influence or position to coerce political action or contributions. (Government Code Section 3204)
3. No officer or employee shall knowingly solicit political funds or contributions, whether directly or indirectly, from other officers or employees of the City or from persons on the employment lists of the City. **The exceptions to this are as follows:** No officer or employee shall be prohibited from such activity, within or upon non-City premises and during non-working hours, when part of a solicitation for contributions is made through the mail or by other means to a significant segment of the public which may include officers or employees of the City. No officer or employee shall be prohibited from such activity, within or upon non-City premises and during non-working hours, on a ballot measure affecting the pay, working hours, or working conditions, of City officers and employees. (A campaign for elected office is not a ballot measure). (Government Code Sections 3205 and 3209)
4. A City employee may not use public resources to support or oppose a ballot measure or election or defeat of a candidate for office. Public resources include any property owned by the City, including, but not limited to equipment, City email, telephones, supplies, computers, vehicles, and buildings. (Government Code Sections 8314 and 54964).

F. DELEGATION OF DUTIES

When an executive or management employee determines that it is in the best interest of departmental operations to delegate signature authority to a subordinate employee, he/she will complete a Delegation of Duties form, which may be obtained from the Human Resources Department. The form will clearly indicate who is delegating the authority and to whom the authority is being delegated, as well as the nature of the specific responsibility being delegated and the duration of such authority.

The employee delegating the authority and the employee to whom the authority is being delegated must sign the Delegation of Duties form. The original form is to be filed or maintained with the central file for the affected program or project, and each employee will retain a copy for their records. It is understood that while the employee to whom the authority is delegated is responsible for ensuring the proper execution of his/her responsibility, the employee delegating the responsibility retains the ultimate accountability for ensuring the proper administration of the project or program.

Effective Date: August 1, 2019	Supersedes: November 16, 2015
City Manager Approval: 	

#### G. OUTSIDE EMPLOYMENT AND BUSINESS ACTIVITIES DISCLOSURE POLICY

1. The purpose of this policy is to ensure that outside employment and business activities do not adversely affect employee work performance, commitment to City employment, or create a conflict of interest or appearance of impropriety.
2. All employees must annually complete and submit to their department director an "Outside Employment and Business Activity Disclosure" form prior to commencing any new outside employment.

Employees must disclose any outside business activity, including that which generates the receipt of passive income that could create a conflict of interest or the appearance of impropriety. Passive income is earnings derived from a rental property, limited partnership or other enterprise in which a person is not actively involved. Employees engaged in outside business activities with entities that perform business with the City of Pasadena must disclose such activities annually.

As a general guideline, employees do not need to disclose outside business activities that generate passive income, such as rental property, when such activity does not create a business relationship with the City of Pasadena. When there is a question as to whether a particular activity should be disclosed, employees are directed to err on the side of caution and disclose the outside business activity or contact Human Resources for guidance.

3. The City of Pasadena shall serve as each full-time employee's primary employer. In deciding whether to approve a request for outside employment or business activity, the department director in which the employee works should consider the following factors which would be valid reasons for denying the request:

The outside employment or business activity is:

- a. Of such a nature that it may be reasonably interpreted by the public to be an official act of the City.
- b. Involves the use of City facilities, equipment, insignia, uniforms, supplies or resources of any kind, except where specifically permitted by law.
- c. Involves the use of information known to the employee as a result of City employment and not generally available to the public.
- d. Might be reasonably construed by the public to be a conflict of interest.

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- e. Is conducted during the employee's working hours and/or may impede the employee's efficiency while on duty.
  - f. Involves the provision of services normally performed by the employee to another city or public agency such that if a request for those services were made to the City of Pasadena, the City would provide the service either as a matter of professional reciprocity or on a cost reimbursement basis.
  - g. Involves the provision of services for a fee or charge that are normally performed by the employee in his or her capacity as a City of Pasadena employee.
  - h. The employment or service involves an employment relationship with another City employee(s) such that it could be reasonably construed to create the possibility of a negative impact on City working relationships (e.g. coercion, collusion, favoritism, reduced productivity).
  - i. The employment or service is such that potential clients, customers or recipients of such service could be secured during the employee's normal City employment activities (a building inspector, for example, should not be allowed to perform home repairs or construction work within the jurisdiction of the City).
  - j. The amount of outside work or the use of regular days off or time-off requests to perform the outside employment may impede the employee's City job performance, efficiency or attendance.
  - k. The additional work may jeopardize the employee's physical and/or mental well-being, or the additional work may pose stress or injury or the possibility of stress or injury.
4. Outside employment and business activities must be completed by all employees annually as requested by Human Resources or before any outside employment begins throughout the year. Employees who do not have outside employment or business activities to report must acknowledge on the Outside Employment and Business Activities Disclosure Form that they have no information to report under this policy.
- a. Whenever outside employment or business activities change, or new employment or contracts for service commence, the employee must file an amended "Outside Employment and Business Activity Disclosure form." Only one form need be filed for any one year if the service is of a nature that many similar clients would normally be served (e.g. home roofing, teaching, and tax preparation).
  - b. Employees are obligated to make full disclosure of the facts and circumstances regarding any outside employment.
  - c. Department directors approving or disapproving outside employment or business activities shall note the reasons for rejection on the form

SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

5. Authorization for outside employment may be cancelled at any time by the department director or Human Resources for good cause such as when, in the opinion of the department director or Human Resources, the outside work is interfering with performance of the employee's City job or if the employment appears to generate a conflict of interest or other issue, concern or problem.
6. When an employee sustains an industrial injury, outside employment shall cease when in the opinion of the department director, or Human Resources, the job requirements of the outside employment are in conflict with any work restrictions placed on the employee by the treating physician or the agreed medical examiner (AME).



## H. NO SMOKING

### 1. Purpose

The City's No Smoking Policy is established in response to the 2006 U.S. Surgeon General's report on the health effects of involuntary smoking. The report concluded the following: 1) that involuntary or "secondhand smoke" is a cause of disease, including lung disease and cancer, in healthy non-smokers, especially children; and 2) that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to the hazardous substance in tobacco smoke and that smoke-free environments are the most effective method for reducing exposures.

The purpose of this policy is to create a smoke-free workplace environment in City buildings, at City facilities and in City vehicles, in order to eliminate the health hazard of secondary exposure to tobacco smoke, and ensure that employees are provided a healthy and safe work environment.

### 2. Definitions

The term "smoking" shall include the burning and inhalation of any substance that produces a visible or invisible vapor or smoke, including pipes, cigars, cigarettes, or "e-cigarettes" or other devices which convert liquids such as liquefied nicotine into a vapor for purposes of inhaling.

### 3. Policy

It is the City's policy that effective November 15, 1990 buildings, facilities and vehicles owned, operated or leased by the City of Pasadena shall be entirely smoke-free at all times, with the exception of a limited number of **designated** smoking areas. Smoking at work sites (public or private) is forbidden under this policy unless done in a location that complies with local ordinances. This prohibition includes but is not limited to: common work areas, private offices, public and private meeting rooms, restrooms, lunchrooms, courtyards, gathering places, elevators, lobbies, cars, trucks or other City vehicles. "No smoking permitted" signs shall be posted in appropriate areas.

### 4. Application

This policy applies to all City employees and visitors while they are in buildings or vehicles owned or leased by the City. Additionally, applicants for employment with the City must agree to comply with this policy.

This policy does not apply to the Pasadena Conference Center, the Tournament of Roses House, the Rose Bowl press box, or other buildings subject to the lease or control of the third parties.

### 5. Enforcement

Managers and supervisors are primarily responsible for reasonable enforcement of this policy, and for the administration of discipline as deemed appropriate. Failure of an employee to comply with the standards set forth in this policy may be the basis for disciplinary or appropriate action.



## I. ELECTRONIC EQUIPMENT USE

### 1. Purpose

To establish guidelines for the acceptable use of the City's electronic equipment and systems used by employees who have access authorized by the City.

### 2. General Policy

Electronic equipment, including City owned personal computers, tablets, laptops, wireless devices, computer systems, remote access devices, networks, servers, wireless networks and systems, software and applications, memory storage devices, personal digital assistants and hand-held computers, cellular, mobile phones and the like, or satellite telephones and any other electronic equipment are business tools to be used for conducting the City's business only. Such equipment shall be used in accordance with generally accepted business practices and this policy. Current laws as referenced in the Public Records Act and the City's Records Retention Policy shall be adhered to at all times.

Electronic communications, such as emails, are not intended to replace direct, personal communication where direct contact would be more appropriate. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards of conduct while accessing, utilizing, and disseminating information gained through the City's electronic systems and that employees will strive to maintain the integrity of the information systems of the City of Pasadena.

Employees are reminded that when they participate in social networking media sites, web logs ("blogs"), or video or photographic share sites from a City computer or equipment, or from their personal computer or electronic equipment, and there is any information that identifies the person as a City of Pasadena employee, or they join or connect with sites for professional City business purposes from their own personal social networking media sites, that all the rules and regulations pertaining to the person as an employee of the City of Pasadena are in full force and effect.

In addition, employees who post information on the internet, blogs, and social networking media sites are reminded of the proprietary nature of the City of Pasadena logos, seals, emblems and markings and are prohibited from displaying them, unless authorized for City business. Employees are also prohibited from creating the appearance that any posting to the internet or mobile applications are official City of Pasadena postings without prior written authorization from the Department Director.

### 3. Requirements

Employees with authorized access to the internet, intranet, and other electronic media through City owned or operated computer equipment must comply with this Electronic Equipment Use Policy. Employees must be specifically authorized by the City to use the internet, intranet, or any other electronic media while performing work, utilizing City owned equipment, while on City property, or while accessing the City's network system, servers, databases, or computers directly

or remotely, or while accessing the City's network directly or remotely, including using a personal device.

#### 4. Definitions

Definitions are not intended to define prohibited conduct, but rather, to provide general definitions of terms used throughout this Electronic Equipment Use Policy.

- a. "Electronic media" – shall be defined as any communication or transmission of electronic messages, files, data or other electronic information, including email, electronic "chat," bulletin or newsletter services, newsgroups, or any other electronic transmission which is conveyed via an electronic device, such as a computer, tablet, laptop, fax machine, smart phones, remote access devices, wireless devices, or any other device which either prints, stores or displays the information communicated or transmitted.
- b. "Communication" – shall be defined as the intentional or unintentional sending or receiving of an electronic message, file, data or other electronic information. A "communication" is intended to include the conversion of the electronic information into another form, such as printing the information, and then delivering the information to a recipient, whether or not the recipient was the intended recipient.
- c. "Sender" – shall be defined as the person or persons who transmit, or cause to be transmitted, a communication, via electronic media or otherwise.
- d. "Recipient" – shall be defined as the person or persons who receive, either directly or indirectly, the communication from one or more senders.
- e. "Social Networking Media Site" – shall be defined as internet web sites in which computer and/or mobile device users connect with or join as a member of such site for the purpose of connecting with others so joining as "friends" or "contacts" or for sharing video, audio, photographic or other such information for the purpose of posting, uploading or reading other members' posted information which may be of a personal or professional nature. Examples of social networking media sites include, but are not limited to: Facebook, LinkedIn, YouTube, Flickr, Photobucket, Snap Chat, Instagram, etc. Social media sites may be utilized as channels for disseminating time sensitive information as quickly as possible, such as emergency information, as well as marketing and promotional channels for increasing the City's ability to broadcast to the widest possible audiences. (See also **Error! Reference source not found.**)
- f. "Web log" or "blog" – shall be defined as an internet link or connect where persons may post information along with other participants, such postings being displayed in list or log form under a topic or topics for the purpose of sharing information, rendering opinions, or viewing other participants' information or opinions within that blog or web site.

#### 5. Employee Obligations

Employees with authorized access to the internet, intranet, and other electronic media must

comply with this Electronic Equipment Use Policy. Authorized users are required to:

- a. Be aware the participating on a social networking media site in which the person identifies himself or herself as a City employee, or in which that person joins another site or provides a link to another site, and so identifies himself or herself, any communications and information on that site which may reflect on the City of Pasadena may be regulated and restricted as if the information comes directly from them as a City of Pasadena employee. Posting information that discredits the City or causes embarrassment to the City or the person's employment could lead to disciplinary action up to and including termination.
- b. Be aware that it is the policy of the City of Pasadena that any and all electronic information, communications, data, files, documents, folders or any other form of electronic information which is transmitted to, through or from any electronic device owned by the City of Pasadena, or is transmitted to, through or from any employee of the City of Pasadena while at work or on City business or is in or on any City-owned property or vehicle, is owned by and belongs to the City which has a proprietary interest in such electronic information and no employee shall, either directly or indirectly, profit or gain personally therefrom.
- c. Respect the privacy of other users including information on, copies of, or modification of files, data, or passwords.
- d. Observe the legal protection provided by copyright and license to programs and data.
- e. Understand that any violation of the Electronic Equipment Use Policy may result in disciplinary actions consistent with the Discipline Policy. Comply with all applicable federal, State and municipal laws, policies and regulations including, but not limited to, the California Public Records Act, First Amendment privacy laws, Fair Labor Standards Act (FLSA) and information security policies.
- f. Understand that any violation of the Electronic Equipment Use Policy may result in disciplinary actions consistent with the Discipline Policy.
- g. Understand that electronic records or files may be considered "Official Records" under the California Public Records Act ([Government Code Section 6250 et seq.](#)) and other applicable State or federal laws. As such, employees should consult the City of Pasadena's Records Retention Policy and/or the City Attorney's Office with regard to the handling, printing, and retention of electronic records or files.

#### 6. Policy Violations

Electronic equipment use is for the accomplishment of business-related tasks and for conducting City business only. It shall be a violation of this Section to do any one or more of the following without proper authorization, which may result in disciplinary action up to and including discharge:

- a. Arranging for or placing any unsolicited advertising unless specifically authorized by the department director.

- b. Conducting personal business, which includes but is not limited to, “surfing” or browsing the internet which includes, but is not limited to, displaying, reading, downloading information from, uploading information to, or conversing or “blogging” on internet web pages including social networking media web sites, playing, uploading, posting or forwarding any audio or video file, or graphic or uploading, displaying, posting or forwarding any photograph, picture or other computer graphic not reasonably necessary for the conduct of the City’s business.
- c. Playing or downloading any recreational games or forms of entertainment not related to the conduct of the City’s business during working hours or while on City-owned property or using City-owned equipment.
- d. Sending, forwarding, uploading or posting any communication, including email, that is not reasonably necessary for the conduct of the City’s business whether or not such communication contains any material which is intended to or does offend or harass another person. A separate violation may be found where the communication, when it is uploaded, forwarded, posted or sent, whether or not sent to a person who is or is not an employee of the City, which is sexually explicit, or which contains material that is negatively focused upon race, religious creed, color, national origin, ancestry, disability, age, marital status, sex or sexual orientation (e.g. such as derogatory terms, photographs, pictures, videos, jokes, or unwelcome advances of a sexual nature, etc.) or any other protected classification.
- e. Malicious use, which includes but is not limited to, messages, or information that is such that it tends to, or a reasonable person would perceive it to intimidate, embarrass, bully, harass, threaten, offend or annoy another person, or which a reasonable person would find to be intimidating, embarrassing, bullying, harassing, threatening, annoying, obscene, or offensive.
- f. Downloading from or uploading to the internet any file or program, except when in relation to the department’s objectives.
- g. Posting of information, text, graphics, audio or video, except when in relation to the Department’s objectives, without approval from the department director.
- h. Subscribing to any listservs, newsgroups, news feeds or social networking media sites where membership would place the user on a server’s mailing list or news feed, except when in relation to the Department’s objectives.
- i. Printing, downloading, saving on a memory storage device (whether internal or external, disk, CD, DVD, flash memory drive or card, tape or like devices), or otherwise duplicating any communication prohibited hereunder.
- j. Sending a communication that the sender knows, or reasonably should know, violates any law of the United States or the State of California, or which violates any provision of the City of Pasadena Manual of Personnel/Administrative Rules.
- k. Deleting, destroying, or damaging any electronic information under the control of another employee or the City of Pasadena for the purpose of sabotaging, hindering, delaying,

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

frustrating, or causing an employee or the City of Pasadena to lose any electronic information that is needed for the conduct of the City's business.

- I. Posting advertisements, business solicitations, chain letters, or anything determined to be "spam."
- m. Failing to follow directions from the Department of Information Technology, Human Resources, or the employee's supervisor, Department Director, or any law enforcement officer or agent pertaining to the handling, opening, deleting, or closing of computers, computer files, folders, applications, or any electronic device on which City business is conducted.
- n. Knowingly introducing any destructive files or data of any kind (known as a "virus") into any electronic device or system whether or not information or the system are actually compromised.
- o. Knowingly deleting, destroying, or damaging any electronic information related to City business when the employee knew or should have known that the employee was not authorized to delete, destroy or damage the electronic information.
- p. Accessing the networks, computers, servers, electronic devices, electronic information or communications of other employees or the City of Pasadena without express authorization from the employee who has the responsibility for maintaining said devices or information, or the Department Director of the employee seeking said information.
- q. Revealing or disclosing to another, gathering, storing or disseminating in any fashion any passwords, PIN codes, credit card numbers, or other confidential information obtained through the person's employment without the express authorization of the Department Director or his or her designee.
- r. Posting or uploading any information in any format, including but not limited to text, video, photographs, audio files or other information whether from a personal computer or electronic device or one owned, leased or operated by the City of Pasadena, which may cause, or does cause, discredit to the City of Pasadena or embarrassment to the employee's employment with the City of Pasadena.
- s. Posting or uploading any logo, seal, emblem, photograph, video, sound file or other mark, design, diagram, photograph or information that is proprietary to the City of Pasadena unless done within the course and scope of the person's employment as an employee of the City of Pasadena or with the prior authorization of the employee's department director or City Manager.
- t. "Spoofing," or willfully constructing an electronic communication so that it appears to be from a sender other than the original or actual sender.
- u. "Snooping," "Phishing," or obtaining access to the files or electronic communications of others without following proper procedures or having a proper City business purpose.


v. Attempting to accomplish any act prohibited by this policy.

7. Electronic Media Privacy Policy

No employee shall expect nor receive any right to privacy relative to the use of, the information transmitted by or through, or the contents stored upon any electronic device owned by the City of Pasadena. The City reserves the right to monitor electronic communications accomplished through City-owned equipment or while accessing the City's network, servers, or computers on an as-needed basis.

Employees who join or participate in social networking media sites or web logs acknowledge and agree that if they post or upload information including photographs, video, audio or other information that indicates they are a City of Pasadena employee or which brings discredit or embarrassment to the City or the person's employment, that the employee thereby waives any right to assert any right or expectation of privacy or other protections against disclosure of said information for purposes of determining whether and to what extent disclosure may be required by the City for purposes of investigating violations of this or any other policy of the City of Pasadena or other law or regulation pertaining to said social networking or blog site that the employee has participated in, to the extent such purpose may be permitted by law.



Effective Date: March 2, 2020	Supersedes: November 16, 2016
City Manager Approval:	
	

## J. SOCIAL MEDIA POLICY

### 1. Purpose

- a. Due to the rapid growth of social media, the City has a business need to augment traditional communication methods with the use of social media.
- b. The use of social media presents opportunity for and risk to the City, its departments and employees. Opportunities include promotion of City services, programs and events, gathering feedback from the community, as well as emergency instructions and updates; risk includes reputation, negative branding, and site security.
- c. This policy establishes policies, protocols and procedures intended to mitigate associated risks related to the use of social media for official City purposes.

### 2. Definition

Social media consists of third-party hosted websites or applications for discussion, photo sharing, video sharing and information sharing. Examples include but are not limited to Google Plus and Yahoo Groups, Wikipedia, Twitter, Pinterest, Facebook, Meetup, Multiply, Snap Chat, Instagram, YouTube, Flickr, LinkedIn, My Life and the like, and news media sites with comment-sharing capabilities.

### 3. Policy Statement

Social media sites are the sole possession of the City and shall be used only for official business purposes to provide timely news, information and updates. It is important to take a measured, strategic approach to the implementation of social media.

This policy applies to all regular, probationary, and temporary employees, city service workers, volunteers, consultants, service providers and/or contractors performing business on behalf of the City.

### 4. Responsibility

- a. The department director is responsible for facilitating this policy in compliance with the Code of Conduct and the Electronic Equipment Use Policy. This includes the responsibility of auditing the department's use of social media and ensuring compliance with this policy.
- b. Within the terms of this policy, department directors have the discretion to determine and establish social media activity at the department level. Any policies, protocols and/or

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

procedures established by individual departments to implement social media programs or activities shall be subject to and consistent with those referenced herein.

- c. Departments that use social media sites are responsible for complying with all applicable federal, state and municipal laws, policies and regulations. This includes but is not limited to adherence to established laws and policies regarding the California Public Records Act, First Amendment privacy laws, and information security policies.
- d. Account information for social media sites established to represent official City business or communications on behalf of the City shall remain the sole property of the City. Separating employees will provide this information to their department head or the PIO prior to their separation.

5. Policy

a. City Website

The City of Pasadena's official website ([www.cityofpasadena.net](http://www.cityofpasadena.net)) shall remain the primary and predominant Internet presence. All City social media sites shall include one or more links that direct users back to the City website.

b. Appropriate Uses of Social Media Sites

The most appropriate uses of social media sites fall into two categories:

- i. As channels for disseminating time-sensitive information as quickly as possible, such as news and emergency information, and
- ii. Marketing and promotional channels for increasing the City's ability to broadcast messages to the widest possible audiences.

c. Branding

- i. The design of all City social media pages must be approved by the Public Information Officer. The PIO shall maintain a master list of social media sites.
- ii. The City Seal/logo shall be used on all official social media sites used for this purpose. Any changes or additions to official City of Pasadena seals, logos and other branding devices shall be incorporated into official social media sites.
- iii. Photos and other images may be posted only when they are the property of the City of Pasadena or the owner has provided consent for use.
- iv. Misrepresentations regarding the City of Pasadena on social media sites should be brought to the attention of the PIO for clarification.

d. Posting of Comments on Social Media Sites

- i. Comments posted by City employees in an official capacity on social media sites, whether administered by the City or other agencies and/or individuals, shall include appropriate identifying information and any other pertinent information within the context of the virtual interaction.
  - ii. Comments and direct messages posted by City employees on social media sites in an official capacity may be treated as official correspondence and may be subject to disclosure in accordance with the California Public Records Act.
  - iii. Notwithstanding the above, postings that are otherwise protected from disclosure or are not disclosable public records do not lose such status as a result of disclosure on a social media site. The City of Pasadena reserves the right to remove such postings.
  - iv. City employees are prohibited from engaging in debate in an official capacity on social media sites. Employees who encounter inappropriate situations or abuse in virtual environments in an official capacity should immediately leave the social media site and report the situation to a supervisor.
  - v. The City of Pasadena reserves the right to remove postings placed on official City social media sites that the City deems, in its sole discretion, to constitute crimes (such as threats of violence), and/or that otherwise violate federal or state law.
- e. Administration of City of Pasadena Social Media Accounts
- i. Prior to establishing any pages on social media sites in an official capacity, employees must (1) receive approval from their respective department directors and the City's Public Information Officer, (2) read this policy and the City's social media policy for external users and agree, in writing, to abide by the guidelines and (3) contact the Public Information Officer regarding the purpose of their new social media account, the primary audience, and the type of content that will be conveyed on behalf of the City of Pasadena.
  - ii. The Public Information Officer shall work in conjunction with the Department of Information Technology to establish the primary administrative account(s) and logins for each social media site.
  - iii. The Public Information Officer shall be responsible for reviewing and approving each requested social media site's terms of use.
  - iv. The appropriate department director (and/or his/her designee) and the City's PIO shall jointly be responsible for (a) monitoring content on their department social media sites to ensure compliance with this policy (b) ensuring that department staff moderating social media content are trained regarding the terms of this policy and the City's social media policy for external users.

- v. The Public Information Officer shall chair a PIO team that includes representation from the Department of Information Technology and other departments as needed. The committee shall meet at least twice a year to update and review social media policies and make recommendations to the City Manager regarding current trends and potential impacts.
6. Retention of Records

The City of Pasadena shall retain, as part of the administrative record, all postings submitted to the City website as well as official City social media sites when such postings are labeled “public comment.” Comments submitted in conjunction with such postings shall be preserved in accordance with existing City records retention policies and shall be forwarded to decision makers or decision-making bodies for consideration. When a final decision has been made during an agenda meeting, and provided the records have been properly retained, the City of Pasadena reserves the right to remove all related posts from all sites and/or dismantle sites and pages dedicated to such specific issues.

K. MEDIA POLICY1. Purpose

The purpose of the City's Media Policy is to improve media relations, protect and enhance the image of the City of Pasadena and ensure that accurate, appropriate information is released to the news media.

2. Policya. Priority

Inquiries from the news media should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to ensure that all information released is accurate and meets media deadlines.

b. Public Information

Generally, the business conducted by the City of Pasadena is public and therefore is subject to the federal Freedom of Information Act and the California Public Records Act. Exceptions include, but are not limited to, works in progress that have not been publicly distributed, attorney client-privileged and matters involving pending litigation, issues that are subject to ongoing negotiation, and confidential personnel-related matters.

c. Sensitive and Controversial Issues

The appropriate department director, the City Manager and the Public Information Officer (PIO) must be informed immediately of inquiries from the news media that relate to sensitive or controversial issues, potential litigation, ongoing negotiations or personnel matters; and must be made aware immediately of potentially sensitive issues when it is anticipated that those issues may reach the media. The City Manager will communicate directly with the PIO, the appropriate department director and other city officials as necessary, including the City Attorney and Director of Human Resources on an as-needed basis, to develop strategies for each issue and determine an appropriate spokesperson.

Any City employee who speaks to a reporter or editor about a sensitive or controversial issue without authorization and prior approval by the City Manager may be subject to disciplinary action. The PIO must be made aware of any such authorization or approval.

d. Examples of Sensitive or Controversial Issues

Examples of sensitive or controversial issues include, but are not limited to, performance evaluations related to any City employee; legal claims or lawsuits filed against the City of Pasadena by any City employee, City Council Member or other elected official, individual, business or organization; negotiations related to economic development or redevelopment; court appearances by any City employee, member of the City Council, or spouses or other

family members of either; and hiring, disciplinary action, or termination processes related to any City employee.

e. Spokesperson

In most cases, there will be one spokesperson designated for response to each inquiry, and all related inquiries will be directed to that spokesperson. For citywide issues the spokesperson will most often be the City Manager or the PIO; for department-related issues the spokesperson will most often be the director of a department or division head; in some instances the spokesperson will be the employee, regardless of rank, who can best answer specific questions about a particular issue. The spokesperson will work directly with the PIO to ensure that information for specific media issues is communicated appropriately.

f. Public Records Requests

Requests from the media or the public for City of Pasadena records may be written or verbal. Staff is required, if necessary, to help requesters make focused and effective requests that reasonably describe identifiable records. The Public Records Act allows up to 10 days for this process, but departments are encouraged to provide information in as timely a manner as possible.

g. News Releases

City departments may issue routine news releases and consult with the Public Information Office as necessary. The PIO must receive a copy of every news release that is distributed by any City department. Any news release issued by any department of the City of Pasadena, with the exception of the City Attorney's Office, that relates to or is requested by an elected official - City Council Member, county supervisor, assembly member, senator, etc. - must receive approval from the City Manager before being written or released.

h. Media Briefings

When necessary, briefings may be conducted to educate the news media about potentially controversial issues and provide reporters an opportunity to ask in-depth questions. In most cases, appropriate City staff and reporters review extensive background materials, distribute fact sheets and explanatory materials, or discuss at length a particular issue or upcoming report to the City Council. The PIO will be responsible for scheduling any such briefings.

i. Press Conferences

When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information that City officials cannot respond to on an individual basis. The City Manager and the PIO must be notified in advance of a department's intent to hold a press conference. The PIO will be available as needed for consultation with appropriate staff regarding the strategy, preliminary statement,

materials, media alert and general set-up of the conference. The City Manager or his/her designee is responsible for notifying the City Council of any breaking news.

3. Emergency Media Relations

In the event of a disaster or emergency, the Fire Department, Police Department or the Public Works and/or the Water and Power departments will assign a spokesperson to be responsible for primary media relations. The City's PIO serves as spokesperson during an emergency only when the Emergency Operations Center (EOC) is activated.

4. Departmental Media Policies

a. Development of Departmental Policies

Each department in the city organization will establish a media plan for non-controversial, day-to-day inquiries from the news media. The plan will include the appointment of a spokesperson(s) to represent the department to the media. The City's PIO is always available for consultation and will, on request, be present at interviews between reporters and City staff.

b. Filing of Departmental Policies

Department media policies must be on file in the City Manager's Office and the Public Information Office.

L. CITY IDENTIFICATION POLICY

Employees will be issued employee identification badges to be worn at all times when working. Employees who wear uniforms with their name (first and/or last name is acceptable at the department director's discretion) embroidered on the garment are not required to wear their City-Issued identification while in uniform.



## M. DRESS CODE

Employees of the City are required to dress appropriately for the jobs they are performing. Therefore, failure to follow the dress regulations contained in this section shall be grounds for discipline.

### 1. General Guidelines

The general dress code guidelines are as follows:

- a. All clothing must be neat, clean, and in good repair.
- b. Prescribed uniforms and safety equipment must be worn.
- c. Footwear must be appropriate for the work environment and functions performed.
- d. Hair must be neat, clean and well-groomed.
- e. Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion.
- f. Jewelry is acceptable except where it constitutes a health or safety hazard.
- g. Good personal hygiene is required.
- h. Dress and personal appearance must be appropriate to the work setting particularly if the employee has public contact.
- i. Any visible tattoos shall not be obscene, sexually explicit, discriminatory to any legally protected category (including, but not limited to, national origin, race, religion, sex, and sexual orientation), extremist, and/or gang-related. Any non-conforming tattoos will be covered with clothing or a bandage while at work.
- j. For employees working with the public, objects, articles, jewelry or ornamentation of any kind that may impact safety or service to the public shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.
- k. Jeans, shorts, sweats, and t-shirts are prohibited, unless part of a required uniform or specifically authorized by the department director.

If an employee has a question about how any provision of this policy applies to him/her, the employee should immediately raise the matter with his/her supervisor for consideration and determination.

### 2. Departmental Standards

Each department director has the right to set more detailed and stringent dress code guidelines for employees in his/her department. The department director may also make exceptions for

individual employees based on a specific job function or special requirements. Departmental guidelines must be submitted to Human Resources.

N. ALCOHOL AND DRUG ABUSE POLICY1. Purpose

It is the purpose of this policy to ensure that employees perform their jobs free of the effects of alcohol or drugs (whether illegal or not), and to eliminate substance abuse and its effects in the workplace in order to ensure that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves.

2. Policy

With the exception of those job circumstances which necessitate the handling, possession, or consumption of illegal drugs by employees in the performance of their duties, it is the City's policy that employees shall not be under the influence of or in possession of alcohol or drugs while on City property, at work locations, while on duty, or before reporting for duty; shall not utilize such substances when they have a reasonable expectation of call in for duty; shall not possess, provide or sell illegal drugs to any other employee or to any person nor have their ability to work impaired as a result of the use of alcohol or any drugs substances.

While use of medically prescribed medications and drugs is not per se a violation of this policy, the employee must notify his/her supervisor, before beginning work, when taking medications or drugs (including the possible effects of taking such medication and drugs) which could foreseeably interfere with the safe and effective performance of duties or operation of equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee, such as desks, file cabinets, City vehicles, etc. Otherwise the City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City, such as lockers assigned exclusively for the employee's personal use.

Employees reasonably believed to be under the influence of alcohol or drugs (the use of alcohol or any illegal substance or use of a prescribed drug in a manner and to a degree that causes any impairment in the employee's work performance or the ability to use City property or equipment safely) shall be prevented from engaging in further work and may be ordered to submit to a drug and/or alcohol test and shall, for safety purposes be provided transportation from the work site, whether that is to a drug and/or alcohol test or if no test is administered, to the employees' residence or other similar location.

3. Application

This policy applies to all employees of the City of Pasadena. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

#### 4. Employee Responsibilities

An employee must:

- a. Refrain from the use of, or possession of, illegal drugs or substances while on duty or off duty unless authorized for City business purposes;
- b. Not report to work while his/her ability to perform job duties is impaired due to alcohol or drug use (whether legal or illegal);
- c. Not possess or use alcohol during working hours, when there is a reasonable expectation of being called to duty, when on breaks, during meal periods or at any time while on City property or while driving a City vehicle;
- d. Not possess or use illegal drugs or substances or prescription drugs without a prescription.
- e. Not directly or through a third party sell or provide illegal drugs or substances to any person, including any employee, while either employee or both employees are on duty or off duty;
- f. Submit immediately to a urine, breath or blood test, or other test as deemed appropriate, when ordered by a supervisor or manager who has reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol;
- g. Notify his/her supervisor, before beginning work, when having consumed alcohol or when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of equipment;
- h. Provide within 24 hours of request or as soon as reasonably possible bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name; and
- i. Report to the supervisor or take other appropriate action when it is believed other employees may be under the influence of drugs or alcohol or engaging in illegal drug related activities.

Employees who believe they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program or other resources available in the community. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

#### 5. Management Responsibilities and Guidelines

- a. Managers and supervisors are responsible for reasonable enforcement of this policy, and for the administration of discipline as deemed appropriate.
- b. Managers and supervisors may request and, if necessary, subsequently order that an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

alcohol while on the job or subject to being called. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, in combination, may constitute reasonable suspicion:

- i. Slurred speech;
  - ii. Odor of an alcoholic beverage on breath;
  - iii. Unsteady walking and movement;
  - iv. An accident involving the employee and/or equipment, vehicle or property where the cause may be symptomatic of suspected use;
  - v. Physical altercation;
  - vi. Verbal altercation;
  - vii. Unusual behavior where the cause may be symptomatic of suspected use;
  - viii. Possession of alcohol or drugs; or
  - ix. Information obtained from a reliable person with personal knowledge. The supervisor shall make reasonable attempts to verify or corroborate such information prior to requesting or ordering an employee to submit to a drug test.
- c. Any manager or supervisor requesting or ordering an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in questions is intoxicated or under the influence of drugs. Whenever possible the manager or supervisor who has the reasonable suspicion will ask a witness to observe the employee as well.
  - d. If the manager or supervisor reasonably believes that an employee is under the influence, and wants to talk to the employee before sending him/her to a test, the employee shall be advised of his/her right to representation. Upon the employee's request for representation, any interrogation or testing shall cease until representation is present, unless representation is not available within 30 minutes. However, if based on the reasonable suspicion, the manager or supervisor wants to send the employee to the test without interrogating the employee, he/she may do so.
  - e. Any manager or supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis shall remind the employee that failure to comply is insubordination and will result in disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor shall, for

safety purposes, provide the employee transportation from the work site to the collection facility to submit to the test.

- f. Managers and supervisors shall not physically search the person or employees, nor shall they search the personal possessions of employees without the consent of the employee.
- g. Managers and supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession, or when the supervisor is unable to reasonably control a situation where the employee poses a potential liability to himself/herself, or others.

#### 6. Physical Examination and Procedure

The urine, breath, blood, or other appropriate test (as determined by the lab) may test for any substances which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids.


#### 7. Consequences of Failing Drug and/or Alcohol Analysis

- a. All testing shall be conducted by a laboratory certified by the National Institute on Drug Abuse and licensed by the State of California. Such laboratory shall perform such quality measures as will ensure the accuracy of the results it reports, including split of samples.
- b. A positive result with confirmation from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.
- c. If the drug screen is positive, the employee must provide within 24 hours of request or as soon as reasonably possible bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action up to, and including discharge.
- d. If an alcohol or drug test is positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with applicable discipline procedures.
- e. Any employee who tests positive for drugs and/or alcohol is subject to follow-up random testing over the 12 month period following the positive test. There will be at least two random follow-up tests during the 12 month period.

#### 8. Confidentiality

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Director of Human Resources. The reports or test

results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; and (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

Effective Date: September 12, 2019	Supersedes: August 25, 2016
City Manager Approval: 	

O. WORKPLACE HARASSMENT, DISCRIMINATION, AND RETALIATION PREVENTION POLICY

1. Purpose

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

2. Policy

The City has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

Harassment or discrimination against an applicant, employee, unpaid intern, volunteer or contractor by a supervisor, management employee, co-worker, member of the public, or contractor on the basis of race, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as defined below, will not be tolerated.

This Policy prohibits City employees, unpaid interns, volunteers, and contractors from harassing or discriminating against applicants, employees, unpaid interns, volunteers, or contractors because of: 1) the perception that an individual has a protected classification or 2) that the individual associates with a person who has or is perceived to have a protected classification.

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

Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.



### 3. Definitions

- a. **Protected Classifications:** This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, sex stereotype, gender identity, gender expression, transgender, pregnancy), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age over 40, medical condition, genetic characteristics or information, military and veteran status, physical or mental disability, and any other basis protected by applicable federal, state, or local law.
- b. Classification definitions include but are not limited to:
  - i. "Gender expression" refers to a person's gender-related appearance or behavior, or the perception of such appearance or behavior, regardless of whether it is stereotypically associated with an individual's sex assigned at birth.
  - ii. "Gender identity" is each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, transgender or a gender different than the person's sex assigned at birth.
  - iii. "Sex stereotype" is an assumption about someone's appearance or behavior, gender roles, gender expression, or gender identity, or about the ability or inability to perform certain types of work based on a myth, social expectation or generalization about the individual's sex.
  - iv. "Transgender" refers to someone whose gender identity is different from the person's sex assigned at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth.
- c. **Discrimination:** This policy prohibits treating individuals differently because of the individual's protected classification as defined in this Policy.
- d. Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that employees engage in. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public:
  - i. Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments, email, text messages or social media messages on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
  - ii. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching,

grabbing, patting, propositioning, leering, unwanted/unwelcome behavior, or making explicit or implied job threats or promises in return for submission to physical acts.

- iii. Visual acts, such as derogatory posters, cartoons, emails, social media postings, pictures, or drawings related to a protected classification.
- iv. Unwanted sexual advances and hostile work environment, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct has the purpose or effect of unreasonably interfering with an individual's work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job, or where the conduct creates an intimidating, hostile, or offensive working environment.

#### 4. Guidelines for Identifying Harassment:

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

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

## 5. Retaliation

Any adverse conduct taken because an applicant, employee, unpaid intern, volunteer, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process.

## 6. Confidentiality

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

## 7. Responsibilities

Managers and Supervisors are responsible for:

- a. Informing employees of this Policy.
- b. Modeling appropriate behavior.
- c. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
- d. Immediately reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Department or the department director.
- e. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- f. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.

- g. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- h. Informing those who complain of harassment or discrimination, or retaliation of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
- i. Assisting, advising, or consulting with employees and the Human Resources Director regarding this Policy and Complaint Procedure.
- j. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with employer Personnel Rules, up to and including discharge.
- k. Implementing appropriate disciplinary and remedial actions.
- l. Participating in periodic training and scheduling employees for training.

Each employee or contractor is responsible for:


- a. Treating all employees and contractors with respect and consideration.
- b. Modeling appropriate behavior.
- c. Participating in periodic training.
- d. Fully cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
- e. Maintaining the confidentiality of any investigation that the City conducts by not disclosing the substance of any investigatory interview, except as directed by the department director or Human Resources Director.
- f. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department director, or Human Resources Director.

8. Dissemination of Policy

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

9. Training

All employees will receive training in accordance with Government Code section 12950.1.

Effective Date: September 12, 2019	Supersedes: November 16, 2015
City Manager Approval:	
	

P. SEXUAL HARASSMENT

1. Definition of Sexual Harassment

In California, the legal definition for "sexual harassment" is "sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment, an internship, or volunteer program or as a basis for employment decisions, or any decision relating to an unpaid internship or volunteer program, affecting the individual; or (b) such advances, requests or conducts have the purpose or effect of unreasonably interfering with an individual's work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job or by creating an intimidating, hostile, humiliating or sexually offensive work environment.

2. Types Of Sexual Harassment:

a. Quid Pro Quo

Quid Pro Quo harassment occurs when a supervisor makes demands of a sexual nature to a subordinate. ("Quid Pro Quo" means "this for that.") Quid Pro Quo is when a supervisor makes submission to sexual conduct a term or condition of employment and uses it as a basis for employment decisions that affects subordinates.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

b. Hostile Environment

A hostile environment is created when:

There is conduct occurring that a "reasonable" person standing in the shoes of the victim would find offensive.

The conduct interferes with the victim's peace of mind, ability to do her (or his) job, or alters the nature of the working environment or employment relationship (even if the employee's salary, benefits, promotional and advancement opportunities and the like are not affected). Generally, the existence of a hostile work environment depends upon the totality of the circumstances.

The legal definition of sexual harassment is broad and encompasses other sexually oriented conduct, whether it is intended or not, that is both unwelcomed and has the effect of altering the work conditions so that a reasonable person may find it more difficult to do the job, or creating a workplace environment that is hostile, offensive, intimidating, or humiliating.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcomed, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities;
- Use of electronic media to violate this policy.

### 3. Retaliation

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

The retaliation clause is a part of Title VII of the Civil Rights Act of 1964, as amended. Title VII prohibits an employer from discriminating against an employee or applicant because he or she "opposed an unlawful employment practice," or "made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing."

Title VII and California DFEH (Department of Fair Employment & Housing) statutes prohibit retaliation against any person who opposes or complains about sexual harassment or sex discrimination in the workplace, or who participates in any investigation into such unlawful conduct.

### 4. Sexual Harassment Investigation

When the Department of Human Resources receives a complaint, the allegations will be

promptly reviewed and/or investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable.

If it is determined that a violation of this policy has occurred, the City will act promptly to correct the offending conduct, and where it is appropriate disciplinary action will be imposed.


5. Disciplinary Action

If it is determined that a violation of this policy has been committed by one of its employees, the City will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as is appropriate under the circumstances.

6. Management Responsibility

It is the responsibility of every City of Pasadena manager and supervisor to:

- a. Inform all employees of City policy and their rights to recourse for activities which come under the Sexual Harassment Prevention Policy.
- b. Immediately begin action when informed of any alleged violations of the Sexual Harassment Prevention Policy by informing the Director of Human Resources and seek consultation regarding any remedial or investigative action.
- c. Recognize that managers and supervisors should report to the Department of Human Resources, instances of sexual harassment of which they are aware, and instances of harassment of which they should be aware in the normal course and scope of their management responsibility.

Effective Date: September 12, 2019	Supersedes: November 16, 2015
City Manager Approval: 	

Q. HARASSMENT/DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURE

1. An employee, applicant, unpaid intern, volunteer, or contractor who believes he or she has been harassed, discriminated against, or retaliated against may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:
  - a. Immediate supervisor;
  - b. Any supervisor or manager within or outside of the department;
  - c. Department director; or
  - d. Director of Human Resources.

Any supervisor or department director who receives a complaint of potential harassment, discrimination, or retaliation must notify the Director of Human Resources immediately.

In addition to being able to file a complaint to any of the above-listed individuals, the following suggested reporting procedures are available when filing a complaint about certain individuals in the City:

- Complaints regarding an employee in the Human Resources Department may be provided to the Director of Human Resources, City Manager or Assistant City Manager.
  - Complaints regarding the City Manager may be submitted to the City Attorney;
  - Complaints regarding the City Attorney may be submitted to the City Manager; or
  - Complaints regarding a member of the City Council or any other appointed or elected official may be reported to the City Manager or the City Attorney.
2. Upon receiving notification of a complaint, the Director of Human Resources shall:
    - a. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
    - b. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to



## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

- c. Report a summary of the determination as to whether harassment, discrimination, or retaliation occurred to appropriate persons, including the complainant, the accused, the supervisor, and the department director. If discipline is imposed, the level of discipline will not be communicated to the complainant.
  - d. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
  - e. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
  - f. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
3. The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
  4. Option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The contact information for the DFEH and EEOC is listed below:  
  
**EEOC Los Angeles District Office:** 255 East Temple, 4th Floor, Los Angeles, California, 90012; 800-669-4000/800-669-6820 (TTY) or 844-234-5122 (ASL Video Phone) or 213-894-1000; [www.eeoc.gov](http://www.eeoc.gov).  
  
**DFEH:** 2218 Kausen Drive, Suite 100, Elk Grove, California 95758; 800-884-1684/800-700-2320 (TTY) or 916-478-7251; [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov); [www.dfeh.ca.gov](http://www.dfeh.ca.gov).
  5. In light of the City's duty to prevent harassment, discrimination, and retaliation, and because of the City's desire to have a professional and productive work environment, the City reserves the right to take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the legal standards. For example, the City may take appropriate corrective action for inappropriate conduct, even if such conduct was not subjectively unwelcome or offensive to another employee of the City.

R. POLICY AGAINST RETALIATION1. Policy

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of City policy or state or federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy.

2. Policy Coverage

This policy prohibits City officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

3. Definitions

a. "Protected activity" includes any of the following:

- i. Filing a grievance or complaint with a federal or state enforcement or administrative agency
- ii. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the City regarding alleged unlawful activity
- iii. Testifying as a party, witness, or accused regarding alleged unlawful activity
- iv. Associating with another employee who is engaged in any of the protected activities enumerated here
- v. Making or filing an internal complaint with the City regarding alleged unlawful activity
- vi. Providing informal notice to the City regarding alleged unlawful activity
- vii. Calling a governmental agency's "Whistleblower hotline"
- viii. Filing a written complaint under penalty of perjury that the agency has engaged in "gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety"

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

- i. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity
- ii. Refusing to hire an individual because of protected activity

- iii. Denying promotion to an individual because of protected activity
  - iv. Taking any form of disciplinary action because of protected activity
  - v. Extending a probationary period because of protected activity
  - vi. Altering work schedules or work assignments because of protected activity
  - vii. Condoning hostility and criticism of co-workers and third parties because of protected activity
4. Complaint Procedure

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the City's Harassment/Discrimination Complaint Procedure so that the complaint can be resolved fairly and quickly.

#### S. ANTI-BULLYING POLICY

The City considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is the policy of the City that all employees should be able to work in an environment free of bullying.

It is City's expectation that all communication and interaction between City workers will, at all times, be professional, courteous and respectful.

Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or members of the public. Hazing is considered a form of bullying under this policy.

Examples of bullying include, but are not limited to, any and all forms of cyber-bullying, hazing, profane or disrespectful language, emails, social media posts or online comments; hostile and rude behavior and speech directed at a co-worker whether in person or electronically; derogatory or sarcastic remarks and comments about a co-worker's appearance or job performance made in person or electronically, angry outbursts or yelling; name calling; throwing anything at or toward a co-worker; comments that undermine a co-worker's trust and confidence; retaliation against any person who has reported disruptive behavior.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

The City has investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participated in any investigation or administrative process related to a complaint of workplace bullying is prohibited.

Disciplinary action will be taken against anyone who bullies a co-employee or retaliates against an employee that has reported workplace bullying. Discipline may involve a warning, transfer, counseling, demotion or dismissal, depending on the circumstances.

Employees may contact Human Resources to discuss concerns about bullying or to file a complaint or grievance.

## T. DISCRIMINATION COMPLAINT PROCEDURE

### 1. Policy

Employees of the City of Pasadena have a right to expect equality of treatment without regard to race, religion, creed, color, national origin, ancestry, disability, age, marital status, gender or sexual orientation, or any other protected class of persons designated by law, including actions prohibited under the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Act Amendments of 2008 (ADAAA), and by Section 504 of the Rehabilitation Act of 1973, as amended.

It shall be a violation of this policy for any City employee to engage in discriminatory conduct, harassment or retaliation against a fellow employee or member of the public on the basis of a person's protected class status, for filing a complaint of discrimination, harassment or retaliation, or for testifying as a witness or participating in the discrimination complaint process.

In order to effectuate this policy, the City of Pasadena has established a Discrimination Complaint Procedure which allows City employees to seek redress of what they may perceive to be discriminatory conduct, harassment or retaliation.

### 2. Procedure

The Discrimination Complaint Procedure provides employees with an immediate mechanism by which their complaint will be evaluated. The procedures shall be utilized in the event that a complaint is brought by an employee alleging any of the following:

- a. A violation of the Rules and Regulations of the Equal Opportunity in City Employment provision of the [Pasadena Municipal Code](#), Chapter 2.360, or any amendments or changes made thereto.
- b. Offensive conduct focused upon race, religious creed, color, national origin, ancestry, disability, sex, age, marital status, gender or sexual orientation, or any other protected class of persons designated by law (e.g. such as derogatory terms or jokes, unwelcome verbal or physical advances of a sexual nature, etc.).
- c. Any other action which is alleged to be discriminatory and such alleged discrimination is based on race, religious creed, color, national origin, ancestry, disability, sex, age, marital status, gender or sexual orientation, or any other protected class of persons designated by law.
- d. Retaliation against the employee for having filed a discrimination complaint or other action to enforce the employee's rights, or those of another person, to be free from discrimination, harassment or retaliation based upon protected class status or protected activity.

Nothing in this procedure shall restrict the right of an employee to file a complaint with any state or federal agency responsible for the enforcement of anti-discrimination legislation.

### 3. Complaint

- a. Any employee who alleges discrimination or retaliation may file a complaint with the Director of Human Resources or his/her designee. Such complaint shall be filed within 365 calendar days of the alleged discriminatory act, or in the event of an allegation of recurring acts of a similar nature within 365 calendar days of the most recently alleged occurrence, or within 365 calendar days from the time a complainant would be reasonably aware that the alleged discriminatory or retaliatory act had occurred. The Director of Human Resources or his/her designee shall receive the complaint by conducting an interview with the complainant. The complainant may be accompanied by a person of his/her choice who is not involved in and is not a witness in the matter about which the employee is filing a complaint.

- b. Intake Interview

The complaint intake interview shall include appropriate questions to determine what happened, who was involved, and whether such matter falls within the discrimination/retaliation complaint procedure, such as, but not limited to the following:

- i. What happened?
- i. When and where did it happen?
- ii. Who or what is the cause of the alleged discriminatory incident?
- iii. Who witnessed the alleged incident?
- iv. Do you know if this has happened to others? If so, to whom?
- v. What is the basis for your complaint (e.g. race, religious creed, color,)
- vi. How were you harmed by the alleged discrimination?
- vii. What would you like to see done as a result of your complaint?
- viii. Do you have additional comments?

- c. Initial Determinations and Jurisdiction

Upon review of the complaint, Human Resources shall first determine if there is any likelihood that discriminatory or retaliatory conduct is presently occurring and, if it is, it shall take immediate steps to cease the inappropriate conduct by the alleged violator(s). The alleged violator may need to be temporarily transferred or placed on paid administrative leave of absence until an investigation can be conducted and completed. In no event, except under extreme or extenuating circumstances, should the complainant be temporarily transferred or placed on administrative leave.

Based upon information obtained in the complaint intake interview, the Director of Human Resources shall make a preliminary finding, assuming the facts as alleged are true, as to

whether the allegation is of a nature which falls within the purview of the Discrimination Complaint Procedure. If the complaint does not fall within the criteria established for the Discrimination Complaint Procedure, the complaint shall be referred to the appropriate administrative process for review or investigation.

d. Form of Complaint

A formal written complaint need not be filed in order to initiate a discrimination or retaliation complaint. An employee may file a verbal complaint, a written complaint in letter form, or a written complaint on a form provided by Human Resources. No specific language or words shall be required to file a complaint. So long as the facts as alleged, if true, would constitute a violation of this policy or federal, State or local laws or regulations pertaining to discrimination or retaliation, the complaint shall be received and investigated by Human Resources or such other experts, attorneys, or private investigators as Human Resources deems appropriate.

A letter of notice that a complaint has been filed and is under investigation, with a copy of the complaint form or writing if the complainant filed a written complaint, signed by the complainant, shall be distributed as follows:

- i. Original retained by the Department of Human Resources;
- ii. Copy to the complainant;
- iii. Copy to the department director;
- iv. Copy to the City Attorney.

4. Investigation

- a. An investigation shall be conducted by the Director of Human Resources (or designee) in cooperation with all appropriate parties. The Director of Human Resources or designee shall attempt to complete the investigation within (90) days of receipt of the complaint. The complaint shall be deemed completed when all necessary information that would enable Human Resources to investigate the complaint has been actually received by Human Resources. The determination of what constitutes completion of the complaint shall be at the discretion of Human Resources.

The investigation shall include, but not be limited to, the following subjects:

- i. Verification of the allegations;
- ii. Interviews of relevant witnesses or other relevant individuals;
- iii. Interview of accused employees(s); and

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- iv. Review of documentation provided by the complainant or on file in the complainant's department, and/or Human Resources Department, which might have a bearing on the complaint.
    - b. If during the course of the investigation, the information discloses that the complaint is not one of discrimination within the purview of the procedure, the Discrimination Complaint Procedure will stop. The complainant will be informed and referred to another administrative procedure if appropriate.
    - c. If during the course of the investigation, the complainant alleges adverse actions or retaliation or further discrimination as a result of filing the original complaint, said allegations shall be investigated and immediate action taken to protect the complainant from any additional discrimination, harassment or retaliation. If sustained, the additional allegations shall be incorporated into the original complaint.
    - d. If during the course of the investigation, the complainant wishes to withdraw the complaint, a notation to that effect will be made on the Director of Human Resources' copy of the complaint or in the complaint file. To assure that the withdrawal from the procedure is solely based upon the Complainant's volition, the investigator shall conduct a brief interview with the complainant to ensure that no one has attempted to coerce or intimidate the complainant into dropping the allegations and to find out why the complainant desires to withdraw the complaint. The complainant shall be asked to sign a written withdrawal letter if he/she desires to formally withdraw the complaint. The Director of Human Resources may proceed with the investigation as he/she so chooses, however, if warranted and despite the complainant's desire to withdraw the complaint.
5. Recommended Disposition
  - a. The Director of Human Resources will communicate the results of the investigation to the director of the department complained against. The complainant shall be advised of the recommended disposition of the complaint. The report shall contain the recommended level of disposition, as follows:
    - i. Unfounded – evidence establishes there was no violation.
    - ii. Not sustained – insufficient evidence to determine if there was a violation, no action to be taken;
    - iii. Sustained – (a) against accused employee – disciplinary action warranted, or (b) against a practice or procedure – remedial action or reasonable accommodation will be taken to correct practice or procedure.
  - b. In the event of a recommended disposition of "Sustained" against an employee, the Director of Human Resources or his/her designee shall work with the department director to consider the appropriate disciplinary or corrective action that will:
    - i. cease the inappropriate conduct immediately;



- ii. provide clear direction to the violator that such conduct will not be tolerated; and
  - iii. provide corrective, progressive disciplinary action as a deterrent to any similar conduct in the future.
- c. In the event of a recommended disposition of “sustained” against a systemic practice or procedure, the Director of Human Resources shall meet with the department directors, City Manager, City Attorney, or others, if appropriate, to consider remedial action or reasonable accommodation to correct the practice or procedure. In the event an agreement cannot be reached, the City Manager or designee will decide the matter.

#### 6. Appeals

If dissatisfied with the disposition of a complaint investigation, a complainant can submit a request, within 30 working days of the resolution of the complaint, for reconsideration of Human Resources’ determination by the City Manager or his/her designee. The request for reconsideration shall be in writing and addressed to the City Manager and copied to Human Resources. The complainant may request a meeting in person to discuss his/her objections to the disposition, or may provide such information in writing, or both. If the employee requests a meeting in person, such meeting shall be held within 30 working days of the request.

Within 30 working days of the meeting, or receipt of the written information supporting a request for reconsideration, whichever is last, the City Manager or his/her designee will uphold the resolution of the complaint, modify the resolution, or replace the resolution with a new one. The decision of the City Manager or designee shall be final and it shall be communicated to both the complainant and the Director of Human Resources.

U. WORKPLACE VIOLENCE1. Purpose

The City's Safety and Loss Control Policy, as well as State and federal laws and regulations, clearly establish the City's responsibility for providing and maintaining a safe work environment for its employees. Additionally, the City's Discipline Policy and other policies address specific types of behavior that are prohibited and warrant discipline. These policies and guidelines provide a framework for all supervisors and managers. However, workplace violence presents a specific hazard in the workplace which must be addressed to minimize the potential for problems and ensure that the City's employees are furnished a place of employment which is safe and healthful.

Consistent with this mandate, the purpose of this policy is to:

- a. Assign responsibility for security in our workplace.
- b. Provide some measure of guidance to employees responding to threats of violence or violence in the workplace.

2. Policy

Of primary importance to the City of Pasadena is the safety and security of its employees. Intimidation, abusive behavior, threats, threatening behavior, or other violent behaviors against employees or other individuals in the workplace are strictly prohibited and will not be tolerated. The intent of this policy is to set forth a process that will protect the well-being of City employees in the performance of their duties including at all City of Pasadena facilities and locations where employees are engaged in City business.

Any disciplinary action will be in accordance with applicable City rules and/or memoranda of understanding.

3. Acts Which Violate the Policya. Workplace Violence

Engaging in any behaviors involving workplace violence, including but not limited to, overt acts of violence, threats, physical aggression, bullying, and other conduct that generates a reasonable concern for safety from violence, where a nexus exists between the behavior and the physical safety of employees and others (such as customers, clients, and business associates) on-site, or off-site when related to the organization.

b. Threats of Violence

Any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm, or is reasonably perceived to place someone in fear of physical harm to another individual in the workplace.

Behavior which may indicate the potential for violent acts may include, but is not limited to, the following:

- i. Verbal and/or written threats toward an employee, supervisor, manager, and/or member(s) of that person's family;
- ii. Verbal and/or written threats against any property of those listed above;
- iii. Items left anonymously in an employee's work area or personal property that appears to threaten or intimidate that person;
- iv. Off-duty harassment of employees, such as phone calls, stalking or any of the other above defined behavior that could be reasonably construed as threatening or intimidating, and could affect workplace safety or contribute to creating a hostile work environment.
- v. Possession of a weapon while on City property or while on City business, unless required by the job. (Knives used as work tools and having a blade length of three and one-half (3½) inches or less are only considered weapons when used or displayed in a threatening manner).
- vi. Discussing the use of weapons as a means of perpetrating violence against others.

#### 4. Types of Workplace Violence

- a. The first type is committed by persons having no legitimate relationship to the workplace. Workplace violence or threat incidents involving this group should be immediately reported to the Police Department and the Safety Officer. If the incident is of an ongoing concern or there is a probability of repetition, the Threat Assessment Team should be convened to monitor, manage and resolve the issue.
- b. The second type is committed by a client, customer or other recipient of a service provided by the workplace or the victim(s). While the role of City employees is to provide services to the public, the City will not tolerate aggressive behavior towards its employees by third parties. In these cases, in addition to contacting the Police Department and Safety Officer, the City Manager's Office and Human Resources should be informed of the incident.
- c. The third type involves an employee, supervisor or manager by a current or former employee, supervisor or manager by a person known to current employee, supervisor or manager, such as a spouse, significant other, relative or friend. These cases should be handled by the Safety Office in cooperation with Human Resources and, if needed, the Threat Assessment Team.

#### 5. Prohibition Against Weapons in the Workplace

The City strictly prohibits persons from possessing weapons including, but not limited to, firearms, explosives, knives, chemical sprays (e.g. mace, pepper spray), clubs and incendiary devices on City premises, in City vehicles, in private vehicles parked on City property (except as otherwise permitted by law), and in the possession of City employees while on duty performing City related

business assignments, unless required for performance of the job. An employee who wishes to carry a legal chemical spray for the purposes of self-defense must gain prior written authorization from the department director.

6. Procedures and Responsibilities

a. All employees shall:

- i. Call 911 immediately in situations where there is an immediate concern for safety.
- ii. Promptly notify his/her supervisor, management, Human Resources, Safety Office, City Attorney's Office or Police Department of any threats they have witnessed, received, or are aware of others receiving; or any behavior that may be reasonably perceived as threatening or violent when job related or which might be carried out in the workplace.
- iii. Promptly notify his/her supervisor or manager of any restraining orders they have obtained against individuals that include any individuals that may enter the workplace for any purpose, or which involves any other City employee or City-owned or operated facility or work site, and provide a copy of the declaration of such an order or copy of any restraining order granted to Pasadena Police Department with copies to Human Resources Employee Relations Division and Safety Division.
- iv. Nothing in this policy would preclude an employee from contacting the Safety Officer or any Human Resources Manager directly for advice or assistance. The Safety Officer or Human Resources Manager will contact the affected department director and initiate the appropriate response according to the circumstances and this policy.
- v. No employee shall be retaliated against or treated disparately because the employee has reported a concern about workplace violence or threats.

b. Immediate supervisors/managers shall:

- i. Recognize that no "profile" exists to identify likely perpetrators of workplace violence, however, by reviewing a full range of factors and circumstances, including an individual's personal history, complaints and grievances, motives, justifications, intentions and actions, employee behavior patterns which exhibit the potential for workplace violence or disruption may sometimes be identified and addressed appropriately, and/or causing the supervisor or manager to at least seek immediate guidance.
- ii. Investigate incidents in a prompt and timely manner:
  - Obtain written and signed statements from all victims and witnesses, detailing concrete facts of what occurred.
  - Ensure confidentiality of investigatory information, including witness statements, to the extent permitted by law.

- iii. Inform the department director or his/her designee via the chain of command.
  - iv. Department director or his/her designee must contact the Safety Officer, and if unavailable, the Human Resources Manager in the event of a potential or actual incident.
  - v. Department director or his/her designee may determine an employee's behavior requires that he/she be temporarily removed from duty due to safety concerns, and placed on administrative leave.
  - vi. Law enforcement assistance must be acquired in the event of immediate danger. Affected management must also notify the Safety Officer who notifies the Threat Assessment Team.
  - vii. If an individual is observed possessing an unauthorized deadly weapon, or displaying or brandishing any weapon in a menacing or threatening manner law enforcement assistance is required.
- c. Threat Assessment Team

A Threat Assessment Team will be convened when requested to assist managers with concerns of potential violence which cannot be resolved at the Department level. It will be composed of:

- i. Safety Officer
- ii. Chief of Police (or his/her designee)
- iii. Director of Human Resources (or his/her designee)
- iv. City Attorney (or his/her designee)
- v. Department director or division manager of the department/division where the threat/violence issue exists as an ad hoc member

This core group will utilize whatever additional resources it determines necessary to resolve the threat/violence issue, including the hiring and use of experts and consultants, implementation of temporary or permanent physical security devices or measures, changes in practices or application of policies to alleviate the present threat and any future similar threats. The Threat Assessment Team contact is the City's Safety Officer.

Responsibilities:

- i. Consult and advise management regarding concerns about violent or potentially violent employees and others;
- ii. Coordinate the investigation of threats or acts of violence; coordinating with management, legal counsel and others to determine the appropriate action to be taken, (e.g. EAP referral,

supervisory counseling, discipline, injunctive relief, and the like), and to manage any threats or acts of violence until it is resolved.

- iii. Manage and coordinate violence prevention programs considering the department profile and type of hazard likely to occur, including assessment and awareness training.
  - iv. Evaluate security and conduct hazard assessments after threats; review risks and determine what additional security measures or corrective action, if any, should be implemented after an incident.
7. Employees who violate this policy will be subject to disciplinary action up to and including discharge, arrest and prosecution. Additionally, employees who bring false charges will be appropriately disciplined and/or subject to appropriate legal process.

## V. PRIDESHARE PROGRAM

### 1. City Policy

Pursuant to [Rule 2202](#) of the South Coast Air Quality Management District (SCAQMD), the City of Pasadena has determined that full cooperation with the Prideshare Program herein mentioned is both desirable for the health and safety of the citizens and required by law.

### 2. Purpose

The goal of the Program Plan is to reduce the number of vehicles used by City employees commuting to and from work, and increase the number of persons per vehicle to 1.5 Average Vehicle Ridership (AVR) or greater. The City will provide employees with a menu of options to reduce mobile source emissions generated from commutes and take necessary steps to comply with federal and state Clean Air Act requirements.

### 3. Program Plan

In order to encourage driving patterns which will meet the goal of reaching a minimum 1.5 AVR score in the Annual Citywide SCAQMD Survey, positive incentives will be provided to City employees who walk, bike, rideshare or take public transportation to work. The City will provide parking only where consistent with the program. A detailed Program Plan is on file with the Prideshare office. The Clean Air fees and incentives are determined by resolution adopted by the City Council. Please refer to Section 6.a (Solo Driver) for breakdown of fees and incentive options.

### 4. Rules

- a. The City Council has determined that employees must participate in the Program Plan.
- b. Employees must execute the Prideshare Acknowledgment Form and Prideshare Mode of Registration Form at time of hire. After their initial registration, employees must notify the Prideshare Office immediately of any change in either commute mode or commuting partners, and complete a new registration form

### 5. General Conditions

The following General Conditions apply to all (non-solo) Prideshare participants for the modes listed in this policy.

- a. City employees who wish to receive incentives or a fee waiver for choosing a non-solo driving mode must complete a Prideshare Mode Registration Form.
- b. To retain a non-solo status, an employee who works four or more days per week must participate in his/her selected commute mode to and from work site at least three work days per week. However, if an employee works two or three days per week he/she must participate in the selected commute mode at least two work days per week to retain the non-solo status. Non-

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

solo participants who drive more than their allowed number of solo drive days per week are subject to Clean Air fees.

- c. Each person participating as a Bicyclist, two or more person Carpooler, Vanpooler, Walker, Transit Rider or user of another non-solo-driver mode must satisfy the requirements for incentives and/or deductions provided by the Prideshare Program.
- d. All City employees who drive non-City owned vehicles to work shall park in Prideshare designated parking areas.
- e. Vehicles parked in Prideshare designated areas must display City-provided parking decals or permits. Non-solo Prideshare participants may be expected to complete a form verifying their participation over a specific period.
- f. Prideshare parking policies are subject to change. Reasonable notification will be given to all participants.
- g. "Work site" for the purpose of this program is considered to be the location that an employee reports to work and assembles to receive instructions from a supervisor.
- h. All participants who are non-solo drivers are guaranteed a ride home due to an emergency, illness or supervisor approved overtime work according to Guaranteed Ride Home Procedure.
- i. All employees will be required to fill out and return periodic survey and/or tracking forms to fulfill SCAQMD requirements.
- j. All employees must have a Mode of Transportation Form on file in the Prideshare office. If record of the form is not on file at time of periodic audits, Prideshare staff will notify the employee of missing documentation and will provide a deadline to submit the form. Failure to submit the required documentation by stated deadline will lead to the employee's transportation status automatically being changed to "Solo Driver" in the system and will result in a corresponding monthly payroll deduction.

#### 6. Specific Conditions

The following Specific Conditions apply to each Prideshare participant depending on the selected mode of commute.

##### a. Solo Driver

- i. A Solo-driver, for the purpose of this program, is defined as a City employee who elects to drive alone (own vehicle or City vehicle) to and from work site. A City employee may be assigned as a Solo-driver as a result of an inability to comply with the conditions of their chosen non-solo commute mode.
- ii. Solo-drivers commuting to work alone four or more days per week are required to pay a Clean Air fee of \$35 per month (\$17.50 per pay period) through payroll deduction.



## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

Employees commuting to work alone two or three days per week are required to pay a Clean Air fee of \$17.50 per month (\$8.75 per pay period) through payroll deduction.

b. Bicycling

- i. City employees will park bicycles in City designated locations.
- ii. City employees must be physically capable to ride a bicycle to and from work.
- iii. City employees are required to observe all bicycle safety rules and wear appropriate safety gear.
- iv. Bicyclists may drive to work during inclement weather and not be penalized.
- v. The City of Pasadena will not be responsible for any lost or stolen bicycles.

c. Carpool

A carpool must consist of two or more employees traveling together to and from work site. Children and non-working adults are eligible to be carpool members, but commute must be 50 percent of their overall route to and from work site.

- i. City employees can be registered in only one carpool.
- ii. Carpoolers who need to drive alone to meet with other carpool members are restricted to do so for less than 50 percent of their overall route to and from work site.
- iii. Any change which creates a vacancy or change in carpool partners must be reported by all City employees participating in the carpool, immediately to the Prideshare office.
- iv. Limited preferential parking spaces are offered to carpoolers at designated areas and will be available on a first come, first served basis. Carpool members are required to display the correct parking decals or permits for those areas.
- v. The City will verify all non-city carpool participants and will periodically verify their participation with their employer.

d. City Vehicle Usage

- i. City employees who drive City vehicles to/from work and are solo drivers pay the Clean Air fee.
- ii. City employees who are assigned City vehicles and carpool to/from work are eligible to receive a fee waiver.
- iii. City employees who are passengers of other City employees who have been assigned City vehicles and who carpool to/from work are eligible to receive a Clean Air fee waiver.

**Note:** Only City employees are permitted to drive or ride in City Fleet vehicles.

e. Walker

- i. Walkers are required to walk for the entire commute trip to and from work site.
- ii. A Walker must be physically capable of walking the entire distance to and from work site.
- iii. Walkers may drive to work during inclement weather and not be penalized.

f. Transit Rider

- i. Transit Riders must travel to and from work site by public transportation no less than 50 percent of the commute trip.
- ii. The City will provide a \$50.00 monthly subsidy towards a transit access pass; the employee will pay the difference in cost of a monthly pass through payroll deduction; or the employee may receive a stored value amount of \$50.00.

g. Vanpool Rider

- i. To be eligible as a vanpooler, employees are required to travel by vanpool for more than 50 percent of the entire commute trip.
- ii. The vanpool and driver(s) must be registered and approved by the Prideshare office before a City employee is eligible for a fee waiver for participating in this mode.
- iii. Preferential parking is available ONLY to vanpools that have been approved by the City. The vehicle used to vanpool is required to display appropriate parking permit and park in the designated parking area.

**Note:** For additional requirements in any of the above mode of commute categories refer to General Conditions or contact the Prideshare office for information.

7. Exemption Requests

A Prideshare Appeals Committee has been established with representatives from Human Resources. Employees who cannot participate in the program due to medical or financial reasons should submit a Notification of Appeal form to the Prideshare office. Please note that an appeal may only be filed by an employee who has already registered in the Prideshare Program. Prideshare Appeal forms are available in the Prideshare office.

W. PUBLIC RESPONSIVENESS

As representatives of the City, all employees are expected to act promptly and efficiently with due courtesy in responding to citizens' needs and complaints. The proper handling of requests for service and allegations of improper service are critical to the City's public responsiveness and accountability.

1. Complaints About City Services

- a. The City's complaint procedure consists of (1) investigation of the complaint; 2) communication with the involved parties; (3) appropriate corrective measures; and (4) follow up.
- b. It is City policy that no matter how trivial or irrational the complaint may seem, the employee shall handle the situation in a courteous and helpful manner even when the citizen may be discourteous. Employees are not expected to tolerate abusive treatment, including verbal or physical harassment, or profanity.

2. Guidelines

Within the context of established department procedures, the following guidelines should be observed in receiving and handling complaints by citizens:

- a. Listen attentively and do not interrupt.
- b. Do not transfer telephone calls to another department or outside the City unless you are absolutely certain the other office can resolve the complaint or answer the questions. The 311 Call Center may be used to assist in this process. If there is any doubt that the complaint cannot be promptly answered or resolved by transferring it, attempt to find the answer for the individual.
- c. Write down all pertinent information including the name, address, and telephone number for follow up and reply.
- d. When in doubt regarding a referral, contact your supervisor. If a question still exists, the supervisor should contact the City Manager's Office.

X. INTERACTIVE PROCESS / REASONABLE ACCOMMODATION1. Introduction

It is the policy of the City of Pasadena to make reasonable accommodations for the known physical or mental limitations of qualified job applicants and employees with disabilities, as required by federal and state laws.

Under the federal “Americans with Disabilities Act of 1990” and the Americans with Disabilities Act Amendments Act of 2008 (ADAA), an individual is considered to have a “disability” if he/she has physical or mental impairment that substantially limits one or more of the person’s major life functions; or has a record of such impairment; or is regarded as having such impairment. Among other conditions, this definition includes people who test positive for HIV or AIDS, have a record of cancer, or who are enrolled in or have successfully completed a drug abuse rehabilitation program. According to the ADAAA, the definition and interpretation of what qualifies for an impairment that limits one or more major life functions is to be interpreted liberally in favor of finding a condition to be a disability under the law.

Both federal and state law define reasonable accommodation as a modification (1) to the application and hiring process, the work environment, or the job to enable equal employment opportunity, or (2) to the work environment to enable a disabled employee to enjoy equal benefits and privileges of employment.

2. Responsibilities

- a. Individuals with disabilities who wish reasonable accommodation should submit a written request to the immediate supervisor, and to the Human Resources Department, stating either a desire for a specific accommodation or for an opportunity to discuss a need for a reasonable accommodation. Although a written request is preferred, such a request may be made orally or in writing through other means of communication such as in person or electronically.
- b. Managers and Directors shall consult with, evaluate and notify the employee and the Director of Human Resources about requests for reasonable accommodation. When Managers and Directors observe that an employee’s poor job performance may be connected to the employee’s known physical or mental impairment, an opportunity to discuss reasonable accommodation will be offered to the employee, as required by State law.
- c. The Director of Human Resources or his/her designee will:
  - i. Assist supervisors, managers, directors, and employees with personnel questions that arise in the reasonable accommodation process, and advise on the need for medical documentation;
  - ii. Ensure that job announcements and the place of employment application include notice of the City’s willingness to make reasonable accommodation for individuals with disabilities;
  - iii. Review and make recommendations on all requests for reasonable accommodation in conjunction with the department;

- iv. Consult with the City Attorney or designee prior to a final decision being made on accommodation; and
  - v. Maintain a record of accommodations made and denied.
3. Guidelines for Making Reasonable Accommodations

a. General

The concept of reasonable accommodation is relevant to all aspects of employment, including interviewing, training, promotion, reassignment, and employee services.

The need for accommodation is determined on a case-by-case basis, taking into consideration: the functional limitations that the disability places on job performance and the enjoyment of the benefits of employment; the essential functions of the job; the work environment; and the safety of the employee and of others.

The City shall make reasonable accommodation for a qualified disabled person unless the accommodation would be ineffective, constitute an imminent threat to the safety of the employee or to others, or impose undue hardship on the City.

b. Reasonable Accommodation Assessment

All practical alternatives for accommodation should be explored to determine that the reasonable accommodation recommended serves the operational needs of the City.

c. Examples of Reasonable Accommodations

Accommodation should be made where a need to overcome a particular limitation has been identified, and when it is determined that the accommodation is both necessary and reasonable. Examples of possible reasonable accommodations may include, but are not limited to, the following:

i. Modifying Worksites

- rearrange files or shelves for accessibility to wheelchair users;
- raise or lower equipment heights;
- move or modify equipment controls;
- install holding devices on desks, machines, or benches;
- install telecommunication devices or telephone amplifiers for persons who are deaf or hearing impaired;

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- provide a speaker telephone or install an extension arm or goose-neck to hold a phone receiver; and
- provide heating or air conditioning units for persons whose disabilities make them sensitive to temperature.

ii. Making Work-Related Facilities and Programs Accessible

To make additional areas of a facility accessible (e.g. restrooms and conference rooms), modifications such as wider doors, ramps, and warning stripes on stair edges may be necessary. Staff responsible for meetings, workshops, training, and recreation programs, etc. should be prepared to provide reasonable accommodations for employees with disabilities to attend meetings and programs.

iii. Adjusting Work Schedules

Workers requiring medical treatment may need flexible schedules, more frequent rest periods, etc.

iv. Restructuring Jobs

Job restructuring may involve trading off job tasks or functions between a disabled employee and co-worker(s). Job restructuring does not require altering the essential functions of the job. Disabled employees must be able to perform the essential functions of the position, not necessarily every function of the position. If a disabled employee can no longer perform the essential job function, then reassigning the employee to another position should be considered prior to taking any other action.

v. Reassignment

Reassignment may be to a vacant position for which the employee is qualified, with or without reasonable accommodation. If there are no positions available within a reasonable time period at the same grade and salary level, then a position with a lower grade or salary should be considered. There is no requirement that the City create a new position.

A short term reassignment may be considered for a disabled employee while information is being collected and evaluated to determine whether or not an accommodation will permit the employee to remain on the job or when the impairment is of a temporary nature that is still required to be accommodated under the law.

vi. Leave of Absence

A leave of absence may be considered for temporary work restrictions. Employees with available leave must use their accrued leave during a leave of absence.

vii. Other Accommodations

Other ways to make reasonable accommodation include: provide equipment, provide auxiliary aids (readers and interpreters), and modifying policies (flexible leave, reserved parking, etc.).

4. Medical Documentation

a. Medical documentation may be necessary so that the City can:


- i. Determine if the employee or applicant is disabled as defined by the ADAA, and / or FEHA;
- ii. Determine whether an accommodation is needed and if so;
- iii. Assess what kind of accommodation is reasonable and effective.

b. Medical documentation related to reasonable accommodation should be treated with the same degree of confidentiality as the conditional job offer medical exam.

5. Workers' Compensation

The reasonable accommodation process shall apply where applicable to employees disabled from work related illness or injury.

## Y. FRAUD PREVENTION, REPORTING, AND INVESTIGATION

Effective Date: March 31, 2016	Supersedes: October 9, 2015
City Manager Approval: 	

1. Purpose

The City of Pasadena is committed to protecting its revenue, property, and other assets. The City of Pasadena will not tolerate any misuse or misappropriation of City assets. The City of Pasadena is committed to the highest possible standard of transparency, honesty, and accountability.

The purpose of the Fraud Prevention, Reporting and Investigation Policy is to provide communication and guidance to employees when misuse or misappropriation of City assets is suspected.

This policy applies to any fraud, or suspected fraud, involving Pasadena City Officials, all City employees as well as vendors, consultants, contractors, outside agencies and/or any other parties with a business relationship with the City of Pasadena. For purposes of this policy, fraud is defined as misuse or the attempt to misuse a City asset for personal gain or purposes unrelated to City business. Examples of fraud include, but are not limited to:

- a. Misappropriation of funds, supplies or other assets;
- b. Impropriety in the handling or reporting of money or financial transactions;
- c. Obtaining City funds or compensation through dishonesty;
- d. Stealing or removing City assets;
- e. Using City equipment, facilities, supplies or funds for purposes unrelated to City business; and/or
- f. Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials or acting in any matter that creates a conflict of interest.

In addition to fraud and suspected fraud, this policy also applies to any employee breach of City-Wide Policies and Standards of Conduct which has a significant financial impact on the City, including but not limited to waste or abuse of City resources. For purposes of this policy, waste is defined as any needless, careless, extravagant or unnecessary expenditure of City resources and property that has a significant financial impact on the City. Examples of waste include, but are not limited to:

- a. Unnecessary expenditure of City funds to purchase supplies or equipment.



## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- b. Creating unnecessary overtime.
- c. Making business related travel arrangements that violate the City's Travel and Expense Reimbursement Policy.
- d. Failure to reuse or recycle major resources.

For purposes of this policy, abuse is defined as the intentional destruction, manipulation, misapplication, or misuse of City resources. Examples of abuse include, but are not limited to:

- a. Requesting staff to perform personal errands or other work for personal benefit.
- b. Using one's position in the City to gain advantage when conducting personal business with another City department.
- c. Receiving favors for awarding contracts to certain vendors.
- d. Failure to report damage to City equipment or property.

Employees who are unsure as to whether a particular action, process, or protocol constitutes waste or abuse are advised to contact their supervisor, department director, or Human Resources for clarification.

All prohibited conduct to which this policy applies is referred to in this policy by the abbreviated reference "fraud or waste".

## 2. Policy

Employees are required to immediately report suspected fraud or waste to any of the following:

- Their supervisor and/or department director
- Human Resources
- The City Manager's Office
- City Attorney / City Prosecutor's office.
- The Fraud Hotline
- Online Complaint

In addition, supervisors and managers have a duty (are required) to report alleged fraud or waste whether it is in or outside their department to any of the individuals or reporting mechanisms bulleted above. The City has a Policy Against Retaliation (Manual of Personnel Rules and Administrative Procedures, Section 2R) which must be complied with for any employee reporting alleged fraud or waste.

Employees are not required to follow “the chain of command” when reporting potential fraud and should report concerns to any of the abovementioned to ensure proper review and investigation are conducted.

Additionally, supervisors and managers are responsible for ensuring procedures and protocols are in place to reduce the potential for fraud in their area of responsibility. Supervisors and managers should review this policy with employees at least annually and demonstrate proactive measures to identify and prevent fraud.

### 3. Investigation Responsibilities

The Internal Audit function of the City Manager’s Office has the primary responsibility for the investigation of all suspected fraud or waste as defined in this policy. Investigations related to employee misconduct will be coordinated with the Human Resources Department, unless the employee(s) identified works within the Human Resources Department. Allegations of fraud or waste involving Human Resources employees will be coordinated with the City Attorney.

Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway. Decisions to refer a report to the City’s Police Department or District Attorney for investigation will be made in conjunction with the City Attorney.

Any investigative activity required will be conducted in an impartial manner, without regard to the suspected wrongdoer’s length of service, position/title, or relationship to the City and in compliance with City Policies.

If the investigation substantiates that fraud or waste has occurred, the City Manager and City Attorney will be notified. The confidential complaint along with any investigation documents will be transferred to the City Attorney’s Office.

For complaints of fraud or waste involving the City Manager, City Clerk, or City Attorney, the Mayor will be notified in writing. The Mayor and/or City Council are responsible for determining further action on any complaints involving the City Manager, City Clerk, and/or City Attorney.

If the investigation finds no fraud or waste has occurred, the Internal Auditor shall retain the confidential complaint and investigation documents for a period of up to two (2) years. To the extent possible, the identity of an individual(s) alleging fraud or waste and the identity of an individual alleged to have committed fraud or waste will be kept confidential.

Fraud hotline voicemails will be transcribed when received. Voicemails will be stored for 30 days and will then be deleted from the phone system, unless the City Attorney requests in writing that a particular voicemail message(s) should be maintained for a longer period of time.

### 4. Reporting Procedures

Every employee has a duty to report any suspected fraudulent act. Several methods can be used to report any suspected wrong doing.

**FRAUD HOTLINE** - The number to call is 626-744-7448.

The caller ID function is disabled on this line so you may remain anonymous. The call will go to voicemail and you will be asked to leave a detailed message. The more specific information you provide the easier it will be to follow-up on your concern.

**ONLINE COMPLAINT FORM** - An online form to report any suspected fraudulent act. To access the form, go to <https://egov1.cityofpasadena.net/apps/reportAbuse/>. If you wish, you may remain anonymous. You have the option of identifying yourself in order to provide a means to contact you via phone or email in case there are additional questions.

When you call or complete the online form, the following information is needed in order to follow-up on your concern:

- Names of individuals involved
- What happened and why you think it is/was wrong;
- When and where the incident happened and if anyone else witnessed or knows it happened
- The department impacted and the people involved; and
- Any documentation or other evidence you have or know of

#### 5. Receipt of Fraud Hotline Submissions

Upon receipt of a fraud hotline complaint or online complaint form, the Internal Audit Manager will provide all information to the City Attorney. Complaints involving criminal activity are provided to the Police Chief. The Internal Audit Manager will determine who to assign for the investigation or coordination of a response based on the following protocols:

- Complaints regarding the City Manager's Office, City Clerk and/or City Attorney, the Mayor will make the decision on who leads the investigation.
- Complaints regarding all City Employees, except Human Resources employees, Human Resources will lead the investigation.
- Complaints regarding parking enforcement and/or parking management, Transportation will lead the investigation.
- Complaints regarding water waste, Water & Power will lead the investigation.
- Complaints regarding Criminal Activities, Police Department will lead the investigation (unless the complaint involves Police Department employees).
- All other complaints, the Internal Audit Manager and City Attorney will jointly make the decision on who leads the investigation.

#### 6. Confidentiality

Participants, witnesses, complainants, subjects, and any other individual aware of a pending investigation shall treat all information received confidentially. Investigation results will not be

disclosed or discussed with anyone other than those who have a legitimate "need" to know. To the fullest extent possible, the identity of individuals involved in an investigation including the identity of an individual alleging fraud or waste and the identity of an individual alleged to have committed fraud or waste will be protected.

7. Disciplinary Actions

Department/division management is solely responsible for discipline of employees in consultation with the Human Resources Department and the City Attorney. Employees who have committed fraud or waste will be subject to disciplinary action up to and including termination of employment; such processes will comply with applicable policies and MOUs.

## Z. DISASTER SERVICE WORKER

### 1. Purpose

All regular City of Pasadena employees are designated by law as “Disaster Service Workers” (“DSW”) ([Pasadena Municipal Code](#), Title 2, Chapter 370). In the event of a declaration of emergency, any employee of the City may be assigned to perform activities either within or outside their regular scope of duties for the purpose of promoting the protection of public health and safety or the preservation of life and property.

All City employees performing duties as a DSW shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency.

### 2. Response

#### What to do in an Emergency

#### a. If you are at work:

During a declared city-wide emergency while at work, report immediately to your department supervisor or a department designated meeting area pursuant to your department’s disaster plan. If your department has not designated a special meeting area for a disaster of this magnitude, go to your Department or City Emergency Operations Center.

#### b. If you are at home:

During a declared Pasadena city-wide emergency while you are at home, first ensure the safety of yourself and your family, then follow your department’s emergency planning and/or DSW reporting instructions found on the back of your City ID badge. You should call your respective department “Disaster 800 number” highlighted on the back of your city ID card.

If you are not able to commute into work because it is unsafe to do so, you are required to report to the nearest City Hall and offer your assistance as a DSW. As soon as communications permit, employees are to report your location and status to your Pasadena supervisor or designee. Once you are able to respond to Pasadena, follow proper check-out procedures with the respective government agency (City Hall) you’ve been assisting to be credited for your work hours (NIMS requirement).

### 3. Identification

Your City identification (ID) badge shall serve as your DSW ID whether you are working within the City of Pasadena or with another agency. Your ID must be worn visibly on the outside of your clothing at all times while working as a Disaster Service Worker.

4. Work Related Injuries or Illness

Work related injuries while working as a DSW shall be reported immediately to the employee's supervisor and handled through the Workers' Compensation Division of the City of Pasadena's Human Resources Department pursuant to the Manual of Personnel and Administrative Rules.

5. Liability and Performance

It is incumbent upon each employee working as a DSW to act within the requirements of the City of Pasadena's rules and regulations as found in the this Manual of Personnel and Administrative Rules, especially, but not limited to, the CODE OF CONDUCT/ETHICS, CONFLICTS OF INTEREST, and DISCIPLINE POLICY.

As DSWs, City of Pasadena employees are expected to represent the City of Pasadena to the highest ethical and performance standards expected of them while performing the duties of their regular City positions.

Effective Date: March 27, 2017	Supersedes: n/a
City Manager Approval: 	

### STANDARD OF CONDUCT REGARDING CONFIDENTIALITY

1. During the course of employment, employees encounter people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins and immigration status. The City values and celebrates this diversity. As a result, the City expects that all employees will treat its residents, customers, and all other people with whom employees conduct business and interact with dignity, respect, and professionalism.

The City believes that affording our residents, customers, and all other people with whom employees conduct business and interact with this level of courtesy and respect is essential to delivering efficient public services, ensures opportunities for our youth, and ensures a high quality of life for our residents.


This also promotes trust and cooperation between the City and its residents, customers, and employees who are encouraged to seek City services, programs, or employment with the confidence that the City prioritizes the provision of the excellent services and programs to all of its residents without fear of it resulting in adverse action because of race, religion, sexual orientation, national and ethnic origin or immigration status.

2. To meet this above stated requirement:
  - a. Employees must acknowledge that the City's priority is to provide excellent services and programs to its residents and customers.
  - b. No City employee shall collect personal information from individuals beyond information necessary to perform their public duties and shall not disclose personal information for any other purpose unless required by federal or state statute, regulation or court decision. For the purposes of this section, personal information means religion, sexual orientation, national and ethnic origin and immigration status.
  - c. No City employee will use City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City unless such assistance is required by federal or state statute, regulation, or court decision. This includes:
    - i. Assisting or cooperating, in one's official capacity, with United States Immigration and Customs Enforcement ("ICE") investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law;

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- ii. Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and county, state or federal criminal laws.
  - iii. Requesting information about, or disseminating information regarding, the citizenship status of any individual, or conditioning the provision of services or benefits by the City upon immigration status, except as required by Federal or State statute or regulation, City ordinance or public assistance criteria, or court decision.
  - iv. Including on any application, questionnaire or interview form used in relation to benefits, services, or opportunities provided by the City, any question regarding citizenship status other than those required by federal or state statute, regulation or court decision.
- d. Employees are prohibited from inquiring into, maintaining, or disclosing sensitive information about residents except to the extent necessary to provide the City service in question or with the consent of the individual or as required by law. Sensitive information includes information of a personal nature or about private attributes, such as status as a victim of domestic violence or sexual assault, status as a crime witness, sexual orientation, immigration status, disability status, or status as a recipient of public assistance.



Effective Date: January 1, 2020	Supersedes: N/A
City Manager Approval: 	

## LACTATION ACCOMMODATION POLICY

### 1. Purpose

The purpose of this policy is to establish the City of Pasadena's strong commitment to support the needs of lactating employees who wish to express milk at work. The City expects all employees to display a supportive attitude toward employees who need to express milk during the work day.

### 2. Policy

Lactating employees are entitled to request lactation accommodations. Discrimination against and harassment of lactating employees in any form, and retaliation against lactating employees for requesting a lactation accommodation or engaging in other protected activity is unacceptable and will not be tolerated.

It shall be the policy of the City to accommodate lactating employees' needs by providing them an appropriate place to express milk and reasonable time to express milk:

#### a. An Appropriate Place to Express Milk

- i. The City will provide an appropriate, private space for employees to express milk. The private space provided must be in close proximity to the employee's work area, have the ability to be locked, shielded from view and free from intrusion from co-workers and the public. The space must be safe, clean, and free from hazardous materials. The space must contain a surface to place a breast pump and personal items, comfortable seating, and have access to electricity or alternative devices needed to operate a breast pump. Restrooms are prohibited from being utilized for lactation purposes.
- ii. Lactating employees will be provided access to a sink with running water and a refrigerator suitable for storing milk (or other suitable cooling device) in close proximity to their workspace.
- iii. For non-traditional worksites, the employee, supervisor and Human Resources will work with the employee to provide a lactation accommodation in compliance with the law.

#### b. Reasonable Time to Express Milk

Employees are entitled to time, including, if necessary, breaks for lactation. The City recognizes that the frequency and duration of breaks to express milk will likely vary, according to the needs of the individual employee. Lactation breaks shall be established for each employee,

based on the employee's needs and work schedule. If possible, lactation breaks should run concurrently with the employee's scheduled breaks and lunch period. The City will make separate and/or additional lactation break time available to the employee subject to the employee's needs. At management's discretion, beginning or ending work times may be adjusted to accommodate lactation breaks. For non-exempt employees, lactation time beyond the employee's regular paid rest break time is unpaid.

3. Lactation Accommodation Request Procedure (Employee Responsibility)

Lactating employees may submit requests for a lactation accommodation to their supervisor or the Department of Human Resources. The request should be made as soon as the employee becomes aware of the accommodation need, and preferably before returning to work, in order to provide the City sufficient time to secure an appropriate lactation space and to make any other arrangements necessary to support the employee's lactation accommodation request. The employee shall keep their supervisor informed if their lactation accommodation needs change at any time. The City is obligated to respond to the employee's request within a reasonable timeframe.

4. Managers and Supervisors are Responsible For:

- a. Reviewing and responding to lactation accommodation requests.
- b. Ensuring that employees are provided with an appropriate lactation space and reasonable time to express milk, in accordance with this Policy.
- c. Contacting Human Resources for advice and assistance if unable to locate an appropriate space in accordance with this Policy or provide the lactation break time requested by the employee.


5. Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired and when making an inquiry about or requests parental leave. This Policy may be updated from time to time and redistributed.

6. Complaint Procedure

Employees who believe they were denied a request for a reasonable lactation accommodation, or who believe they have been subject to discrimination, harassment, and/or retaliation should immediately report the prohibited conduct to the Human Resources Department.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

Effective Date: July 5, 2021	Established: July 5, 2021
City Manager Approval 	

## Hybrid Work Policy

### 1. Purpose

The purpose of this policy is to transition the workforce from a pandemic context to a post-pandemic one. Although being on-site at the work place is the norm post-pandemic, a Hybrid Work program is being established as set forth in this policy. Under a hybrid work arrangement, employees' work schedules are split with some work being performed in the office and other independent work being performed at a remote work location, commonly referred to as telework.

Hybrid work should be considered a privilege, not a right, and is approved only where it is affirmatively demonstrated to meet the following objectives under the eligibility criteria in this policy: to be mutually beneficial to the City and to the employee; to support employee well-being; to provide flexibility while having an overall neutral or positive impact on City business, department operational needs, the work environment, customer service, and participating employee's performance.

### 2. Eligibility

Full-time employees, regular and limited term, working in positions deemed by management suitable for telework may be considered to participate in a hybrid work arrangement. Not all positions are appropriate or feasible for telework. Newly hired employees and temporary workers may be included at the discretion of the Department Director.

The eligibility of an employee for teleworking is based on a number of position specific and departmental factors and considerations including, but not limited to:

- Compatibility of telework with the employee's job duties and responsibilities
- Whether the employee has the knowledge needed to perform their job duties remotely via telework
- Whether the employee can perform their job duties remotely including:
  - Completing expected work and producing deliverables with minimal supervision
  - Responding to inquiries from customers including co-workers
  - Demonstrated ability to establish appropriate priorities and manage time effectively
  - Entering, reviewing, processing and/or approving information and data accurately and timely
  - Properly receiving and following direction from supervisors
- Employees having an overall rating of "meets expectations" or the equivalent on their most recent performance evaluation (not applicable to newly hired employees)

## SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- Departmental need for the employee to perform work on-site or to have minimum on-site staffing levels
- Whether an employee with supervisory responsibilities can effectively communicate, interact, and oversee the work of others
- Whether the employee has the equipment, internet connection/access, and other information technology resources needed to work effectively from the telework site, and the proposed telework site allows the employee to perform productive work in a safe manner.

### 3. Hybrid Work Program Approval

Managers evaluate their team's work and prioritize what must be completed, where, and by which employees. Managers are expected to ensure an equitable evaluation process for all employees who request to participate in the Hybrid Work program. Managers shall remove personal bias from discussions and treat similarly situated employees similarly. As being on-site at the work place is the norm, approval of a hybrid work assignment for each employee must be based on an affirmative showing under the criteria set forth in this policy. Approval may not be granted solely as a prerequisite, reward or bonus.

Most typically, Managers review requests to participate and make a recommendation to the Department Director whether to approve an employee's participation in the Hybrid Work program yet the authority to approve or decline Hybrid Work requests rests with the Director. If a request to participate is declined, either the Director or Manager should provide the employee with a business reason for that decision. Approval for a Hybrid Work arrangement is not a right, and the Director's decision is final, and, as it is a privilege, it is not subject to the grievance procedures set forth in the City's Memoranda of Understanding or Salary Resolutions. An employee denied a Hybrid Work arrangement, may apply again when circumstances have changed that led to the denial.

Once an employee is approved to participate in the Hybrid Work program, the employee must complete a Hybrid Work Agreement with their manager and any other related forms confirming they will abide by the terms and conditions of the program.

A Hybrid Work arrangement may be ended by the Director at any time should the Director determine that the arrangement no longer in the best interest of the City. The Director or Manager shall provide the employee a minimum of one week's advance notice.

Employee participation in the Hybrid Work program is voluntary, and the employee may discontinue such work arrangement at any time by providing their manager with at least one week's advance notice.

### 4. Types of Hybrid Work Arrangements

#### a. Regular

Arrangements are for ongoing Hybrid Work as part of an employee's regular work schedule. Telework days are scheduled in advance and may not exceed two days (full or half) per week. Telework agreements will be revisited and updated as needed.

b. Temporary

Arrangements are for pre-defined, limited duration up to three months. Temporary telework days should be scheduled in advance, and may not exceed two (full or half) days per week.

c. Emergency

Arrangements are made on an emergency basis to support the continuity of services during major emergencies or other disruptions to business operations. Arrangements may be for an unknown or pre-defined duration of time and may include 100% remote work if on-site work is not possible. A Hybrid Work Agreement is required as soon as reasonably possible following the emergency. City Manager approval is required for emergency hybrid or telework.

5. Telework Site Safety

Employees are expected to maintain their approved telework space in a safe manner free of environmental and ergonomic hazards.

6. Data Security

Employees are expected to protect confidential or proprietary information accessible from their remote worksite following details in the Hybrid Work Program Agreement.

7. Dependent Care

Telework may not be used while the employee is also responsible for active care of a minor child or other person dependent on the employee for care during the assigned telework schedule.

8. Prideshare

Telework supports the Prideshare Program in achieving the City's goal of promoting clean air through traffic mitigation as mandated by the South Coast Air Quality Management District's (SCAQMD) Rule 2202. The PrideShare program remains in place for employees approved to participate in the Hybrid Work program.

9. Equipment /Phone Service and Network Access

- a) The City may provide equipment for teleworking based on the nature and/or duration of the work assignment, and the availability and cost of the equipment. All equipment is property of the City and must be returned at the conclusion of the telework assignment or sooner if requested by the City.
- b) Provision of phone service through cellular communication devices is governed by the City of Pasadena Manual of Personnel and Administrative Rules, Electronic Equipment Use and Mobile Phone and Wireless Data.

## SECTION 3. SALARY ADMINISTRATION

A. TYPES OF EMPLOYMENT AND APPOINTMENTS1. Full Time Appointment (40 hours per week)

Appointment to a budgeted full time position after successful completion of a formal competitive examination process. Regular status is achieved after satisfactory completion of a designated probationary period. A full-time appointment may consist of any of the following types:

a. Regular Appointment

A regular appointment is subject to satisfactory performance and operational need. With the exception of at-will appointments, regular appointments are subject to completion of a probationary period.

b. Limited Term Appointment

A limited-term appointment is subject to satisfactory performance and for a defined, limited term contingent upon funding, program duration, or for such term as designated by the hiring authority with approval of the City Manager and Human Resources. Such at-will appointment is subject to satisfactory completion of a probationary work test period. An employee who is appointed on a limited term basis will have an estimated duration of employment and be separated from employment at the end of the limited term and will have no appeal rights for termination, nor be subject to layoff policies.

c. At-Will Appointment

Appointment to a budgeted at-will position at the discretion of the hiring manager. Such appointment is not subject to a probationary period as the employee selected is “at-will” and may be dismissed at any time without notice, without reason (except as prohibited by law), and without rights of appeal. Terms and conditions of employment for at-will appointments are established by the applicable Salary Resolution.

2. Part-Time Appointment (Less than 40 hours per week)

Appointment to a budgeted position following a formal competitive examination process. Regular status is achieved after satisfactory completion of a designated probationary period. Part-time appointments may also be designated as at-will positions which serve at the pleasure of the appointing authority and may be terminated without cause or right of appeal. Employees working less than 40 hours per week may be eligible for insurance benefits and/or pro-rated leave benefits dependent upon bargaining unit or salary resolution.

3. Temporary At-Will Appointment

Appointment to a budgeted position without benefits except as required by law. Such appointment is not subject to a probationary work test period as the employee selected is an “at will” employee who may be terminated at any time without cause and without right of appeal.

## SECTION 3 | SALARY ADMINISTRATION

Terms and conditions of employment for at-will appointments are established by the applicable salary resolution and/or employment contract. A temporary appointment may consist of any of the following types:

a. City Service Worker (CSW)

A temporary appointment into a defined on-the-job training program following a competitive selection process. Employees appointed to on-the-job training programs are eligible to participate in promotional examinations, if qualified. The City has a specific contract exclusion for CSW workers that precludes them from being enrolled in the CalPERS retirement plan. Appointments are based on a calendar year from the date of hire and may be made for up to the time limits shown below:

- i. Youth Advisor – not to exceed four years.
- ii. MASH – Not to exceed one year of MASH training. Training can extend to two years if participating in cross training assignments. In order to allow the maximum participation in the MASH training program, preference may be given to candidates who have not participated in the training program within the past five years.

b. Seasonal and Other

A temporary appointment as defined in the applicable salary resolution or MOU following a competitive selection process. Employees are eligible to compete in promotional examinations, if qualified.

4. Exceptions to the Formal Competitive Examination Process for Other Temporary Appointments

The following temporary appointments do not require a formal competitive examination process; however, the candidate must meet the minimum qualifications for appointment.

- a. City Temporary Worker (CTW) – Appointment for less than 1,000 hours in a fiscal year. Hours are monitored by the department in which the CTW works. CTWs may not work beyond a fiscal year without approval from Human Resources.
- b. Special Employment – Appointment of a developmentally disabled person who is participating in a supported work program and is referred through the State Department of Rehabilitation or through a state regional center on developmental disabilities.
- c. Retirees (CSW-Retiree) – Appointment of a CalPERS or a PERS reciprocating agency retired person who works to fill in on an emergency basis or based on the need for specialized skills or expertise for a specific project only after 180 days have elapsed from their retirement date. Certain exceptions may apply and retirees and the City should check the current state of the law and CalPERS resources. (See CalPERS Employment After Retirement Information) CSW – Retiree may work a maximum of 960 hours in any fiscal year. Likewise, retirees from the City of Pasadena’s Fire and Police Retirement System (FPRS) may work a maximum of 960 hours in a calendar year.

## SECTION 3 | SALARY ADMINISTRATION

CalPERS retirees who have not reached their normal retirement age (55 for miscellaneous and safety employees) may be hired sixty days after the retirement date. However, there cannot be a pre-retirement agreement between the member and the City, either verbal or written, to return and work as a retired annuitant. CalPERS regulations govern the hiring of retired annuitants and supersede any rules or policies set forth by the City of Pasadena. CalPERS retirees are responsible for complying with CalPERS regulations regarding employment after retirement.

- d. Agency Temporary employees - Agency Temporary Workers (Agency Temps)– Appointment through a temporary agency for short-term needs such as filling in for someone who is out sick or on medical or other leave, during an emergency to prevent a stoppage of work, and/or due to a backlog of work. Agency temps may only work a maximum of 999 hours per fiscal year or for a period of six months, whichever is shorter. Agency temps should not be appointed for contiguous years. With Human Resources approval, agency temps may be converted to a City Temporary Worker (CTW) for an additional maximum of six months or 999 hours in a fiscal year.

Contracting with temporary agencies requires adherence to the Purchasing Policies and is subject to Human Resources review.

5. Independent Contractor

Independent Contractors are not employees, but persons hired outside the employer-employee relationship, to independently accomplish a specific program, project or result. The standard for determining an independent contractor status is that the individual, rather than the employer, primarily controls the manner and means by which work is to be performed. Other factors which determine the independent contractor status are: distinct occupation or business, skill required, work location, materials and supplies, length of time for which the person is hired, method of compensation, nature of work, belief of parties, and principal in business. Independent contractors are paid by means of a purchase order or written contract and not through the City's payroll system.

- B. SALARY ADMINISTRATION

1. Salary Rates

Employees occupying a position in the City service shall be paid a salary or wage within the range established for that position's classification in accordance with the applicable MOU or salary resolution as approved by the City Council.

2. Initial Appointment

The initial appointment to any classification shall be at the minimum compensation rate in that schedule. The department director may approve appointment at a higher rate within the schedule if the department director finds that the person is reasonably entitled thereto because of experience, ability or impracticality in obtaining qualified appointees at the established



## SECTION 3 | SALARY ADMINISTRATION

minimum rate. In no instance shall the rate paid for any employee in any classification be less than the minimum or more than the maximum of the established salary schedule.

3. Promotion

- a. When an employee is promoted from one classification to another classification with a higher salary schedule, the employee shall advance to the lowest step in such higher salary schedule that will provide an amount equal to or nearest to a one-step increase in compensation. The one-step increase will be measured by the compensation schedule from which the employee is being promoted. If the salary for the classification is based on a salary range, then an increase that provides at least a three to five percent (3% - 5%) increase is appropriate.
- b. The provisions of this subsection shall not apply to employees transferred to an apprenticeship or trainee classification established by the City Manager or by the City Council through an MOU or salary resolution.

4. Demotion

- a. The voluntary or involuntary change in status of an employee from a position in one classification to a position in another classification with a lower maximum rate of pay.
- b. A demotion results in placement in the salary schedule of the lower classification at the rate of pay closest to 5% below the employees' current rate of pay or the top of the new classification, whichever is lower.

5. Advancement in Compensation within the Salary Schedule (Merit Increases)

a. Merit Increases

Employees are eligible for an increase in salary annually or according to the schedule identified in the applicable MOU or salary resolution. Salary adjustments should coincide with performance evaluations.

b. Salary Range Increase

Whenever a classification is reassigned to a higher salary range, the salary of each incumbent on the effective date of the increase shall be increased to the corresponding step in the new range and his/her salary review date shall not change.

6. Overtime

- a. A manager or supervisor may authorize overtime to meet operational needs. For non-exempt employees, overtime shall either be paid at time and one-half or granted as equivalent Compensatory Time Off (CTO) pursuant to applicable MOU or salary resolution.
- b. A non-exempt employee may not perform work outside of his/her scheduled work hours without advance approval from a manager or supervisor. Emergencies may arise that call for

## SECTION 3 | SALARY ADMINISTRATION

an exception to this rule. In the event of such an emergency, an employee may perform the work, but must notify a manager or supervisor as soon as possible, and in no event later than the next business day. If the employee's manager or supervisor denies the request to work overtime, the employee must cease working overtime.

- c. Employees are required to record all work time on official City records so that the City may pay employees for their work. Employees may never choose to work and decline compensation. An employee who fails to follow the City's overtime approval policy will be paid for any overtime actually worked, but will be subject to disciplinary action, up to and including termination, for violation of the policy.
- d. The City shall pay overtime compensation or provide Compensatory Time Off to all non-exempt employees as established in the appropriate salary resolution and/or MOU.
- e. Exempt employees are not eligible for overtime unless specifically provided for in the appropriate salary resolution and/or MOU.
- f. All other employees not specifically addressed in this Section shall be paid overtime in accordance with the Fair Labor Standards Act (FLSA).

#### 7. Additional Compensation

Employees may be eligible for additional types of compensation in accordance with the applicable salary resolution and/or MOU. Examples of additional compensation include, but are not limited to:

- Call Back Pay
- Stand-By Pay
- Shift Differential Pay
- Sewer Maintenance Pay
- Bilingual Incentive Pay
- Welder Assignment Pay
- Certification Pay
- Education Pay
- Special Assignment Pay
- Paramedic Pay

#### 8. Re-employment of Former Employees

- a. An employee who has been laid off because of lack of work or funds, or who has resigned in good standing, and who is reinstated or reemployed by the City, may receive a rate of compensation within the schedule in excess of the minimum for the classification.
- b. Former employees who completed their initial probationary periods and who separate employment with the City and subsequently are rehired to begin a second employment phase with the City may be provided credit for prior service with the City solely for purposes of calculating vacation accrual rates. Sick leave may be reinstated as required by law. Approval by the department director shall be based upon such considerations as labor market conditions, length of prior service with the City, length of time away from City employment, and past performance. In no event shall a returning employee be provided additional seniority or retirement service credit for the time the employee was gone.

## SECTION 3 | SALARY ADMINISTRATION

9. Appointment Date (Salary Review Date)

- a. For computation of wage increases, evaluations and supplemental benefits (vacation, sick leave, etc.) for newly-hired employees, the date of appointment is the date the employee was first appointed to a classification on a regular basis, including the probationary period in such classification.
- b. If an employee is hired in a temporary status into a classification, and without a break in service is subsequently appointed to a classification in a "regular" status, the date of first hire in the temporary status is the Date of Appointment for the current year computation for wage increases, evaluations, and supplemental benefits (vacation, sick leave, etc.).
- c. Temporary employees are not eligible for vacation, holiday, sick leave, insurance programs or other supplemental benefits unless required by law.

10. Pay Periods

- a. The biweekly payroll system has 26 cycles or pay periods per calendar year. There are 2080 total work hours per year for 40-hour full-time employees, and 2923 total hours per year for full-time Fire shift employees. Each pay period begins on Monday and ends on Sunday. Pay day falls on a Wednesday, ten days after the close of the pay period. Thus a pay check is received every other Wednesday.
- b. Federal and State taxes, deferred compensation deductions, and the retirement deduction are programmed over the entire 26 cycles. Voluntary deductions are calculated on a monthly basis but deducted over 24 pay periods per year. Thus two of the 26 periods have no voluntary deductions. Every eleventh calendar year will have 27 pay checks.

11. Payroll Deductions

- a. The Director of Finance shall deduct and withhold from the compensation or salary paid to each City officer or employee the amount required by law for income tax, Medicare, the employee's contribution to the Public Employee's Retirement System (PERS) or the Public Agency Retirement System (PARS), or any amounts otherwise authorized by the employee or pledged by such employee such as an authorized charitable contribution. The City may, by motion or resolution, authorize the Director of Finance to deduct dues, fees and assessments of employee unions, bargaining units, associations or organizations and to deduct for the purchase of shares in or payment of obligations to any regularly chartered credit union.
- b. Voluntary employee deductions from compensation shall be authorized by the employee in a form approved by the Director of Human Resources, shall be signed by the officer or employee, and delivered to the Director of Human Resources. It shall thereafter be effective until cancelled or revoked by the officer or employee. Deductions for employee unions, bargaining units, associations or organizations shall be authorized on a form provided by the employee union, bargaining unit, association or organization, shall be signed by the employee, and delivered to the Director of Human Resources.

## SECTION 3 | SALARY ADMINISTRATION

- c. The payment to any officer or employee of a payroll check equal to the difference between the compensation earned and the deductions made pursuant to the provisions of this subsection shall discharge all claims and demands whatever for the services rendered by such officer or employee during the period covered by such pay check.

C. OVERPAYMENT & UNDERPAYMENT OF COMPENSATION & BENEFITS POLICY

- a. Employees are responsible for monitoring pay and benefit contributions and deductions. Employees are required to notify the City as soon as possible when there is a change in dependent eligibility (e.g., marriage, divorce, death, birth, overage dependent, etc.) as dependent changes may impact contributions or deductions. Employees should contact Human Resources immediately should a discrepancy regarding contributions or deductions be identified by the employee.
- b. Employees who receive compensation or contribution to benefits that they are not eligible to receive have been overpaid or the City has contributed more than the employee was eligible to receive to a benefit provider. The employee will be responsible for reimbursing the City for the overpayment.
- c. Overpayments can be recovered by the City for a period of two years from the date of knowledge of the overpayment.
- d. Employees who are required to repay the City for an overpayment may make bi-weekly installments for the repayment up to thirty-six months. Employees may also elect to convert accrued but unused vacation, compensatory time off, floating holiday, and/or management time off hours to cash to repay the City. Repayment terms will be documented in writing and signed by the employee. Failure to repay the City for overpayments may be grounds for disciplinary action up to and including termination.
- e. Should the City fail to pay an employee properly by underpaying compensation or incorrectly deducting benefit premiums, the employee is entitled to recover underpayments for a period of four years from the date of knowledge and notification to Human Resources of underpayment.
- f. The City will provide a correction for underpayments in the pay period following approval of the Director of Finance and Human Resources who are responsible for reviewing the underpayment and verifying payment eligibility to the employee.
- g. Interest will not be charged to the employee for repayment of an overpayment and interest will not be provided to an employee when a payment is made for an underpayment.
- h. Claims of improper payment of overtime under the Fair Labor Standards Act (FLSA) will follow the statute of limitations under the FLSA.
- i. Claims of improper enrollment or contributions to CalPERS will follow CalPERS regulations.

D. RETROACTIVE COMPENSATION & BENEFITS

- a. Eligibility for compensation adjustments and other types of pay (e.g., bilingual, special assignment, education pay, certification pay, shift differential, etc.) and benefit eligibility will become effective at the beginning of the pay period following the submission of a personnel action form and/or appropriate documentation that authorizes the pay/benefit. No exceptions to this policy will be made as a result of employee failure, whether intentional or accidental, to submit required documentation for compensation in a timely fashion.
- b. Retroactivity of pay and benefits is prohibited except in the following circumstances:
  - i. Merit Pay increases may be granted retroactively for a period of twelve months from the date the employee was eligible for the merit pay increase.
  - ii. Upon City Council approval, retroactive pay and benefits may be granted.
  - iii. The City Manager may grant an exception to the prohibition of retroactivity when a recommendation for consideration is made by the department director and has the concurrence of the Director of Finance or Director of Human Resources.
  - iv. When required by court or administrative order.

## SECTION 4. RECRUITMENT AND SELECTION

A. RECRUITMENT PROCEDURES1. Standard Recruitments

The following procedures have been established for standard (open) recruitments:

- a. The Department initiates a Staffing Request and forwards it to the Human Resources Department.
- b. Human Resources will determine if a current eligible list exists. If an eligible list exists, a referral list can be issued to the department for interview and appointment.
- c. If an eligible list does not exist, Human Resources meets with the hiring manager to plan and coordinate the recruitment and selection process. An examination plan is jointly developed which outlines critical steps, timelines and responsibilities in the process such as: recruitment strategies and selection methods; an open or promotional basis; advertisement sources; determination of examination components; identification of examination raters; tentative exam dates; etc. The planning meeting also identifies desired competencies, required knowledge, skills and abilities, and any special requirements such as licenses, degrees, certifications, etc.
- d. A job bulletin is prepared from the class specification, listing the title, salary, essential job functions, qualifications; knowledge, skills, and abilities; and the selection process.
- e. The job bulletin will be posted for a minimum of 14 calendar days; or the job bulletin may specify that applications will be accepted until a specific number of applications are received or in the case of a continuous recruitment, until the position is filled.
- f. At the close of the application filing period, Human Resources will screen all applications to determine which applicants will continue in the selection process. Assistance by the department subject matter expert may be requested in the screening process.

2. Promotional Recruitments

The following procedures have been established for promotional recruitments:

- a. Promotional recruitments, when determined appropriate by the department director and Human Resources Department, may be open only to current employees, as well as temporary employees who have been appointed through a competitive, merit-based process, such as Maintenance Trainee, Library Page, Recreation Leaders, etc. Employees who are serving a probationary period may apply for promotional opportunities but may not be appointed until completion of the probationary period unless such appointment is within their current department. City Temporary Workers are not eligible to compete in promotional examinations. The decision to recruit solely from within shall take into consideration the following:

## SECTION 4 | RECRUITMENT AND SELECTION

- i. Knowledge of at least three qualified internal candidates; and
  - ii. The improvement of employee morale by recognition through promotion, and
  - iii. The utilization of career development concepts and good management practices.
- b. If after a promotional recruitment the department determines that the eligible list is insufficient or should be supplemented with additional candidates whose qualification, experience may prove beneficial to the City the recruitment can be reopened to the public.

**B. EXAMINATION PROCEDURES****1. Examinations**

A written, oral or performance demonstration examination, or any combination thereof, may be given for both open and promotional recruitments. Examinations test for job-related knowledge, skills, abilities and competencies in order to provide an accurate indication of potential job performance.

**2. Rater Panels**

The Human Resources Department shall establish examining panels which shall consist of professionals whose qualifications and experience will assist the City in identifying applicants with the knowledge, skills, and abilities to be successful if appointed to the classification. All panel members shall be instructed in correct and legal examination techniques. For structured interview examinations, the panel members shall be provided with a standardized set of questions in order to give all interviewees an equal opportunity to describe their qualifications. Panel members may excuse themselves from the assessment of any individual with whom a relationship exists out of which bias might arise (e.g. friend, relative, former employee, etc.) Candidates, upon arrival for the interview, will be shown the list of panel members and will be asked to state if a relationship exists with any panel member out of which bias might arise. In such cases, the Human Resources Department Analyst responsible for the selection process will be notified and the panel member may be requested to withdraw as a rater for that candidate.

Raters may be selected from other public agencies, relevant business professionals, community representatives (when applicable), and City employees. Objectivity and independent evaluation in the examination process will be monitored by Human Resources in order to maintain a fair and equitable process. Human Resources may disqualify the rating or evaluation of any rater, if in the opinion of the Human Resources Manager or Director of Human Resources, the rater may have held or demonstrated behavior resulting in concern for objective, legal and fair evaluation of applicants.

**3. Examination Appeals**

Candidates must submit a written objection within three working days after completion of the examination. Objections will be reviewed and a reply prepared by the Human Resources Department. The Human Resources Director will review a candidate's objection, confer with

## SECTION 4 | RECRUITMENT AND SELECTION

Employment Services staff, and make a determination. The determination is final. There is no appeal process beyond the Human Resources Director's decision.

4. Waiver of Examination Process

If after a recruitment there are three or fewer qualified applications received, any further examination process may be waived and the remaining applicants referred to the department for appointment consideration, based upon their application materials. If an appointment is made, the selection process is concluded. No eligible list will be established where an exam process is waived. If an appointment is not made, the hiring manager may request that the recruitment be reopened. For recruitments that are open until filled, or continuous, the examination process may be waived if there are three or fewer qualified candidates after the initial review of applications. This initial review date is established by Human Resources and the hiring manager and is generally advertised on the job bulletin.

5. Appointment of Disabled Individuals

Except when filling a position through administrative reassignment, City appointing authorities may appoint qualified, disabled persons who participate in supported work programs, and who are certified as disabled by either the State Department of Rehabilitation or a state regional center on developmental disabilities, to regular appointments for entry-level positions without competitive examination. Appointed individuals must serve a probationary period.

C. ELIGIBLE LISTS AND REFERRAL PROCEDURES

1. Eligible Lists

- a. An eligible list shall be established from those applicants who obtain a passing score in the examination by order of score. All candidates passing the examination shall be notified that they have qualified for a place on the eligible list and notified of their final score. Placement on the eligible list is not a guarantee of employment.
- b. The expiration date of the eligible list shall be specified at the conclusion of the examination process and is normally one year. Upon the approval of the Director of Human Resources, the expiration date of the eligible list may be extended beyond the specified date.
- c. Three additional points will be added to the passing score of Veterans of the Armed Forces of the United States who have attached to their application proof of honorable discharge with at least one year of active military duty. The additional points are applied for open recruitments and for non-executive positions.
- d. An active eligible list may be augmented by an additional recruitment or examination process after all candidates on the list have been interviewed, considered for appointment and sent a written notice of disposition from the hiring department.

2. Referral Procedures



## SECTION 4 | RECRUITMENT AND SELECTION

The hiring manager will be referred names from the eligible list. The hiring manager receives them in alphabetical order, and does not see rank or scores. The hiring manager has the right to require a minimum of three qualified candidates for consideration prior to making an appointment. The number of persons referred from the eligible list for interview by the hiring manager will be governed by one of the following methods:

a. Rule of Three Method

- For one vacancy, the three highest scoring candidates will be referred. In the event of tie scores, the three highest scores will be referred, along with additional applicants with a tie score, which will result in more than three candidates.
- In addition, those candidates who achieve a score within three percentage points of the third highest scoring candidate will also be referred unless there is a tie, in which case both candidates will be referred. Requests for additional vacancies are considered part of the first referral if received within thirty (30) days of the first referral. After 30 days, they are subject to the Additional Referral provision below.
- For each additional vacancy, one additional score will be referred as eligible.

b. Banding Method

Candidates may be banded into groups according to score and may be referred by bands starting with the highest banded scores.

c. Referral to Executive Positions

For referral to Executive positions, in lieu of the above procedures (A & B), the hiring manager may elect the referral of any number of applicants on the eligible list including all candidates who are determined to be among the top qualified.

d. Selective Referral

When referring candidates from an existing eligible list, candidates with additional or specialized knowledge, skills or abilities can be identified and can be given preferred consideration over other candidates on the eligible list for those assignments which require enhanced qualifications. The rule of three applies to selective certification, with the number one referral being the first candidate possessing the special skill, and so forth.

e. Continuous Referral

When referral is made from a continuous testing process, the department may discontinue interviews when existing vacancies are filled.

f. Additional Referral

After the initial referral and during the life of the eligible list, the hiring manager may request that additional candidates be referred either for the original vacancy or additional vacancies if all initially referred candidates have been interviewed and provided a written notice of disposition. The number of candidates referred from the eligible list for additional referrals shall follow one of the above referral methods, starting with the next qualified candidate who has not yet been referred. For example, if candidates 1, 2 and 3 were referred initially, the next referral count would begin with candidate number 4. The hiring department retains the right to not request additional names, and may decide to hire a candidate from the initial referral for subsequent vacancies during the life of the eligible list.

g. Transfers

Employees who have passed their probationary period in their present classification may request to be placed on the transfer list to be considered for transfer to another position in the same classification or a lower classification within the same job family. Employees on the transfer list shall also be referred to the hiring manager along with candidates on the eligible list as long as their performance is satisfactory and there is not an outstanding disciplinary action pending. The hiring manager may request referral of the transfer list even if an eligible list does not exist.

h. Referral to a Lower Class

Upon request, Human Resources may deem a competitive eligible list to be appropriate for a lower class provided no list exists for the lower class and the duties and responsibilities are similar. An appointment may be made to a position in the lower class from such eligible list but the acceptance of the lower position shall not forfeit such person's right to be referred to a position in the higher class during the term of the original eligibility list.

i. Reemployment

A former employee who resigned in good standing after completion of their probationary period may be eligible for referral and appointment without examination within one year from the date of separation to a classification held on a regular basis, provided that the employee meets the minimum qualifications of the vacant position, and is recommended by their former department director or other City executive.

3. Selection Interview Process

The hiring manager must interview all candidates referred who are interested in being considered for the vacancy. Additional names may not be referred to the department until all referred candidates who expressed interest in the vacancy have been interviewed and provided a disposition.

## SECTION 4 | RECRUITMENT AND SELECTION

When a person on an eligible list has been previously referred and interviewed by the department, the hiring manager may appoint the person without referral of additional names on the eligible list.

If a candidate is referred more than once from the same list for a vacancy within the department, the department must consider the candidate for appointment to the current vacant position, but shall not be required to re-interview the candidate. The selection interview is an opportunity to assess fit, address questions arising from the application materials, learn more about the candidate's qualifications and determine who is best suited for the position. Entry level Police and Fire candidates are normally interviewed after successful completion of the background review process.

No job offer shall be made to any referred candidate until all required interviews are completed. Candidates not selected from an established eligible list shall be notified in writing by the hiring department of their non-selection, and that their names are being returned to the eligible list for subsequent consideration in the event of another.

#### D. BACKGROUND REVIEWS / OFFERS OF EMPLOYMENT

##### 1. Background Reviews

Prior to a conditional offer of employment, candidates must complete and pass a background investigation. The background investigation may include but is not limited to a credit report, criminal history report, employment verification, education verification, motor vehicle report, professional license or credential verification.

##### 2. Written Offer of Employment

The Human Resources Department is authorized to make a conditional offer of employment in consultation with the hiring department. The following should be included in the formal written offer of employment:

- a. Title of the position
- b. Salary/benefit package
- c. Agreed-upon starting date and anticipated work schedule
- d. Office and person to whom the candidate will report
- e. A statement that employment is contingent upon passing the background process and pre-employment physical examination and that resignations from current employers should not be finalized until this process is successfully completed.
- f. A statement that employment is contingent upon submission of evidence that he/she is legally entitled to work in the United States.

## SECTION 4 | RECRUITMENT AND SELECTION

- g. A statement that the probationary period, if applicable, is part of the selection process, the length of probation to be served, and that regular status shall be dependent upon the satisfactory completion of probation.
  - h. The hiring manager should review the personnel file of candidates who are past or current employees as part of the background review process.
3. Unless otherwise approved by the Director of Human Resources, an offer of employment not responded to within five (5) working days is void and the applicant's name shall be removed from the eligible list.
  4. Full-time and part-time appointments: Appointments may be full time or part time. The work week for a full-time appointment is 40 hours, or an average of 56 hours for Fire and Paramedics shift operations. The work for a part-time appointment is less than that defined for full time.

E. POST-OFFER PRE-EMPLOYMENT PROCESSING1. Pre-Employment Physicals

- a. All candidates hired shall be offered employment on a conditional basis pending satisfactory completion of a pre-employment physical examination, which includes a drug test, by the City. The purpose of the examination is to determine the candidate's ability to perform the essential functions of the job for which he/she applied. This examination is paid for by the City. At any time during employment an employee may be required to take a physical examination paid for by the City to determine fitness for duty in the position which he/she is currently performing or for which he/she is applying.
- b. The Department of Human Resources shall determine whether the candidate is physically and mentally qualified for employment. The Interactive Process may be used to determine if an appointment may be made with or without reasonable accommodation. Should any required accommodation result in undue hardship on the City or result in immediate and unavoidable hazard to the safety of the applicant or others, the City may disqualify the candidate.

F. TRANSFER

1. A same classification transfer is defined as the movement of an employee from a position in one department to a position in the same classification in a different department. If the employee is transferring within the same department, the assignment to another position is at the discretion of the Department director, is considered a reassignment, and does not trigger a transfer probationary period. There are three types of transfers:

a. Employee Initiated Transfer

If an employee wishes to move to another department in the same or lower classification, the employee must submit an application for the transfer position online. It is the employee's responsibility to notify his/her supervisor of such a request. When a vacancy occurs within the requested department, the employee's name will be referred for consideration provided

## SECTION 4 | RECRUITMENT AND SELECTION

the employee meets the minimum qualifications for the position. The department may then appoint any of the persons referred.

If an employee uses the transfer process to go to a classification with a lower control rate, it will be considered a voluntary demotion.

b. Management Initiated Transfer

The City Manager, in consultation with the Director of Human Resources and the affected Department Director, may initiate a transfer when necessitated by changes in workloads, reorganization, or other business or personnel reasons.

c. Reasonable Accommodations Transfer

If an employee is or becomes permanently disabled as defined by the Americans with Disabilities Act, and unable to perform the essential duties of his/her job, the employee may be transferred to a vacant position which has duties that the employee can perform. A reasonable accommodation transfer is coordinated by the Human Resources Department. A reasonable accommodation transfer may take precedence over referral of candidates from the eligibility list.

2. The effective date of a transfer is coordinated with the approval of both Department Directors involved.

a. Employees are eligible for transfer as long as they have passed their initial probationary period, their performance is satisfactory, and there is not an outstanding disciplinary action or investigations pending.

An employee transferred from one position in one classification to another position in the same classification in another department shall be required to serve a transfer probation period of six to eighteen months, depending on the classification. An employee who does not satisfactorily complete the transfer probation period may be returned to the department from which transferred, provided a vacancy exists and is authorized to be filled.

G. PROBATIONARY PERIOD

1. Purpose

The probationary period provides the opportunity to evaluate an employee's performance, competence and fitness for duties for which the employee has been appointed. The job classification specifies the length of probation as established in the applicable MOU or salary resolution. The probationary period is considered part of the selection process, and an employee on probation may be released at any time during the period. Some classifications are designated as at-will, and incumbents do not serve a probationary period. At-will incumbents may be released at any time with or without cause. The following provisions do not apply to at-will employees.

2. Initial Probation

## SECTION 4 | RECRUITMENT AND SELECTION

All employees shall satisfactorily serve an initial probation period of six months to eighteen months, depending on the requirements of the job classification.

3. Promotional Probation

All employees shall satisfactorily serve a promotional probation period of six to eighteen months, depending on the requirements of the job classification. An employee who does not satisfactorily complete the promotional probationary period may be returned to the classification from which promoted if a vacancy exists and is authorized to be filled.

4. Transfer Probation

All employees shall satisfactorily serve a transfer probation period of six months to eighteen months, depending on the requirements of the job classification. An employee who does not satisfactorily complete the transfer probation period may be returned to the department from which transferred, provided a vacancy exists in the classification previously held and is authorized to be filled. Placement of the employee in the previously held classification shall be at the discretion of the department wherein the vacancy exists.

5. Apprentice/Trainee Probation

For those positions that are part of an apprenticeship or training program, the probation period shall extend to the length of the prescribed training period.

6. Extended Absence During Probation

Any extended periods of absence from regular duty or assignment in excess of two consecutive calendar weeks, for any reason, shall automatically cause the probation period to be extended for a period equal to the number of days absent. The employee shall be advised in writing of the extended probation by the immediate supervisor upon his/her return to regular duty or assignment.

7. Reinstatement

An employee in good standing, who has been laid off and reinstated to the same classification series in the same department, shall not be subject to a new probation period provided the employee had completed a probation period prior to the time of layoff. The period for reinstatement and classification shall be determined by the employee's collective bargaining agreement (MOU) or salary resolution.

8. Re-employment

The probation period for employees rehired within one year of separation may be waived at the discretion of the appointing authority, provided the employee has previously successfully served a probation period with the City in the same position and classification.

9. Reclassification

If a position is reclassified, the employee shall not be required to serve a new probationary period, provided the duties and responsibilities remain essentially the same as determined by the Human Resources Department.

## SECTION 5. CLASSIFICATION SYSTEM

A. CLASSIFICATION PLAN

The Classification Plan provides a complete list of all positions in the City service and an accurate description and specifications for each job classification. The Classification Plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the City.

B. ALLOCATION OF POSITIONS

The budget has allocated every position in the City service to one of the classes established by the Classification Plan.

C. CLASSIFICATION STRUCTURE AND CLASS SERIES1. Classification Structure

- a. The classification of jobs is based upon the duties and responsibilities required for the job, rather than upon the abilities of the employee. A written description, known as a class specification, is prepared for each classification listing the major duties, knowledge, skills and abilities required; minimum amount of education and/or experience required, and the length of the probationary work test period.
- b. The positions in the City service are grouped into classifications so that all positions with similar duties and responsibilities are in the same classification. The duties and responsibilities of a job determine to which classification a job will be assigned.
- c. Classifications are in turn arranged in series. Usually, employees in the lower-paid classifications have promotional opportunities to the higher-paid classifications. The class specification will identify the applicable class series if one exists. A typical class series may include the following types of classifications: Assistant, Associate, Senior, Principal, or levels I, II, III, IV, etc.

2. Class Specifications (Job Descriptions)

- a. Class specifications are to be interpreted in their entirety. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are intended to be descriptive and explanatory of the kind of work performed, and not necessarily inclusive of all duties performed by all employees in the classification.
- b. Substantive changes to existing class specifications in the Classification Plan are subject to the meet and confer process with the appropriate representatives of recognized employee organizations. Changes to document formatting or minor revisions to content may be implemented without meeting and conferring.

3. Title Changes



Where the duties of a position have not substantially changed, the position may be retitled as a result of restructuring, reorganizing, or to more accurately identify the position. There is no change in the compensation level with a title change. No change in the title of any job classification shall affect the tenure of the incumbent, if any.

4. Use of Classification Titles (“Working Titles”)

Classification titles are to be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to or employed in any permanent position in the merit system under a title not included in the Classification Plan. Other unofficial “working titles” may be used in the course of business to indicate authority, status in the organization, or administrative rank, subject to approval of the Human Resources Department.

5. Reclassification

All classification and reclassification of positions shall be filled through competitive recruitment and selection, except as follows:

a. Evolution of Duties

Should the duties of a position evolve/change over time, the department director may request the reclassification of the job. After proper review or study, and approval by the Director of Human Resources, the job may be allocated to a higher or lower classification, or remain unchanged. Should the duties and tasks be reallocated between different positions, all affected positions will be subject to review.

i. Process of Reclassification

The department director shall provide a written request to the Human Resources Director to perform a review on the position. The written request shall describe the rationale for the requested review and statement of reasonable belief that:

- The job duties and responsibilities have changed over time.
  - Incumbent employee has been working out of classification in a non-acting capacity for 12 months or longer.
  - The current classification is no longer descriptive of the job duties and responsibilities.
- ii. In a multiple-incumbent classification, the department director must indicate why all positions in the classification within that department are not being requested for review. Human Resources will evaluate and determine if the position/incumbent should be reclassified, or if the position, if restructured, should be filled through a competitive selection process.
- iii. If Human Resources determines that a reclassification review is the appropriate process, a

SECTION 5 | CLASSIFICATION SYSTEM

Position Description Questionnaire (PDQ) is provided to the employee and supervisor to complete and submit back to the Human Resources Department. The PDQ form elicits information on job responsibilities for evaluation of critical job elements.

- iv. Human Resources reviews the PDQ with the employee and with the supervisor, so that there is a clear understanding of job responsibilities, reporting relationships, job complexity and level, etc.
- v. Human Resources will analyze the PDQ to determine if the position requires allocation to a higher or lower classification or remain unchanged. A market review may be conducted if it is determined that the duties of the position are not represented in the City’s current classification plan and a new classification is deemed necessary.
- vi. Human Resources reviews findings and recommendations with the Human Resources Manager and/or Director of Human Resources for review and approval.
- vii. The Human Resources Manager conveys in writing, the findings, and the recommendation to the employee’s department director.
- viii. Incumbents may be regularly assigned to the reclassified position if the results of the classification study confirm that the incumbent has been regularly assigned to and has performed the duties of the reclassified position for a minimum of one year at the time of the request to reclassify. The final decision on whether a position should be reclassified is with the Human Resources Department. Reclassification of union represented employees is subject to the meet and confer process.
- ix. The Human Resources Department is responsible for notifying the employee and their supervisor its findings and recommendations. If a personnel action form is necessary, the employee’s department will initiate the form.
- x. If City Council action is required, an agenda report is prepared and submitted to the City Council for approval.
- xi. Reclassifications are granted on a prospective basis and shall be effective at the beginning of a pay period. Compensation adjustments resulting from a reclassification are granted prospectively. Retroactive compensation adjustments for reclassifications are prohibited.

b. Sliding Classification

This is an upgrade of a position in a well-defined job series to a higher budgeted classification within the same job series which requires greater responsibility and provides higher pay.

Positions established as a Sliding Classification are:

Firefighter I	to	Firefighter II
Staff Assistant I	to	Staff Assistant II

## SECTION 5 | CLASSIFICATION SYSTEM

Management Analyst I	to	Management Analyst II
Assistant Engineer	to	Associate Engineer
Assistant Planner	to	Associate Planner
Assistant Electrical Mechanic	to	Electrical Mechanic
Assistant Electrical Tester	to	Electrical Tester
Construction Inspector I	to	Construction Inspector II
Customer Service Representative I	to	Customer Service Representative II
Engineering Aide Assistant	to	Engineering Aide
Program Coordinator I	to	Program Coordinator II
Public Works Maintenance Worker I	to	Public Works Maintenance Worker II
Public Works Crew Supervisor I	to	Public Works Crew Supervisor II
Street Light & Signal Technician	to	Street Light & Signal Repairer
Solid Waste Truck Operator I	to	Solid Waste Truck Operator II
Inspector Trainee	to	Code Compliance Officer
Inspector Trainee	to	Building Inspector
Maintenance Assistant	to	Public Works Maintenance Worker I
Maintenance Assistant	to	Laborer
Laborer	to	Maintenance and Construction Worker

Justification for designation of additional classifications to the Sliding Classification Series must be approved by the Director of Human Resources, budgeted at the higher level and documented in the Manual of Personnel/Administrative Rules.

With the approval of the department director, incumbents may be upgraded through sliding classification when qualified and upon demonstration of their capabilities to perform at the higher level.

c. Under-filling a Position

The under-filling of a position differs from the sliding classification in that any position within a series may be under-filled for purposes of training and development or for other business reasons, while the sliding classification is designed and established specifically to provide for the training and upward mobility of the incumbent(s) in the above classifications.

When under-filling a position, the incumbent may not meet the minimum requirements of the budgeted position; the applicant may be appointed or promoted to a lower position classification which is lower in salary than the specific position classification authorized in the budget. Within two years following the under-filling of a position, the department director may request that the incumbent be appointed to the higher budgeted classification upon certification that the employee has passed probation, meets the minimum job requirements, and has assumed and is satisfactorily performing the duties of the higher budgeted classification. After two years in an

## SECTION 5 | CLASSIFICATION SYSTEM

under-filled appointment, the authorized position will be reduced to the level that the position is actually filled during the annual budget process.

d. New Classification

The establishment of new classifications of employment, or the combination, revision or abolishment of existing classifications, shall be approved by the Director of Human Resources and the City Manager, and where appropriate, the City Council.

e. Demotion

Movement of an employee from a position in one classification to a position in another classification which has a lower maximum salary rate shall be considered a demotion. Employees may request demotion to the most recent classification held on a regular basis, if a vacancy exists and is authorized to be filled.

f. Administrative Reassignment to a Different Classification

**(Note: This Section may be subject to, or modified by the terms of an employee's MOU or salary resolution):**

After exhausting the layoff provisions set forth in the applicable Salary Resolution or MOU, if an employee is subject to involuntary layoff or displacement, the following may be considered:

The City Manager, in consultation with the Director of Human Resources, may reassign the impacted employee to a vacant position other than his/her own, based upon the employee's knowledge, skills, abilities and work performance. Such reassignment shall be temporary and shall not exceed one year.

In all cases of administrative reassignment, whether to a lower, higher, or equivalent level classification, employees must take a qualifying examination to be eligible for regular status in the classification. This examination may be non-competitive, and shall occur no less than three months and no more than one year from the beginning of the administrative reassignment. When the employee is satisfactorily performing the full duties and responsibilities of the reassigned position and has qualified for the classification based on examination, he/she may be formally appointed to the position.

Employees who are administratively reassigned will serve the normal probationary period for the classification in which they are placed, beginning with the date the administrative reassignment becomes effective. If formal appointment is not achieved within one year from the date of reassignment, the employee may be laid off or separated from City employment. Such employee may exercise all options and rights applicable to the classification from which previously laid off or displaced.

If the reassignment is to a classification with an equivalent or higher maximum salary, the employee will retain his/her present classification, salary and benefits until he/she has qualified based upon examination. If the reassignment is to a classification with a lower maximum salary,

## SECTION 5 | CLASSIFICATION SYSTEM

the employee will assume the new classification with the new classification title and corresponding benefits. The employee's salary shall not exceed the maximum allowable in the classification to which reassigned. At the time an employee is formally appointed to a higher classification through the examination process, his/her salary and benefits may be adjusted as appropriate.

g. Reclassification to a Different Higher Classification

**(Note: This Section may be subject to, or modified by the terms of an employee's MOU or salary resolution):**

If a position is restructured as a result of reorganization or budget reductions, and the incumbent employee may be displaced because the classification of the restructured position has changed, the City Manager or the designee of the City Manager, in consultation with the Director of Human Resources and concurrence of the employee, may reassign the employee to the restructured position and be reclassified accordingly, as long as the following conditions exist:

- i. the employee retains virtually 100% of all his/her current job responsibilities (as described in the classification specification) and has performed these current responsibilities for at least one year; and
- ii. significant additional work responsibilities are added to the employee's present responsibilities which would warrant a classification change. This process will not be used in situations where a competitive selection process is more appropriate.

D. WORKING OUT OF CLASS

Employees shall be assigned to perform duties which are included within the applicable job description. Generally, employees should not be assigned work that is not closely related in both kind and scope of work, and in level of responsibility, to the duties normally assigned to positions in the employee's classification, except on a short-term basis.

Temporary assignment to duties out of class may be assigned for training purposes, to fill in on a limited basis due to vacation, short-term absences, assignment to a special limited-term project, etc. Temporary is identified as less than six months.

If an employee is performing some duties that would normally be assigned to another classification (i.e., works "out of class") for a period of six consecutive months, the Human Resources Department will evaluate whether a reclassification or reassignment of duties is appropriate.

Out of class work varies from an acting assignment in that the employee is not assigned to complete the work of a position that is vacant or that is temporarily vacant due to a leave of absence greater than thirty days.

Additional compensation is not provided for out of class work, unless provided for in an applicable MOU or salary resolution.

## E. ACTING ASSIGNMENTS

### 1. Purpose

Acting assignments, as used herein, are short-term upgrades to higher classified positions to assure the orderly performance and continuity of municipal services.

### 2. Scope

Acting assignments may be appropriate in the following situations:

- a. When a position is vacant and is scheduled to be filled following the completion of a recruitment process.
- b. When a position is temporarily vacant due to an approved extended leave of absence such as medical leave, on-duty injury leave, maternity leave, military leave, or other approved leave of absence.

### 3. Policy and Guidelines

Departments may request the temporary filling of a vacant position through an acting assignment. Acting assignments, as used herein, may be offered to any full-time or part-time regular employee of the City of Pasadena. To be eligible, an employee should meet the minimum qualifications for the classification and position being filled. The availability of acting assignments should be communicated to employees through a memorandum or email distribution.

An acting assignment shall be limited to a maximum term of six (6) months. An extension of an acting assignment must be submitted in writing to the Human Resources Director and will only be approved with good cause. The extension can be for up to an additional six (6) months for a combined total term of twelve (12) months. Examples where extensions will be approved beyond six months include occasions when the recruitment is in progress, but will not be completed by the end of the assignment; and where there are no other employees that can be rotated into the vacant position. To maximize training opportunities, multiple employees should be rotated through available acting assignments whenever possible.

Employees in acting assignments will be notified in writing by the appointing authority that the placement is temporary, and that after the assignment, they will be returned to their regular position. At the end of the term of the acting assignment, the employee will be automatically returned to their former rate of pay, subject to adjustments for changes occurring during the "acting period".

### 4. Compensation for Acting Assignments

## SECTION 5 | CLASSIFICATION SYSTEM

- a. Compensation for acting assignments may be made pursuant to applicable MOU's or salary resolutions. In the absence of acting pay provisions, employees appointed to an acting assignment will receive 5% of his/her base pay as acting pay.
- b. Acting pay may not be granted retroactively. Acting pay begins at the beginning of a pay period on a prospective basis.

5. Acting Assignment Procedures

- a. The department submits an acting assignment approval request form to Human Resources.
- b. When the recruitment of employees for acting assignments is internal within the applicable department, the department director is responsible for ensuring compliance with this policy and applicable sections of the Memorandum of Understanding or Salary Resolution.
- c. When the recruitment of employees for acting assignments may be external to the applicable department, the Human Resources Department will assist in identifying potential candidates and the process by which an acting assignment may be made, consistent with this written policy. Coordination with the Human Resources Department is required prior to contacting any potential candidates.
- d. Selection of persons to be granted an acting assignment should be made based on the operational needs of all departments concerned. Prior to making an offer of an acting assignment, the appointing authority shall discuss the feasibility and impact of such an offer with the employee's regular supervisor or department director. The acting assignment must coincide with the beginning and ending of a pay period.

## SECTION 6. ATTENDANCE AND LEAVES OF ABSENCE

***Note: In addition to the policies found in this Section, employees are advised to consult the appropriate Memorandum of Understanding or Salary Resolution for specific information in regards to leaves of absence.***

A. ATTENDANCE (TIMEKEEPING AND REPORTING OF ABSENCES)

Employees shall be in attendance at work in accordance with the rules regarding hours of work, holidays, and leaves.

1. Timekeeping

All departments shall keep daily attendance records of employees which shall be reported to the Finance Department in the form and on the dates specified by the Finance Department.

2. Reporting of Absences

Any employee who is to be absent from duty without prior approval shall contact his/her immediate supervisor to report the reason for the absence in a manner consistent with the applicable salary resolution or MOU. Absences not reported in such manner may be considered absence without leave. A deduction of pay shall be made for the duration of any absence without leave. Upon return to work, such absence shall be justified to the supervisor or department director who shall consider the need for disciplinary action.

B. JOB ABANDONMENT

An employee who is absent without leave for three (3) consecutive work days without reasonable cause and fails to return to duty as established in written notification to return shall be considered to have resigned.

An employee separated for job abandonment will be given an opportunity to explain the absence and failure to notify the City. The employee will be reinstated upon proof of justification for the absence, such as severe accident, severe illness, or false arrest. No employee has a right to an evidentiary appeal for separation as a result of job abandonment.

C. WORK SCHEDULES

Work schedules are defined as an employee's regularly assigned hours of the day and days per week. Changes in normal work schedules shall not be made arbitrarily, but rather to meet the operational needs of the department or for other legitimate reasons. Work schedules for each position shall be as established by the department director, subject to the provisions of the applicable salary resolution and/or MOU.



#### D. APPROVAL OF LEAVES

##### 1. Leave Requests

Employees requesting a paid leave of absence (i.e. vacation, compensatory time, management time off, floating holidays, etc.) must request and secure approval from their supervisor at least three (3) working days prior to taking such paid leave. In a case of absence due to compelling personal reasons, or non-emergency sickness, at least one day advance notice shall be made or as soon as the need for the absence is known. Such requests may or may not be approved, based upon the needs of the Department and may be subjected to verification.

#### E. LEAVE PRIOR TO RETIREMENT OR SEPARATION FROM EMPLOYMENT

Employees are permitted to use up to two weeks of accrued but unused leave time (excluding sick leave unless otherwise required by law) immediately preceding retirement or separation date, at the discretion of the department director. The department director may grant an exception to this provision and allow additional leave time to be used prior to retirement or separation from employment.

#### F. SICK LEAVE (NON JOB-RELATED INJURY OR ILLNESS)

Sick leave is provided through applicable MOU's or salary resolution or by law. The department Payroll Clerks will have responsibility for ensuring sick leave requests have been submitted and supervisor approval of timesheets has been received prior to posting on employee's time roll. All such documentation will be retained in the department files as verification of such absence.

Employees who have exhausted their sick leave and need to be absent due to illness or injury may not use any other form of leave without the approval of the department director unless the leave is for FMLA/CFRA, Pregnancy Disability Leave, or after the exhaustion of Temporary Disability benefits under Workers' Compensation.

#### G. HOLIDAYS

Holiday pay and/or leave is identified in applicable [MOU's](#) or [salary resolutions](#).

##### 1. Limitations of Holiday Eligibility – Leaves of Absence

Employees who are on a leave of absence without pay on each regular work day before and after a holiday are not eligible for holiday pay.

#### H. JURY DUTY

Every employee who is called or required to serve as a juror shall be entitled to be absent from his or her duties during the period of such service. Unless otherwise stated in an applicable MOU or salary resolution, there is no limit to the amount of time employees may serve on jury duty, and the City will continue to pay an employee his/her regular salary. If any employee is released from jury service prior to the end of his/her normal workday / scheduled shift, the employee must report to work unless

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

otherwise authorized by his/her supervisor, or unless otherwise stated in an applicable MOU or Salary Resolution.

I. COURT APPEARANCES

When an employee is served with a subpoena which compels his/her presence as a witness, he/she may be granted a leave of absence with pay, pursuant to the applicable MOU or salary resolution, in the amount of the difference between the employee's regular earnings and any amount received for such appearance unless he/she is a litigant or party to the action, or when testifying as an expert witness not acting in an employment capacity.

J. MANAGEMENT TIME OFF

Employees may be granted management time off pursuant to an [MOU](#) or [salary resolution](#).

K. DISABILITY LEAVES

1. Pregnancy Disability Leave (PDL)

a. Statement of Policy

In accordance with the [California Pregnancy Disability Act](#), the City will grant job protected leave for an employee who is disabled because of pregnancy, childbirth or a related medical condition up to a maximum of four months. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy would all be covered by Pregnancy Disability Leave.

b. Amount of Leave

- i. The maximum pregnancy disability leave is four months per pregnancy. A "four month leave" means time off for the number of days or hours the employee would normally work within four calendar months (one-third of a year or 17½ weeks). For a full time employee who works 40 hours per week, "four months" equals 693 hours of leave entitlement.

For employees who work more or less than 40 hours a per week, or who work on variable work schedules, the number of working days that constitutes "four months" is calculated on a pro rata or proportional basis.

ii. Intermittent Leave

In addition to taking a leave of absence for a continuous period of time, an employee may take intermittent leave (a few days or a few hours at a time) or on a reduced leave schedule when medically necessary.

Employees on intermittent PDL shall only be gone from the work site for the length of time medically necessary, and shall return to work if possible before the end of the work

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

shift. Employees shall not be required by their supervisor or department to submit a doctor's note or other verification of attendance at doctor appointments under intermittent leave, however, the City reserves the right to investigate and take action regarding any allegations of abuse of intermittent leave time.

An employee who requests an intermittent or reduced leave schedule for pregnancy disability must consult with her supervisor, and make a reasonable effort to schedule her leave so as to minimize disruption of department operations.

c. Compensation During Leave

Pregnancy disability leave is unpaid. However, the employee must first use her accrued sick leave, vacation leave, and then any other accrued paid time off during the leave. If or when an employee has used all of her applicable paid leave for a portion of pregnancy disability leave, the remaining time off will be unpaid. An employee may not be placed on an unpaid leave until such time all applicable paid leave has been exhausted.

d. Notice and Certification Requirements

Requests for pregnancy disability leave must be submitted in writing on the appropriate form at least thirty (30) days in advance of the start of the requested leave. If such notice is not possible, such as during an emergency or unforeseen complication, the employee is required to give notice as soon as practicable. The request must be supported by a completed medical certification form from the employee's health care provider. The certification must state the expected duration of the disability and the expected date of return to work.

All leaves must be approved by the Human Resources Department and have an agreed-upon specific date of return. Requests for an extension of leave must be submitted in writing prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

e. Effect on Benefits

An employee who is granted a leave under this policy will continue to be covered under the City's group health and dental insurance plan, under the same conditions and benefits for a maximum period of four months, as would have been provided if she had been continuously employed during the leave period. Employees remain responsible for paying for their share of the premiums during unpaid FMLA/CFRA leave.

Employees entitled to CFRA leave under the Family/Medical Leave Policy may be eligible for a combined maximum benefit of 29 1/3 weeks.

**Note:** Employees who elect not to participate in the group health insurance program are not eligible for Employee Option Benefit Fund contributions to deferred compensation during the pregnancy disability leave. Employees on unpaid pregnancy disability leave will be billed for any out-of-pocket expenses such as vision insurance, life insurance, and long-term disability,

and will not receive any Employee Option Benefit Fund contributions to deferred compensation or their flexible health spending accounts during the time of leave.

If the employee fails to return from unpaid pregnancy leave for reasons other than (1) the continuation of her pregnancy-related disability, or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), in addition to possibly taking action for job abandonment, the City may seek reimbursement from the employee for the portion of the premiums paid or contributions made by the City on behalf of that employee during the period of leave.

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose seniority or benefits accrued prior to starting the leave.

f. Reinstatement

Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.

If the employee's original position is no longer available, the employee will be assigned when possible to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an Interactive Process with the employee in order to identify potential reasonable accommodations.

An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

g. Relationship with Family Medical Leave Policy

An employee's disability leave for pregnancy-related conditions will run concurrent with her twelve weeks of leave entitlements under the Family Medical Leave Act (FMLA), if she is eligible for FMLA leave (see provision below). She may also be entitled to twelve weeks of leave under the California Family Rights Act (CFRA) for bonding in addition to leave for pregnancy disability/FMLA.

h. Reasonable Accommodation and Temporary Reassignment

Upon the documented advice of her health care provider, a pregnant employee may request a reasonable accommodation in her current position or a temporary reassignment to a less strenuous or hazardous position. A "reasonable accommodation" of an employee affected by pregnancy is any change in the work environment or in the way a job is customarily done that is effective in enabling an employee to perform the essential functions of a job. The employee

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

and City shall engage in a good faith Interactive Process to identify and implement the employee's request for reasonable accommodation or transfer.

If an employee's health care provider provides medical certification that an employee has a medical need to take intermittent leave or leave on a reduced work schedule because of pregnancy, the City may require the employee to transfer temporarily to an available alternative position that meets the needs of the employee.

2. Short Term / Long Term Disability Leave

The City may provide Short-Term Disability Leave and Long-Term Disability Leave as set forth in the applicable salary resolution or MOU.

3. Workers' Compensation (Industrial Disability Leave)

An employee who suffers a work-related injury or illness is eligible for Industrial Disability Leave in accordance with applicable Workers' Compensation laws and the guidelines set forth in the applicable salary resolution or MOU.

L. FAMILY AND MEDICAL LEAVE POLICY (FMLA/CFRA)

1. Statement of Policy

In accordance with the [Federal Family and Medical Leave Act](#) (FMLA) and the [California Family Rights Act](#), (CFRA), the City will grant job protected family and medical leave to eligible male or female employees for up to 12 workweeks per 12-month period for any one or more of the following reasons:

- a. The birth of a child, and in order to care for bonding with such child, or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- b. In order to care for an immediate family member (spouse, child including adopted or foster children, registered Domestic Partner or parent) of the employee if such immediate family member has a serious health condition that requires the employee's presence and direct attention or care; or
- c. The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.

**Note:** Under the California Pregnancy Disability laws, an employee may be authorized up to four months of leave in addition to federal and State Medical Leave under this provision when such Pregnancy Disability Leave is due to a serious medical condition related to the pregnancy. In such cases, FMLA protection runs concurrently with Pregnancy Disability Leave entitlements, and CFRA protection does not.

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

- d. In order to care for a spouse, child, parent or “next of kin” service member in or veteran of the United States Armed Forces, including National Guard or Reserves, who has a serious injury or illness that was incurred in the line of active military duty (Eligible employees may take up to 26 weeks of unpaid leave in a 12-month period); or
- e. The employee’s spouse, child, or parent who is a member of the National Guard or Reserves or regular United States Armed Forces who is on covered active duty or called to active duty status in support of a “qualifying exigency” (e.g. deployment and deployment activities to a foreign country, rest and recuperation, military events, childcare and school activities, financial and legal arrangements).

The "12-Month Period" - means a rolling 12-month period measured backward from the date leave is first taken, including the use of authorized paid leave (such as vacation, sick leave, Workers’ Compensation), and continuous with each additional leave day taken.

## 2. Coverage and Eligibility

To be eligible for family/medical leave an employee must:

- a. Have worked for the City for at least 12 months; and
- b. Have worked at least 1250 hours over the previous 12 month period. Time “worked” only includes time actually worked, not paid leave time or periods of absence from work.

## 3. Intermittent or Reduced Leave

- a. In addition to taking a leave of absence for a continuous period of time, an employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule (part-time leave) to care for an immediate family member with a serious health condition, or because of a serious health condition of the employee when medically necessary. An employee taking intermittent leave to care for an immediate family member may only take such leave as is medically necessary or during which time the family member needs the direct attention or care of the employee.
- b. Employees on intermittent FMLA/CFRA leave shall only be gone from the work site for the length of time medically necessary, and shall return to work if possible before the end of his or her work shift. Employees shall not be required by their supervisor or department to submit a doctor’s note or other indicia of attendance at doctor appointments under intermittent leave, however, the City reserves the right to investigate and take action regarding any allegations of abuse of intermittent leave time.
- c. An employee who requests an intermittent or reduced leave schedule must make a reasonable effort to schedule their leave so as to not disrupt department operations. Employees must consult with their supervisor regarding the scheduling and frequency of medical treatments so as to minimize disruption to the work environment.

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

- d. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child.
- e. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.

#### 4. Substitution of Paid Leave

Employees must exhaust their accrued leaves concurrently with Family and Medical Leave (FMLA/CFRA), with two exceptions:

- a. An employee must use accrued sick leave when family/medical leave is taken to care for an own injury or illness. After the exhaustion of sick leave, the employee may elect to utilize other accrued leaves or take the remainder of the FMLA/CFRA time as unpaid;
- b. An employee may use sick leave when family/medical leave is taken to care for an ill family member if permitted under an applicable MOU or salary resolution. After the exhaustion of sick leave, the employee may elect to utilize other accrued leaves or take the remainder of the FMLA/CFRA time as unpaid;
- c. An employee cannot use accrued sick leave when family/medical leave is taken for non-medical reasons (i.e. qualifying exigency leave, bonding leave, etc.). In such circumstances, an employee may elect to use any other type of available accrued leave, or take the time as unpaid during the remainder of the approved FMLA period.

If or when an employee has used all of their applicable paid leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks within a period of 12 months.

**Note:** Employees who are granted additional leave time at the discretion of the department director following the expiration of FMLA/CFRA must utilize all remaining accrued leave time while on extended leave. An employee may not preserve his/her leave bank while remaining on leave following the expiration of FMLA/CFRA.

#### 5. Notice Requirement

- a. A Notice of the right to Family and Medical Leave shall be posted and maintained in the various work locations of employees. Departments are responsible for ensuring their work sites have the proper legal postings. Human Resources will assist departments in updating their postings as requirements change.
- b. An employee is required to give as much advance notice as possible, but no less than 30 days written notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable. If an employee fails to give 30

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

days' notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until 30 days after the employee provides notice.

- c. For intermittent leave, such advance notice shall be made by the employee at the time appointments are set. For unscheduled intermittent absences, employees are required to follow their departmental call-out procedures, and must state that the absence is due to Family/Medical Leave reasons. Failure to provide advance notice of medically required appointments when they are set or to follow appropriate call-out procedures may be cause for disciplinary action.
- d. If the employee fails to request CFRA/FMLA leave time within the proper notice limits, or if an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code §4850.
- e. The written notice must provide specific reasons for leave under the FMLA and/or the CFRA, the method of leave requested (consecutive, intermittent, reduced), and expected start date and ending date of leave.

#### 6. Certification

Employees must submit the appropriate certification form and return the completed certification to their supervisor. Certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

For leaves of absence for an employee's own serious medical condition, the City may require a second or third opinion (at City expense) and periodic reports on the employee's status no more than once every 30 days. The City may request recertification in less than 30 days if: the employee requests a leave extension; the circumstances regarding the previous certification change; or if there is some new information casting doubt on the validity of the certification or reason for leave.

Employees who are on intermittent leave for chronic or permanent/ long term conditions will not be asked for a recertification before the minimum period for which the initial requested leave has expired.

A notice of intent to return to work and a fitness-for-duty report to return to work may also be required.

All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical file which is kept separate from the employee's personnel file by Human Resources.

#### 7. Effect on Benefits



An employee who is granted a leave under this policy will continue to be covered under the City's group health and dental insurance plan, under the same conditions and benefits for a maximum period of 12 weeks per 12 month period, as would have been provided if they had been continuously employed during the leave period. Employees remain responsible for paying for their share of the premiums during unpaid FMLA/CFRA leave.

Employees entitled to pregnancy disability leave may be eligible for a combined benefit of 29 1/3 weeks.

**Note:** Employees who elect not to participate in the group health insurance program are not eligible for Employee Option Benefit Fund contributions to deferred compensation during the FMLA/CFRA leave. Employees on unpaid family/medical leave will be billed for any out-of-pocket expenses such as vision insurance, life insurance, and long-term disability, and will not receive any Employee Option Benefit Fund contributions to deferred compensation or their flexible health spending accounts during the time of leave.

If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member, or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), in addition to possibly taking action for job abandonment, the City may seek reimbursement from the employee for the portion of the premiums paid or contributions made by the City on behalf of that employee during the period of leave.

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose seniority or benefits accrued prior to leave.

#### 8. Job Protection

When the employee returns to work following an approved family/medical leave, he/she will be reinstated to his/her former or comparable classification with equivalent pay, benefits, status and authority.

If the employee fails to return to work after the approved leave has expired, the employee will be separated from employment unless additional leave is requested and approved by the City. Such a request is considered a request for reasonable accommodation and Human Resources will facilitate the Interactive Process to determine if a reasonable accommodation can be granted. In some circumstances the City may file for disability retirement on behalf of the employee if it appears that the employee is unable to return to work due to a serious medical condition, or the employee has medical work restrictions that preclude him/her from returning to work. The determination whether to file for disability retirement with CalPERS for the employee is made by Human Resources in consultation with the employee and the employee's department director.

9. The City's Family and Medical Leave Policy as described above is intended set forth the basic provisions of the Federal Family and Medical Leave Act and the California Family Rights Act. Provisions not specifically addressed in this policy are incorporated by reference in this policy.

**M. FAMILY SICK LEAVE (KIN CARE)**

Labor code section [233](#) (“Kin Care Law”) requires that employees who receive sick leave be permitted to use one-half on one year’s annual accrual to attend to an illness of a child, parent, spouse, or domestic partner of the employee. For example, full-time employees typically earn eighty (80) hours of sick leave per year and are permitted to use one-half (forty hours) in each calendar year under the Kin Care provisions.

**N. MILITARY LEAVE**

Military leave of absence may be granted for the duration of a war or national emergency or as required by the Military and Veterans Code. Per California Military and Veteran’s Code section 395.01, an employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity (provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty), and who has been employed by the City for at least a year is entitled to receive his or her salary or for the first 30 calendar days of any such absence. Pay for those purposes may not exceed 30 days in any one fiscal year.

**O. VOTING LEAVE**

Pursuant to the provisions of the Elections Code of the State of California, employees who are voters and who do not have sufficient time, outside working hours, to cast their ballots may take time off from work to vote. Although the employee is entitled to take as much time off as is sufficient to cast a ballot, only two hours of actual working time will be compensated. If the employee on the third working day prior to the day of election knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the City at least two working days’ notice that time off for voting is desired. Absent such notice, the request may be denied.

**P. LEAVE TO PARTICIPATE IN CHILD’S SCHOOL OR CHILD CARE ACTIVITIES**

An employee who is the parent or guardian of a child who has been suspended from school may take time off to appear at the school in connection with that suspension. The employee must provide reasonable notice and may elect to use leave without pay, accrued vacation leave, compensatory time, or other paid leave time except sick leave.

An employee who is the parent, guardian, or grandparent with custody of a child in grades Kindergarten through 12, or a child attending a licensed day care facility, may take off up to forty (40) hours per calendar year (but no more than eight (8) hours in any one calendar month) to participate in activities of the school or licensed day care facility. The employee must provide reasonable notice and may elect to use leave without pay, accrued vacation leave, compensatory time, or other paid leave time except sick leave.

**Q. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT**

An employee who is a victim of domestic violence or sexual assault may take leave from work to obtain, or attempt to obtain any relief, including, but not limited to, a temporary restraining order,

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

restraining order, or other court assistance, to help ensure the employee's own health, safety, or welfare, or that of the employee's child.

An employee may also take leave to:

1. Seek medical attention for injuries caused by domestic violence or sexual assault.
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault.
4. Participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation.

Employees should provide reasonable advance notice, if foreseeable, or as soon as possible under the circumstances, depending on the nature of the leave taken under this section. Employees may elect to substitute accrued vacation, sick leave, or other paid leave time for unpaid leave.

Leaves for injuries resulting from domestic violence or sexual assault may run concurrently with other types of leaves, such as Family and Medical Leave.

#### R. BEREAVEMENT LEAVE

Full-time employees absent for leave due to bereavement of the death of an immediate family member may receive regular compensation for a maximum of three working days. "Immediate family member" is defined as spouse, domestic partner, child, parent, brother or sister, grandparent, grand child or parent of spouse. Under special circumstances, the department director may authorize bereavement time for the death of an individual not specified as an employee's immediate family member, as herein defined.

Bereavement leave shall be taken in consecutive days unless otherwise approved by the employee's department director, and must be taken within a reasonable time after the death of the qualifying immediate family member. The department director shall determine what is a reasonable time within which to exercise bereavement leave.

#### S. REDUCED WORK SCHEDULE / VOLUNTARY FURLOUGH

##### 1. Purpose

The City, in the interest of fiscal restraint, hereby establishes a Voluntary Reduced Work Schedule/Voluntary Furlough program for City employees. Under this program, employees may request a reduction in work hours and corresponding pay and benefits according to the following guidelines, unless otherwise required by law. The term "Voluntary Reduced Work Schedule" shall be synonymous with "Voluntary Furlough".

##### 2. Eligibility

## SECTION 6 | ATTENDANCE AND LEAVES OF ABSENCE

All full time employees are eligible to request a reduced work schedule. Union represented employees must receive concurrence from their union prior to submitting a request for furlough.

3. Furlough Types

a. Long Term

A furlough of one year.

b. Short Term

A furlough of six months.

4. Requests

a. All requests must be submitted on the appropriate form provided by Human Resources.

b. The supervisor and department director of the department of the requesting employee must either approve or deny the employee's request. Approval or denial of a request is solely at the department director's discretion dependent upon the operational needs of the department. If the department director determines that a previously approved furlough will result in operational difficulties, the department director may rescind the approval and the employee must return to his or her regular schedule prior to the furlough.

c. The department director shall indicate either approval or denial on the request form. A copy of the form shall be sent to Human Resources, who will facilitate the leave process.

5. Effect on Leave Accruals

Leave accruals (vacation, sick, holidays, etc.) for employees on a reduced work schedule/furlough will be pro-rated based on the work schedule (75%, 50% or 25% whichever is closest to work schedule of 30, 20 or 10 hours per week).

6. Effect on Benefits

Benefit allowances (i.e., EOB and dental contributions) will be pro-rated based on the work schedule (75%, 50% or 25% whichever is closest to work schedule of 30, 20 or 10 hours per week). City contributions to STD/LTD and life insurance will continue as though the employee is working his/her full-time schedule. Employees are required to maintain contributions to STD, LTD and other benefits during an approved furlough. However, STD and LTD are only available to employees working in excess of 30 hours per week. Failure to pay premiums on-time may result in a cancellation of benefits.

7. Effect on Retirement

Reductions in work schedule or unpaid periods of absence under this program may result in a reduction in contributions made by the City on the employee's behalf to CalPERS and, consequently, may affect an employee's retirement benefits.

8. Effect on Seniority

If an employee is on a continuous leave of absence under this program, the employee's seniority will be frozen until the employee returns from leave. Once the employee returns from leave, the employee will continue accruing seniority credit.

T. UNPAID LEAVES OF ABSENCE

Employees may request an unpaid leave of absence after exhausting all accrued leaves (excluding sick leave unless otherwise required by law), and at the discretion of the department director. Employees on an unpaid leave of absence will be placed into inactive status and will not be eligible for benefits.

## SECTION 7. PERFORMANCE MANAGEMENT

A. PERFORMANCE EVALUATIONS1. Purpose

To provide a basis for performance feedback to the employee, establish work goals, objectives and expectations, identify training and developmental needs, provide individual recognition as well as document areas where improvement is needed. The performance evaluation also documents the basis for passing probation and for individual merit adjustments within the salary range.

2. Timelinesa. Annual Evaluations

Employee performance evaluations shall be conducted at least once annually, from the date of hire or promotion in the employee's classification, or as otherwise established by the department with the approval of the Director of Human Resources. Supervisors shall be held responsible in their own evaluations for ensuring staff evaluations are completed on time.

b. Probationary Evaluations

During the probationary period it is recommended that a performance evaluation be provided half way through the probationary period. It is required that a performance evaluation is complete not less than one week prior to the end of the probationary period. Departments may establish requirements for more frequent evaluations during the probationary period.

Each department director is responsible for ensuring that performance evaluations are conducted in a timely manner.

3. Performance Evaluation Process

- a. Performance goals, expectations and objectives should be jointly established by the supervisor and each newly hired or newly promoted employee soon after appointment or on an annual basis for employees who have completed the probationary period.
- b. Supervisors and employees shall meet at least once during the evaluation period to discuss and monitor the employee's performance and progress towards achieving the Results and Accomplishments identified for the year. Modifications may be made as appropriate.
- c. A draft of the Performance Evaluation Form should be reviewed for general concurrence by the next higher level of management prior to being discussed with the employee.
- d. The performance evaluation meeting is intended to provide direct and open two-way communications between the supervisor and the employee, and should consist of at least the following:

## SECTION 7 | PERFORMANCE MANAGEMENT

- i. An evaluation of the quality and consistency of the employee's performance and behavior, and the relative success in achieving the goals, expectations, and objectives identified for the current evaluation period; and
  - ii. The joint development of goals and objectives to identify and target specific results and accomplishments for the next evaluation period; and
  - iii. A discussion of City and/or departmental goals, and the relationship of the employee's job responsibilities, goals and objectives to the overall goals of the organization.
- e. At the conclusion of the performance evaluation discussion, the performance evaluation form shall be finalized by the supervisor. The employee may include his/her comments on the evaluation form or as an attachment to the evaluation form.
  - f. The Performance Evaluation Form shall be signed by the supervisor and employee and distributed to all appropriate parties including the department director and the Human Resources Department for inclusion in the employee's personnel file.

**B. SERVICE AWARDS****1. Purpose**

The City appreciates and recognizes continuous, loyal service, and presents 5, 10, 20, and 25 year Service Awards to employees in recognition of their contribution to the City of Pasadena.

**2. Policy and Guidelines**

All employees who are classified as full-time are eligible to receive the 5, 10, 20, and 25 year Service Awards, recognizing dedicated service to the City of Pasadena. The Human Resources Department shall maintain appropriate records and report to department directors, at the beginning of each calendar year, a list of their employees who have achieved a milestone year of service during the current calendar year.

The awards will be distributed to department directors along with the names of the employees who are the recipients. Human Resources will assist departments in determining the appropriate activity to honor, recognize and celebrate the longevity of their employees.

**3. Responsibility**

The Director of Human Resources is responsible for tracking of recipients, notification to the appropriate department director, and delivery of awards to the department.

In the event an employee retires or leaves City service with less than one year before achieving the 5, 10, 20 or 25 year milestone, the Human Resources Director shall have the discretion, based upon meritorious service, achievement, and/or contribution of the employee, to issue the service award to the employee based upon special circumstances. The decision of the Human Resources Director shall be final and there is no right to appeal the decision.

## SECTION 7 | PERFORMANCE MANAGEMENT

C. DISCIPLINE POLICY1. Policy

Employees engaging in unacceptable behavior on or off the job or unsatisfactory work performance shall be subject to the provisions of this policy. Disciplinary action should be corrective in nature, progressive where possible, and shall be in compliance with due process rights. This policy shall not alter the employer-employee relationship between the City of Pasadena and at-will employees (including, but not limited to, MASH employees, temporary employees, and City Service Workers). This policy shall not apply to contract workers who are not City employees. Disciplinary issues regarding contract workers shall be handled between the department with whom the worker is contracted and the vendor supplying the worker.

2. Causes for Disciplinary Action

- a. Disregard of the Citywide Policies and Standards of Conduct provisions specified in this Manual.
- b. Violation of any rules, regulations, policies and practices specified in this Manual.
- c. Conviction of any felony, or conviction of any misdemeanor involving turpitude, or violation of any statute, law or official regulation, rule or order, or commission of any act which compromises the public trust necessary for employment with the City of Pasadena, or which is of such a nature that it causes discredit to the City or the person's employment.
- d. Insubordination or insubordinate conduct.
- e. Retaliation against any other City employee or member of the public who reports, discloses, divulges or otherwise brings to the attention of appropriate authority any facts or information relative to alleged violation of any law, ordinance, or the City of Pasadena Manual of Personnel & Administrative Rules, occurring on the job or related thereto.
- f. Modifying or altering City documents, forms, or records in order to misrepresent facts or circumstances.
- g. Carelessness or negligence that:
  - i. endangers or threatens the health or safety of any person;
  - ii. unnecessarily damages or exposes to damage any public or private property, or
  - iii. Compromises the quantity or quality of the City's service.
- h. Incompetence or inefficiency in the performance of duties, or lack of full performance in job duties.
- i. Excessive or unauthorized absences or tardiness, or being away from the work area without



## SECTION 7 | PERFORMANCE MANAGEMENT

prior authorization.

- j. Sleeping during working hours, except as authorized, or other inexcusable neglect of duty.
- k. Discourteous, uncooperative, offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during working hours or on City premises.
- l. Habitual or intemperate use of alcohol, drugs or narcotics (whether or not by prescription), which may negatively impact or impair the employee's ability to perform the job, or being under the influence of, or unauthorized possession of alcohol on City-owned property, in any City-owned vehicle, or on any job site.
- m. Being under the influence of, or possession, consumption or use of any illegal controlled substance while on duty or off duty, or use of any substance not yet classified as a controlled substance but which causes impairment in judgment or motor skills or which causes an intoxicating condition or reaction that may impair the employee from performing the duties of the position safely and effectively.
- n. Unauthorized possession of or use of weapons on City property, during working hours, or while acting in the capacity of a City employee.
- o. Misuse, unauthorized use, theft or removal of City-owned material, equipment, funds or property.
- p. Multiple garnishments, levies, or liens against an employee's salary. Levies may be cause for disciplinary suspension, transfer, demotion or discharge for an employee assigned to perform financial, auditing or cash-handling tasks, or when the underlying reason for the levy is indicative of off duty conduct inconsistent with the employee's public agency employment.
- q. Knowingly making false statements or attempting any deception or fraud in obtaining employment, promotion, Workers' Compensation benefits, or in reporting time worked (time card fraud), or in reporting the employee's ability or inability to work, or in obtaining or attempting to obtain any other benefit.
- r. Making any false, incomplete or misleading statement or attempting any deception in response to questioning during any departmental investigation into allegations of wrongdoing by any City employee; or failing to cooperate in any investigation or proceeding resulting from a complaint filed by any employee or member of the public alleging wrongdoing by any employee of the City of Pasadena. Failure to cooperate shall include failing to disclose the existence of facts or documents within the person's knowledge or possession, or destroying documents or other things relevant to the investigation or proceeding, or failing to make oneself available to testify at any hearing or proceeding which is conducted during business hours of the City, or refusing to answer questions posed while being questioned during any investigation or while testifying in any proceeding, or otherwise attempting to hinder, frustrate, or obstruct any investigation or proceeding being conducting by the City of Pasadena. An employee being questioned about his or her

## SECTION 7 | PERFORMANCE MANAGEMENT

knowledge relative to any allegation of violating this provision may request a representative of his or her choosing present during such questioning.

- s. Engaging in outside employment while receiving Workers' Compensation or sick leave, unless approved by the department director.
- t. Engaging in any outside employment or enterprise that may be incompatible with the employee's City employment or detrimental to the efficiency of their City work. Failure to obey an order from the department director or the City Manager to terminate or desist from such outside employment or enterprise may result in dismissal.
- u. Advocating, or being a member of any organization which advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means.
- v. Improper political activity
  - i. No officer or employee shall participate in any political activity during his or her working hours.
  - ii. No officer or employee shall participate in any political activity while in a City uniform.
  - iii. No officer or employee shall permit the entry of any person in a City facility or office for the purpose of soliciting or receiving political funds or contributions, nor shall any officer or employee enter any City facility for the purpose of soliciting or receiving political funds or contributions.
  - iv. No officer or employee shall use his/her official influence or position to coerce or pressure political action.
  - v. No officer or employee shall knowingly solicit or receive political funds or contributions, whether directly or indirectly, from other officers or employees of the City or from persons on the employment lists of the City; provided, however, that no officer or employee shall be prohibited from such activity within or upon non-City premises and during non-working hours on a ballot measure affecting the pay, working hours or working conditions of City offices and employees.
- w. Other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the City, the appointing authority, or the person's employment.
- x. Willful disobedience of or failure to follow established procedures, or the instructions and orders of a supervisor.
- y. Unauthorized release of confidential, sensitive or personnel information that may be obtained by employees in the course of employment.

### 3. Types of Discipline

Formal disciplinary actions shall be for cause and include the following: oral warning, written warning/reprimand, and temporary reduction in pay, unpaid suspension, demotion or discharge. Departments should consult with the Director of Human Resources, or his or her designated representative, prior to recommending or imposing discipline so that disciplinary issues may be addressed in a consistent manner on a city-wide basis.

#### a. Oral Warning

An oral warning is used to inform the employee that an oral disciplinary warning is being issued, what specific action or behavior is undesirable, what specific improvement is expected, and what may be expected if correction is not made. It is usually given by the employee's immediate supervisor. It should be given constructively and in confidence. A notation of oral warnings should not be given to an employee, but must be kept by the department in the supervisor's file.

#### b. Written Warning/Reprimand

A written warning/reprimand is a more formal disciplinary action, usually following a meeting with the employee regarding the alleged wrongdoing. The meeting should be held consistent with the applicable Memorandum of Understanding or the Salary Resolution for the classification. Where applicable, the written warning shall be prepared by the supervisor and should indicate the following:

- i. That the document constitutes a written notice of discipline.
- ii. The behavior or violation of rules or procedures for which the discipline is given, and the specific improvement expected.
- iii. A statement of any prior discipline given the employee.
- iv. An indication, in general terms, of further action to be taken if there is a continuation of the unsatisfactory behavior or performance.
- v. An indication that the employee received a copy of the written notice of discipline and whether the discipline was discussed with the employee.
- vi. The right of a regular employee to grieve the discipline pursuant to their classification's applicable Memorandum of Understanding or Salary Resolution.

#### c. Temporary Reduction in Pay

A reduction in the employee's current rate of pay for a specified period of time.

- i. A written notice of discipline shall be prepared by the supervisor following due process requirements and procedures defined in this Manual, unless there is a conflict between

## SECTION 7 | PERFORMANCE MANAGEMENT

this Manual and the applicable Memorandum of Understanding or Salary Resolution in which case such Memorandum of Understanding or Salary Resolution shall take precedence.

- ii. A reduction in pay may be made to a lower salary or step schedule within the range provided for the affected position.
  - iii. Employees whose salaries are reduced as a result of discipline shall not be entitled to any step or merit pay increases until the period of salary reduction has elapsed.
  - iv. A salary reduction may be for any duration of time up to one (1) year from the date of implementation. Once the pay reduction period has elapsed, the employee may advance in the pay range or step schedule as may be due at that time, but in no event shall such advancement in the salary or step schedule be made retroactive to the period of time of the pay reduction.
- d. Suspension

The removal of an employee from duty for a specified period of time without pay. Paid administrative leave pending an investigation is not disciplinary in nature and is typically with pay; suspensions following a disciplinary procedure which are utilized as a disciplinary measure are typically without pay. The following procedures shall be followed:

- i. A written notice of discipline shall be prepared by the supervisor following due process requirements and procedures defined in this Manual, unless there is a conflict between this Manual and the applicable Memorandum of Understanding or Salary Resolution, in which case such Memorandum of Understanding or Salary Resolution shall take precedence.
- ii. A suspension shall be effective on the scheduled workday(s) determined by the department.
- iii. In circumstances requiring immediate action, any supervisor of the employee's department may place an employee on paid administrative leave with the concurrence of Human Resources until an investigation can be made and subsequent disciplinary action determined by the employee's supervisor. In such an event, the supervisor placing the employee on paid administrative leave status shall identify himself/herself to the employee, obtain the identity of the employee and immediately notify the employee's supervisor or department director of the action taken. Suspensions during an investigation, before any disciplinary action is taken, are typically with pay. Such a temporary suspension without pay during an investigation may only be effectuated if the allegations against the employee are for serious misconduct involving criminal activity, serious safety violations, or egregious misconduct that may affect the safety or wellbeing of the subject or other employees. Such action should not be taken without first consulting with the Director of Human Resources.

e. Demotion

The involuntary movement of an employee from a position in one classification to a different position in another classification having a lower maximum salary, and is typically applicable for employees who are unable to maintain satisfactory work performance in their job. Demotion during probation is a failure of the probationary work test period and is not a disciplinary action requiring due process procedures nor recourse to the grievance process. Employees may only be demoted into classifications for which they meet the minimum qualifications.

f. Discharge

The termination of employment for disciplinary reasons.

4. Investigations

- a. When an act of an employee that may be cause for disciplinary action is reported to the employee's supervisor, it may be necessary to conduct an investigation to determine the facts and/or to confirm the allegations. The investigation may be performed by the employee's supervisor or assigned to an administrative employee or an outside investigator hired by Human Resources or the City Manager. The objective of the investigation shall be fact-finding to determine if a disciplinary offense did occur, and if so, by whom. Investigations shall be conducted as confidentially as possible. Union represented employees under investigation are entitled to representation during investigatory interviews or meetings.
- b. If the incident appears to be of a criminal nature, the City Attorney and the Police Department shall be notified immediately and the subsequent investigation shall be under its direction.
- c. Where criminal conduct is not indicated, the investigator should:
  - i. Interview the complaining party and any witnesses to secure detailed information, such as:
    - Exact time and places of events;
    - Complete description of the alleged offense and complete description of alleged offender and the action complained of;
    - Exact words used, if the language used or statements made were involved in the alleged offense (as in abusive language or an insulting proposition); and
    - Whether the employee was on or off duty at the time and place of the alleged offense.
  - ii. Interview the employee (the complaining party or witnesses) in private. It should be made clear that this is a fact-finding interview, not a disciplinary one. Questions should be phrased with care to avoid indicating any pre-judgment. For example, ask "What

## SECTION 7 | PERFORMANCE MANAGEMENT

happened?” rather than, “Whose fault is it?” It may be appropriate to invite the employee to submit a signed statement giving the employee’s account of the pertinent facts.

- d. Any questions from employees regarding their constitutional rights should be referred to the City Attorney’s Office or the Human Resources Department for resolution prior to completion of the interview.
- e. The investigation shall be conducted impartially to give fair and impartial treatment to the employee, and to provide the City with the necessary facts before a disciplinary action is taken. The investigator should write a report of the findings and the evidence gathered during the investigation.
- f. To warrant subsequent disciplinary action, the investigation shall establish, to the satisfaction of the appropriate supervisor:
  - i. That a disciplinary offense did occur;
  - ii. The nature of the offense, and
  - iii. That it was committed by the employee to be disciplined.

5. Disciplinary Procedures / Due Process

- a. Whenever possible, the proposed disciplinary action should be conveyed to the employee in a private meeting. The employee may request a representative of his/her choosing to be present.
- b. Each written warning, notice of suspension, demotion or discharge shall be prepared in writing and distributed as follows:
  - i. Original given to the employee (or mailed if circumstances necessitate)
  - ii. A copy forwarded to the employee’s designated representative, if known.
  - iii. A copy retained by the employee’s department.
  - iv. A copy forwarded to the Human Resources Department for filing in the employee’s personnel records.
- c. The employee should be requested to sign a notice of disciplinary action as evidence that it has been received by the employee. The signature shall not be construed as indicating agreement with the disciplinary action or the reasons stated thereon for such action. If the employee refuses to sign, a notation to that effect shall be made on all copies of the document.
- d. If discharge, temporary reduction in pay, or demotion (of an employee who has completed the initial probation period), or suspension of five days or more is proposed,

## SECTION 7 | PERFORMANCE MANAGEMENT

the employee's supervisor shall prepare a notice of discipline or proposed disciplinary action. Assistance of the Human Resources Department in preparing this notice is recommended. This notice shall contain:

- i. The specific reasons why disciplinary action is proposed. The "charges" should be in sufficient detail to identify dates, times, places and specific acts.
  - ii. A statement that the employee may, upon request, receive a copy of any documents or materials (if copies are available) on which the charges are based.
  - iii. Identification of the rule, regulation or policy or procedure violated.
  - iv. A statement of what level of discipline is proposed.
  - v. A statement of the employee's right of response to the charges and proposed discipline, either orally or written (also known as a "Skelly" hearing), and an indication that a hearing or conference with the department director or his/her designated representative can be scheduled should the employee so request within timely receipt of the notice of discipline, generally seven (7) days from the date of the letter.
  - vi. A statement of the right to be accompanied or represented by any person of the employee's choosing who is not involved in the case when making an oral or written response.
  - vii. If the employee chooses not to request a hearing or conference with the department director or his/her designated representative within the prescribed timelines, then a decision shall be rendered by the department based upon the information already available to the decision maker.
- e. Concurrence must be received from the Human Resources Director or designated representative that the discipline or proposed discipline would be appropriate if the employee does not offer a satisfactory response to the charges. This concurrence should be obtained before any notice is given or expressed to the employee that the discipline is being, or will be requested.
  - f. The advice and assistance of the Human Resources Department in each step of this procedure is recommended.

## 6. Notices

All written notices required to be presented to an employee under this policy may be delivered in person or by sending the notice to the employee's last known address on file in Human Resources in a properly stamped and sealed envelope with the City's return address affixed thereto.

There shall be a rebuttable presumption affecting the burden of producing evidence, consistent with Evidence Code Sections 600 – 603, that notices mailed via US First Class Mail are received by the employee and/or the employee's representative or others to whom notices are sent within

## SECTION 7 | PERFORMANCE MANAGEMENT

three to five working days consistent with the California Evidence Code Section 641 which states: "A letter correctly addressed and properly mailed is presumed to have been received in the ordinary course of mail."

**D. SEPARATION FROM EMPLOYMENT****1. Resignation**

When an employee submits an oral or written resignation from employment with the City, such resignation is considered as immediately accepted by the City. Any request to subsequently withdraw such resignation prior to its effective date, must be made in writing and approval must be obtained in writing from the appointing authority to be effective. The City is under no obligation to accept a request to withdraw a resignation. Should the appointing authority not approve withdrawal of the resignation, the resignation shall become effective on the date and time originally stated.

The work product completed while an employee of the City of Pasadena is the property of the City and will remain so after separation.

**2. Return of Equipment and Materials Upon Separation**

Upon separation from the City, employees are directly responsible to their respective departments for the return of all equipment and materials distributed to them. Failure to return all such property may result in the City taking recourse as may be legally permitted. Employees who have parking card keys must return the parking card key directly to the appropriate parking office to obtain a refund of their deposit if a deposit was made.

**3. Processing of Final Paychecks**

Final paychecks will be distributed on the next regularly scheduled pay date following the completion of the payroll period that includes the employee's separation date.

**4. CalPERS Employee Contributions**

- a. Permanently separated employees may elect to have their contributions remain in the system or withdraw the entire amount. Except, however, that employees who will be employed by a reciprocal system within 90 days of separation must leave their contribution on deposit.
- b. Employees with less than five years credited service on a temporary separation or layoff who return to work within one year may leave their contributions in the system.
- c. Employees while on approved leave of absence with any number of years of service may leave their contributions in the system during the full duration of the leave. If after the leave of absence the employee terminates, they are subject to the separation rules above.
- d. All refund checks are prepared by the State Controller in Sacramento and mailed directly to the employee within approximately 6 weeks after receipt of the final documentation by the Sacramento office. An employee cannot pick up the check.



- e. Employees must contact CalPERS for information about retirement or withdrawal of funds on deposit with CalPERS.

5. Exit Interviews

Exit Interviews with separating employees are highly recommended and shall be conducted by a designated representative of the Human Resources Department prior to the date of separation. Information gathered from exit interviews will be compiled into a report on an annual basis and made available to department directors. The information presented in the annual report shall be prepared in such a way as to ensure the confidentiality of responses from separating employees.

6. Separation Check-Out Process

Human Resources will provide departments with a separation check-out process that ensures that all necessary procedures have been completed prior to the separation of an employee, such as exit interviews, return of City property, and preparation of the final paycheck. The "Separation Check-Out Form" will be initiated by the employee's department, and all appropriate sections completed, prior to the issuance of the final paycheck to the separating employee.

7. References & Letters of Recommendation

Requests from separated employees, who were separated from employment for whatever reason, shall be directed to Human Resources. Individual employees of the City under the reporting authority of the City Manager shall not provide a former, or soon to be former employee with a letter of recommendation, employment verification, or other indicia of employment without first obtaining written authorization from Human Resources, and then only in extenuating circumstances as approved by Human Resources.

## SECTION 8. BENEFITS &amp; EMPLOYEE DEVELOPMENT

A. CALPERS

The City has contracted with the [California Public Employees' Retirement System](#) (CalPERS) in order to provide retirement and medical benefits to employees and is subject to the benefits and regulations as prescribed by CalPERS. The City's payment of all or part of the employee's contribution is set forth in the applicable MOU or salary resolution.

B. ADDITIONAL BENEFITS

Additional benefits including but not limited to dental, vision, life insurance, short-term/long-term disability are identified in applicable MOU's or salary resolutions.

C. TRAINING1. Purpose

Employee development is a legitimate and important organizational responsibility. The City recognizes the changing demographics of its community and its workforce, the economic pressures it faces, and the increased pace and continual forces of change. Therefore, the City invests in the improved knowledge, skills, motivation, and commitment of its employees and work groups. Wherever possible, the City will establish and provide training and development programs and processes consistent with the City's goals and objectives.

The objectives of the City's training program are as follows:

- a. Further the City's objective of providing efficient and effective services to the public.
- b. Ensure employees understand the City's mission and goals and how their individual jobs contribute to that mission. Transmit City policy, culture, and organizational expectations to all employees in the organization.
- c. Ensure employees are equipped to do their jobs effectively, especially when their jobs evolve over time or require new knowledge and skills due to changes in technology, best practices, and advancement in the various fields within which employees work.
- d. Ensure City employees have the opportunity to improve, maintain, and develop needed competencies and increase their level of contribution to the organization.
- e. Identify and respond to opportunities for improved performance by building on employees' knowledge base and skill sets.
- f. Develop the organization's supervisory, management, and leadership capacity consistent with goals for succession planning.
- g. Ensure the organization as a whole is functioning effectively.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- h. Secure more cost effective training for employees than if training were obtained on the open market.
- i. Provide an opportunity for employees to prepare themselves for advancement and promotion through enhanced education and skills development.

2. Policy

- a. Training efforts shall be provided, as appropriate, to improve or develop technical and functional competencies; supervisory, managerial, and leadership competencies; and interpersonal and professional competencies of employees.
- b. Wherever possible, training efforts designed consistent with this policy shall be conducted on City time.
- c. The City shall actively encourage, and sometimes require, that training be taken, and shall arrange schedules and work assignments that will facilitate attendance wherever possible based on operational necessities.
- d. Training will be planned, scheduled, and coordinated with supervisors taking into consideration the work demands of the employee.
- e. Centralized training shall be the responsibility of, and training records shall be maintained by, the Human Resources Department. As appropriate, other staff departments may take primary responsibility for training in their area of expertise. The Director of Human Resources shall coordinate City-wide employee development programs and training programs required to meet legal mandates including Prevention of Sexual Harassment and Discrimination.
- f. Where feasible, technical and professional trainee or "bridge" positions may be established to open avenues of advancement to individuals who may not currently possess sufficient formal schooling or experience to fully qualify, but who have the interest and appear capable of reaching that level. Such positions may be filled through promotional rather than open examinations, provided there is sufficient applicant pool.

3. Authority and Responsibility

a. City Manager

The City Manager or designee shall have the authority to formally approve the establishment of all City-provided training programs requiring City funds and/or conducted on City time. The City Attorney and/or City Clerk may provide training programs to their staff as authorized through their City Council approved budget.

b. Human Resources

It shall be the responsibility of the Human Resources Department to:

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- i. Identify the competencies required of employees in various City departments, clarify the training needs related thereto, and recommend the development of training and development efforts to address those needs.
  - ii. Develop, plan, coordinate, and execute training programs where the required competencies are citywide and interdepartmental in nature.
  - iii. Develop and maintain an annual training plan for the City, to include courses to be offered, competencies to be developed through each course, methodologies to be used, etc., and to keep such training plans current and consistent with the changing needs of the City.
  - iv. Provide technical assistance to departments in the planning and execution of functional or technical training where the competencies/training needs are specific to that department.
  - v. Provide career guidance for individual employees or groups of employees.
  - vi. Provide for appropriate record keeping and recognition by maintaining records of city-sponsored training completed by each employee, and issuing appropriate certificates or notices of completion.
  - vii. Serve as a clearinghouse for information on training and educational programs and make available to departments and individual employees such information and resources.
  - viii. Provide or assist in arrangements for facilities, equipment and training aids.
  - ix. Evaluate the results of training completed, prepare and present related reports, and revise and improve training on the basis of these findings.
- c. Department Director

The primary responsibility for recognizing needed competencies, and stimulating and requiring employee development rests with department directors. It shall be the responsibility and authority of each department director to:

- i. Systematically and periodically identify needed competencies to meet the operating requirements of the department in the present and future, and develop and implement a plan for improving such competencies either through department-sponsored or city-wide training and development efforts.
- ii. Ensure employees are notified and attend required training; arrange work assignments and schedules, whenever possible, such that employees may participate in training; and authorize and approve employee attendance at training.
- iii. Encourage and facilitate employee engagement in professional organizations designed to provide training, education, and exposure to best practices in the specific field of knowledge.
- iv. Maintain the management climate which encourages and supports prompt, on the job application of learning.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- v. Keep records of in-service and departmental-sponsored training activities and attendance, provide proper recognition to employees who complete such activities, and provide information to the Human Resources Department such that appropriate centralized records may be maintained.

d. Employee

It shall be the responsibility of the employee to:

- i. Strive for greater knowledge and skill and exert the effort necessary to perform at a continuously improving level of achievement.
- ii. Attend training programs as required, and when optional but related to one's job, and do one's best to participate and learn.
- iii. Accept assignments to in-service training as part of the job responsibility and make every effort to successfully complete the training.
- iv. Accept constructive suggestions and feedback directed toward improving one's competence on the job.
- v. To be respectful to the trainers, to participate fully in the training environment, and to be courteous and respectful to other trainees.

4. Nature of Training and Development

Efforts shall be directed towards the following organizational needs:

a. New Employee Orientation

Introducing new employees to the City's mission, goals, and values; to the organization's roles and services; and to City policies and procedures.

b. Employee Skill Development

Improving existing technical or functional capabilities and developing new ones required because of changes in the job, changes in the law, or advances in technology.

c. Developing Supervisory or Management Capacity

- i. Programs for current managers and supervisors to serve as refreshers to expose them to new ideas, policies, issues, changes in the law, new best practices, etc.;

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- ii. Programs for newly promoted managers and supervisors to help them make the transition from one level of responsibility to another including new supervisors' responsibility for conducting employee appraisals, investigating and implementing discipline, recognizing, reporting and preventing workplace harassment, discrimination and violence;
  - iii. Developmental programs for individuals who are likely to be or are interested in being future managers and leaders of the organization.
  - iv. Professional development, including individually focused programs emphasizing development of new skills, learning of new concepts, and professional advancement.
  - v. Organizational effectiveness, including assistance with improvement in the human processes and systems that contribute to or interfere with organization effectiveness
- d. Programs and other training efforts may include the following types:
- i. New employee orientation
  - ii. Formal training programs provided both City-wide and within individual departments
  - iii. Mentoring and counseling programs
  - iv. State-approved apprenticeship programs
  - v. Informal, on-the-job training and coaching
  - vi. Technical and professional internships and cross-training assignments
  - vii. Employee exchange programs with other cities, organizations or businesses.
  - viii. Technical and managerial networks
  - ix. Newsletter articles on new ideas, technical knowledge, etc.
  - x. Facilitation of group, interpersonal, or inter-organizational problem-solving or team development processes.
  - xi. External training opportunities offered by other associations, groups, firms or professional organizations.

D. TUITION REIMBURSEMENT1. Purpose

- a. To attract and retain capable employees who are vitally concerned with their personal and career development.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- b. To encourage employees to further their education by sharing the expenses with them.

## 2. Employee Eligibility

- a. This program is intended for all regular employees as identified in the applicable MOU or salary resolution who have completed their initial probationary period and routinely work 30 or more hours per week.
- b. An employee must receive the pre-approval of his or her department director on the required form(s) prior to beginning classes in order to qualify.
- c. For employees who are eligible for tuition reimbursement from sources other than the City (such as through their unions, scholarships or military benefits), the City will ensure that the total tuition reimbursement for any course does not exceed the amount the employee paid.
- d. Employees who have voluntarily separated from employment are not entitled to reimbursement unless the course work was satisfactorily completed during the active employment.
- e. Employees who are on an unpaid leave of absence are not entitled to reimbursement unless the course work was satisfactorily completed during the active employment. The single exception occurs in the unique circumstance where the unpaid leave of absence was:
  - i. approved in advance by the department director and Director of Human Resources; and
  - ii. is for the specific purpose of completing the coursework in question.

## 3. Policy

- a. The funds for the Tuition Reimbursement Program shall be coordinated by the Human Resources Department.
- b. Tuition reimbursement will generally be available pursuant to an employee's Memorandum of Understanding (MOU) or salary resolution. Tuition reimbursement will not exceed the amount set by the MOU or Salary Resolution. To find out the amount of expenses that are reimbursable, employees should check their union's or association's MOU or, if the employee is not in a represented bargaining unit, the Salary Resolution.
- c. The Director of Human Resources or his or her designee shall be responsible for administering the Tuition Reimbursement Program and shall have the final approval of the application for reimbursement, and the determination of expenses that are eligible for reimbursement.
- d. Efforts shall be made to provide for training and educational assistance for all levels in the organization, from those requiring a minimum of specialized skills to those requiring college or graduate school preparation.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- e. When, with the approval of the department director, an employee is required to attend a particular course or seminar, the expenses shall be borne entirely by the operating department.
- f. Completion of any training or educational course does not guarantee promotion. This program is intended to provide an opportunity to expand individual skills and knowledge to enhance job performance and career development.
- g. As a general rule, time spent on approved educational courses must be outside of scheduled working hours and will not be considered as time worked for the City.
- h. The Finance Department shall make proper reimbursement, and retain appropriate financial records.

#### 4. Coursework

To be eligible for tuition reimbursement, coursework must meet the following requirements unless otherwise specified in an applicable MOU or salary resolution:

- a. It must contribute to the achievement of a diploma, degree, certificate or license that is of potential benefit to the City as determined by the employee's department director or designee.
- b. It should be relevant to the employee's work or chosen career path with the City.
- c. It must be taken at a local educational institution, such as a high school, college or university, or a technical, vocational, trade or business school.
  - i. In cases where local classroom instruction is not available and/or the employee's work schedule makes attendance at local classroom instruction unfeasible or impractical, courses offered by an accredited correspondence school or internet web based program may be approved.
- d. The local educational institution conducting the coursework must be accredited by one or more of the following:
  - i. American Council on Education;
  - ii. California Department of Education;
  - iii. Accreditation Board for Engineering and Technology, Inc.;
  - iv. Western Colleges Association; and
  - v. American Bar Association.



## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

5. Exclusions

The following types of coursework are not eligible for reimbursement under this policy:

- a. Non-credit courses
- b. Continuing education that is required to maintain a certification or license
- c. Postgraduate coursework, such as a doctoral or second master's program, except when:
  - i. the class specification for a job in an employee's direct City career path sets forth a specific educational requirement, and the employee will not be eligible to compete for that job unless he/she completes the educational requirement in question; or
  - ii. the program is of potential benefit to the City and approved by the City Manager.

6. Proceduresa. Application

The employee must complete Part One of the Tuition Reimbursement Request Form, which may be obtained from the Human Resources Department.

- i. The completed Tuition Reimbursement Request Form must be submitted prior to the beginning of each school semester or quarter.
- ii. The completed Tuition Reimbursement Request Form shall be submitted to the employee's immediate supervisor for acknowledgement and signature, and then routed to the department director for approval. After department director approval and signature, he/she will forward the form to the Human Resources Department.

b. Human Resources Review

The Director of Human Resources or his or her designee will review the Tuition Reimbursement Request Form and make the final decision whether the expenses are eligible for reimbursement under this policy. The decision criteria will include, but may not be limited to:

- i. The employee's eligibility
- ii. The employee's work and academic performance
- iii. The employee's length of service and previous educational background
- iv. The potential benefit of the proposed coursework to the City
- v. Coursework eligibility; and

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

vi. The department director's approval

c. Reimbursement

Reimbursement under this policy is limited to tuition expenses incurred for approved and completed coursework plus books and lab fees. The employee shall be responsible for all other education expenses including, but not limited to:

- i. Transportation and parking costs;
- ii. Supplies, tools, notebooks, paper, forms, pens, pencils, computers, calculators, e-readers and other electronic devices, etc.;
- iii. Registration fees, application and transcript fees, etc.;
- iv. Graduation and related fees;
- v. Individual photocopy cost;
- vi. Non-resident tuition fees; and
- vii. Out of class course activity costs

***Note: The employee is responsible for all personal income tax liability incurred under the Tuition Reimbursement Program.***

d. Procedure

The employee will complete Part Two of the approved Tuition Reimbursement Request Form and submit it to the Human Resources Department for approval within 60 days of course completion.

The Form must be accompanied by evidence that the coursework has been satisfactorily completed with a grade of "C" or better, or by a copy of the certificate or license, if applicable, and by receipts showing the amount of tuition paid by the employee.

- i. If the employee has been granted a student loan, the City may provide tuition reimbursement on the basis of a promissory note approved by the educational institution.
- ii. Providing that all other requirements have been met, tuition reimbursement may be made for an approved course that was not satisfactorily completed when, in the judgement of the Director of Human Resources, the non-completion was due to job-related circumstances that were beyond the employee's control.

Reimbursement will be made to the current calendar or fiscal year, as outlined in the MOU or Salary Resolution, based on the date Human Resources receives the completed form and attachments.

E. BILINGUAL INCENTIVE PAY1. Purpose

The Bilingual Incentive Pay program is designed to:

- a. Guarantee the delivery of essential public services to non-English speaking persons who reside in or do business with the City of Pasadena community. Human Resources shall determine languages other than English which are eligible for bilingual testing and compensation.
- b. Establish eligibility, designation, and compensation for employees who provide City services using a designated foreign language.
- c. The certification listing will identify individual employees who may be required to translate or interpret a language other than English on a City-wide as needed basis.

2. Administration

The following criteria must be met for an employee to be designated to receive bilingual pay:

- a. Employees may become eligible for bilingual pay after successfully completing testing and certification requirements. Eligible employees must use two or more designated languages, including English, on a continuing, frequent, and recurring basis.
- b. The specific assignment may require the employee to assist in interviews, information referral, or any other interactions with residents or business owners that use languages other than English.
- c. The employee's annual performance evaluation rates the employee's overall performance as "meets job standards" or better. If employee's performance at any time falls below satisfactory overall, employee will no longer be eligible for bilingual pay until such time as the performance returns to satisfactory.
- d. After being tested and certified, the following criteria shall be used to determine which employees may be designated:
  - i. The department director shall be responsible for determining specific job assignments or critical positions and for designating individual employees covered under this program.
  - ii. Designations may be made at any time and may be revoked at any time by the department director based on operational needs, qualifications, certification, and eligibility requirements.
  - iii. Eligible employees may be designated on a rotating basis, if the number of certified employees exceeds the number of necessary job assignments.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

3. Bilingual Fluency Certification

Employees designated under the Bilingual Proficiency Program must first be tested to demonstrate fluency in the designated language. All examinations will be administered by the Human Resources Department. The Human Resources Department shall then certify to the appropriate department director or designee the names of employees who have successfully demonstrated bilingual fluency.

4. Compensation

- a. The rate of compensation for bilingual incentive shall be at the rate stated in the applicable Memorandum of Understanding or Salary Resolution covering an employee's classification. Regular employees assigned to work on a part-time basis at least 20 hours per week shall be eligible for a pro-rata share based on the hours worked.
- b. This extra compensation shall become effective the first pay period following successful completion of the testing and certification requirements and notification by the employee's department to Human Resources of a request to approve bilingual pay for the employee. Continuation of said compensation shall be based upon the departments' operational needs and current bilingual certification of designated employees.

5. Limitations

- a. The maximum hourly additional compensation shall not exceed the rate specified in the Salary Resolution or the appropriate Memorandum of Understanding.
- b. Regular part-time employees working less than 20 hours per week and temporary employees are specifically excluded from this program.
- c. Bilingual Pay Program designations are temporary work assignments, not a separate job classification. They may be revoked by the department director at any time for job-related reasons or operational necessity.

F. PAID TIME OFF DONATIONS

1. Employees are allowed to donate earned vacation or floating holiday hours to other employees for prolonged absences from work due to the employee's serious injury or prolonged illness.
2. In extreme cases of hardship, the City Manager may approve donations of vacation or floating holiday hours to an employee whose absence from work is caused by the necessity to care for an immediate family member who has a serious medical condition and who lives in the home of the employee or is directly and intimately dependent upon the employee for daily care giving. In such cases, the intent of this provision is not to provide the employee with time off to visit with the family member or serve the conveniences of the family member, but rather, to provide direct care and sustenance to that family member precipitated by the medical condition.
3. Such donations of paid time off may be permitted under the following conditions:

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- a. The department director must approve, in advance, the donation and receipt of vacation/floating holiday hours.
- b. Any eligible employee wishing to receive such donations (hereinafter referred to as the “receiving employee”) must complete the Request for Paid Time Off Donations Form provided by Human Resources. The form must be signed by the employee and approved by the requesting employee’s department director. A “receiving employee” shall only be eligible for receipt of donations of time as described in this Section if:
  - i. he or she is eligible to receive health and dental benefits from the City (certain temporary employees, and at-will employees who do not receive benefits are not eligible for receipt of donated time);
  - ii. he or she would otherwise be eligible for receipt of his or her regular annual allotment of vacation, sick, and floating holiday time but who, due to a serious injury or prolonged illness of himself or herself, or of a family member as approved by the City Manager as described above, and has exhausted, or is about to exhaust (within one week), his or her allotted vacation, sick leave, and holiday time.
4. Upon approval of an employee’s request for donated time, the Human Resources Department may, if requested to do so by the employee, post a notice of the need for leave donations for the affected employee.
5. Any employee who wishes to donate vacation/floating holiday hours to an employee whose request for such donated time has been approved (hereinafter referred to as the “donating employee”) must complete the Authorization for Paid Time Off Donations Form provided by Human Resources. This form must be signed by the donating employee and submitted to the Department’s payroll clerk.
6. Only earned vacation and earned floating holiday credits may be donated. Sick leave may not be donated. Donations are entirely voluntary and time is to be donated in whole hour increments. The donated hours will be credited to the receiving employee on an hour-for-hour basis regardless of the pay rate of the donating employee.
7. To be eligible, the receiving employee must have exhausted all paid leave, or will foreseeably exhaust all such time (within the next week), due to his or her personal serious injury or prolonged illness.
8. Donations of such hours are irrevocable by the donating employee. Any donated time remaining at the end of the employee’s leave of absence due to the injury or illness is for the sole use of the employee to whom the donation was made.

A receiving employee shall accumulate hours of donated time on an as-needed basis, so that there is not an accumulation of hours beyond what is needed by the receiving employee. Donated hours shall be held by the Payroll Division and not credited to the receiving employee until all sick and vacation time and other leave bank hours have been used and the receiving employee is in need of the hours donated. If donations are made in excess of 160 hours, the donating employees

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

shall be informed that no more hours are being accepted, but acknowledging the generosity of the donating employees.

9. Donated hours shall not be intermingled with earned vacation, or floating holiday hours, or any other leave bank time of the receiving employee. The Department of both the donating and receiving employee shall keep a separate account of the time donated or received and report such time to the Payroll Division in the Finance Department. An employee with donated hours on the books, upon receipt of accrual of vacation and floating holidays, shall first exhaust their own vacation and holiday hours before utilizing any more of the donated hours.

G. EMPLOYEE ASSISTANCE PROGRAM (EAP)

1. Purpose

The City of Pasadena is aware that a wide variety of personal problems may create difficulties on the job as well as at home. The City's goal is to assist employees in resolving personal problems through referrals to professional services before they adversely affect a family's health and happiness or an employee's ability to perform his/her job effectively.

Therefore, contingent upon funding, the City will maintain and administer an Employee Assistance Program (EAP). The City's goal is to provide preventative information, as well as professional, confidential assessment and consultation services for employees and their families for personal problems. This may include an assessment and evaluation to the point of resolution, or referral, consistent with City of Pasadena medical insurance or other available resources, and follow-up on referrals to ensure employees are properly cared for. If the employee's issues are negatively affecting performance, a formal voluntary referral, or in some cases a mandatory referral to the EAP may be made.

The Purpose is Threefold:

- a. Remedial, in that the City recognizes that early, professional assistance may result in solutions to existing problems, and that through the program, an employee can benefit from such assistance, thereby maintaining acceptable job performance.
- b. Prevention, in that the City believes that a program of information and education will enable an individual to anticipate and be prepared to handle circumstances, events or situation which may otherwise lead to serious and lasting personal problems.
- c. Critical Incident Debriefing - to provide critical incident debriefing as an adjunct to other prevention programs for unique or traumatic circumstances.

2. Confidentiality

The City emphasizes that employee problems will be handled in a forthright manner, within established procedures, and that all discussions, information and records will be maintained with the highest degree of confidentiality.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

3. Procedures for Referrala. Self-Referral

Employees may be self-referred and contact the EAP directly for assistance. When an employee refers himself/herself, the contact and any following assessment or treatment is kept confidential from the City of Pasadena and in accordance with laws governing confidentiality of medical records.

b. Formal / Voluntary Referral

An employee may be referred to the EAP by his/her department if there are signs that personal issues or problems are causing an impact on the employee's ability to perform his or her job efficiently, or where such personal issues appear to affect productivity on the job. In such cases, the employee is provided a notice of referral by the department director, supervisor or manager providing the employee the telephone number for the EAP and recommending the employee make contact. Such referrals are voluntary and no action will be taken against the employee if he or she declines and does not contact the EAP. When an employee receives a formal/voluntary referral, the EAP may notify the City whether or not contact is made, but any further assessment or treatment is kept confidential.

c. Mandatory Referral

In cases in which personal issues or problems are clearly affecting the employee's ability to perform their work, or are causing disruption or distraction to the employee or co-workers, or may be a potential source of future workplace threats or violence, the employee's department, with the assistance of Human Resources, may provide the employee with a Notice of Mandatory Referral to EAP. Such notice shall provide the basis and reasons for the referral, the timeline within which the employee must contact the EAP, and notifying the employee that Human Resources, or the supervisor if so designated by Human Resources, may receive periodic updates from the EAP upon initial contact and at each step of assessment and/or treatment. While EAP will not divulge personal medical information to the City, it may provide information regarding attendance at appointments and progress toward the desired goal established by the City. Mandatory referrals require the approval of Human Resources prior to notifying the employee.

Effective Date: November 1, 2022

Supersedes: November 16, 2015

City Manager Approval:



## H. MOBILE PHONES AND WIRELESS DATA

### 1. Purpose

To establish a uniform mobile phone and wireless data stipend program as the sole method to reimburse City employees for the use of their personal mobile phones to conduct City business; to eliminate City purchase and maintenance of telecommunications devices that might be used for personal matters; and to manage public expenditures for employee communications while providing an efficient method of enhancing City employee productivity, and facilitating the establishment and maintenance of a key component of the City communications network in the event of an emergency.

The Department Director or his/her designee may authorize the issuance of pooled mobile phones to departments who have rotating "on call" personnel or assign these devices to City vehicles, whereby the phone rotates to the "on call" employee or vehicle. These City issued mobile phones are to be used solely for official business purposes and shall not be assigned to a single employee. Personal use is not permitted in order to ensure compliance with IRS tax laws.

The Department Director may, at his/her sole discretion, determine that a City-issued mobile phone or wireless device may be provided to an employee for purposes of maintaining the health, welfare, safety or security of any employee, agency, entity or the public.

Wireless devices installed in City vehicles and other equipment shall be coordinated through the Department of Information Technology and charged directly to the City. Such equipment shall be used solely for official business purposes.

### 2. Scope

This policy is applicable to all City employees and is intended to provide uniform and consistent standards for the issuance of mobile phone and wireless data stipends and of pooled mobile phones and wireless data services (Mobile Broadband and Hotspots).

### 3. Procedure

Department Directors, or their designees, shall determine those employees under their supervision who should be considered for a mobile phone stipend based on the nature of the employee's work and the degree to which the employee needs to be in contact with the office any time he/she is away from the office. Requests shall be based on genuine business need. The stipend provided is also intended to be used toward the purchase and maintenance of a personal mobile phone and related equipment. The Department Director or his/her designee will make the final determination as to whether a stipend is appropriate for the employee.



## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

The continuing need for an employee to receive a stipend shall at a minimum be reviewed annually by the employee's department director or his/her designee. Each City department must notify Human Resources within three business days of any changes to an employee's status that would affect the employee's eligibility to continue to receive a mobile phone stipend.

4. Employee Responsibilities

- a. In order to qualify to receive a stipend, eligible employees are required to provide their own mobile phone and maintain an active wireless account for as long as they are receiving a stipend. Additional responsibilities include contracting with a wireless service provider, the purchase and/or acquisition of the phone itself and all associated equipment expenses, all activation fees and any incidental charges relating to the plan they choose. The employee will also bear the cost of any fees imposed by the wireless service provider associated with changing or cancelling a wireless service plan. Employees under the stipend program may be asked to show proof of a wireless account, such as a monthly bill, at any time. Employees are required to provide their personal cell phone number to their department director, and other City staff as determined by their immediate supervisor. Any change to an employee's personal cell phone number is to be reported to his/her immediate supervisor within one business day of the change.
- b. Recipients of mobile phone stipends will not be eligible to receive any additional reimbursements for the cost of their mobile phone, equipment or service. The stipend amount includes reimbursement for costs to purchase new equipment.
- c. All costs related to the purchase and usage of the mobile phone are the responsibility of the employee. The service provider, not the City, will be responsible for technical support on all mobile phones purchased.
- d. The Mobile Phone stipend will be \$80/month. Recipients of a mobile phone stipend must purchase a device that is known to work with the City's email, contacts and calendar system. This requirement may restrict the service provider and the type of smartphone device that may be purchased by the employee.
- e. As of November 2022, any employee on the retired \$40/month stipend for voice calling only will be moved into the \$80/month tier that will support both voice and data service.
- f. The Department of Information Technology will not be responsible for any non-City applications that may be installed by employees on their mobile phones.
- g. All recipients of smartphone stipends must notify the Department of Information Technology and their department director, or his/her designee within 24 hours of a smartphone being lost, stolen or broken, to allow the data on the mobile phone to be secured.
- h. When an employee terminates employment with the City or if a security threat requires City data and information to be protected, the employee must allow the Department of Information Technology to verify that all City information has been deleted from their mobile phone. Examples of City information to be deleted includes, but is not limited to, city email, city calendar items, city contacts, and any city files or programs.

## SECTION 8 | BENEFITS AND EMPLOYEE DEVELOPMENT

- i. Employees who receive a mobile phone stipend are responsible for the security and care of their mobile phone, and are recommended to purchase equipment insurance offered by the wireless provider. Employees are responsible for deductibles or other costs incurred for replacing a lost, stolen, or damaged mobile phone.
- j. If an employee elects to purchase a device the cost of which exceeds the amount of the stipend, the employee shall be solely responsible for this additional amount.
- k. Voluntary participation in the Hybrid Work Program is not an eligibility reason to receive a mobile phone stipend.
- l. Employees may elect not to receive a mobile phone stipend. However, if the employee declines the stipend, the employee must provide other means to make himself/herself available to the City in a manner consistent with expectations of the position (examples include providing an emergency contact phone number).

## SECTION 9. RISK MANAGEMENT

A. WORKERS' COMPENSATION POLICY1. Responsibilities

The Workers' Compensation Section of the Human Resources Department is responsible for the administration and coordination of the Workers' Compensation program. The Department of Finance will process all financial transactions related to the Workers' Compensation program as approved by Human Resources.

The Workers' Compensation Supervisor will control all medical services related to illness or injury in conjunction with a third party administrator. The Workers' Compensation Supervisor will provide regular (not less than quarterly) updates to the department director and Director of Human Resources on the claim status of employees.

2. Objectives

- a. To establish administrative guidelines for providing fair and impartial medical treatment and Workers' Compensation benefits for persons incapacitated by job-related injury or illness in the course and scope of their employment with the City of Pasadena.
- b. To provide policies and procedures for application of Workers' Compensation benefits as prescribed by Workers' Compensation laws of the State of California and the memorandum of understanding and/or City resolution covering the classification.
- c. To establish administrative guidelines and procedures for job-related illness and injury reporting and investigation.

3. Definitions

- a. Job-Related Illness or Injury - An injury or illness arising out of or occurring in the course and scope of employment or work with the City of Pasadena.
- b. Supplementary Disability Benefits - Benefits provided in lieu of or in addition to those prescribed by Workers' Compensation laws of the State of California or prescribed under the Memorandum of Understanding and/or City Salary Resolution covering the classification.
- c. Illness or Injury - as used in this policy shall mean job-related illness or injury.

4. Policya. Workers' Compensation

- i. Employees of the City of Pasadena are covered under the Workers' Compensation laws of the State of California.

## SECTION 9 | RISK MANAGEMENT

- ii. The City will fund and administer its own Workers' Compensation program as authorized by the State of California. Legal and administrative consultants may be hired to assist and advise in the conduct of the program.
  - iii. Benefits prescribed by law include but are not limited to the following:
    - Medical treatment;
    - Temporary disability payments;
    - Permanent disability payments; and
    - When covered under the law, vocational rehabilitation.
  - iv. Sick leave benefits may not be applied to job-related injury or illness until Temporary Total Disability payments have been exhausted, except as otherwise authorized by salary resolution or Memorandum of Understanding.
  - v. If an employee has exhausted total temporary disability benefits or has reached maximum medical improvement and is still unable to return to work, the City's Human Resources department may authorize an extension of the employee's medical leave of absence pending disposition of the Interactive Process. During this extended medical leave of absence, the employee may apply sick leave, vacation leave, and compensated time off while on unpaid medical leave.
- b. Medical Services
- i. During normal working hours, the first treatment for injuries or referral to physicians will be coordinated through the Workers' Compensation Division.
  - ii. The City will provide all medical care necessary to treat an employee for the effects of an industrial injury as provided under the Labor Code of the State of California.
  - iii. An employee shall not be returned to his/her present position, nor be placed in a new position until medically approved for duty by a treating physician and approved by the Workers' Compensation Division.
  - iv. Where crisis intervention or psychological counseling is required or appropriate, the department will contact the Workers' Compensation Division immediately for referral purposes.
- c. Transporting Injured Employees

If medical treatment is necessary, a supervisor will see that the injured employee is provided prompt transportation for treatment to the clinic or treatment center currently contracted by the City, or to an appropriate medical facility.

## SECTION 9 | RISK MANAGEMENT

If there is any question of the seriousness of the injury or if the employee specifically requests medical treatment, transportation will be provided to the clinic or treatment center currently contracted by the City or an appropriate medical facility.

d. Reporting of Injuries

- i. Personal injuries on the job, however slight, must be reported to a supervisor immediately.
- ii. After the immediate medical needs of the injured employee have been met, but not later than 24 hours after the injury, the employee shall be given a Workers' Compensation claim form ([DWC-1](#)). The employee shall be provided the opportunity to sign the Workers' Compensation claim form indicating he/she has received the report of injury form. The supervisor will sign and date the form verifying the employee received the form within 24 hours of the date of knowledge of the alleged accident.
- iii. The supervisor will assist the employee, as necessary, to complete the form in order to provide a thorough, comprehensive and legible report. No one shall sign the employee portion of the claim form other than the employee. An employee need not file a claim if he/she prefers not to and no one shall order or direct the employee to sign the form. The employee has one (1) year from the date of injury to sign and file the claim form if he/she so desires. The "Supervisor's" portion of the report will be completed by a supervisor.
- iv. As soon as possible, but within 24 hours, the supervisor shall complete all required Workers' Compensation forms.
- v. The supervisor investigating the "Job-Related Injury or Illness" is expected to make a complete analysis of the situation and when recommending action for prevention to follow such recommendations to completion. The status of recommendations to prevent a recurrence shall be submitted to the Safety Office within three working days following the supervisor's report.
- vi. Any employee who witnesses the incident giving rise to the claim of work related illness or injury shall complete a witness statement, preferably the form provided by the Workers Compensation division. Employee witnesses are compelled to provide a statement and may not opt out of doing so. Failure to complete a witness statement and to cooperate in that process may lead to disciplinary action up to and including discharge.
- vii. When an employee is off on Temporary Total Disability leave because of a work related injury or illness, the department shall coordinate with the Workers' Compensation division to ensure that the employee receives all benefits to which he/she may be entitled.

e. Modified Duty, Return to Work, and Accommodation

## SECTION 9 | RISK MANAGEMENT

- i. The City shall endeavor to return a disabled employee to regular duty as soon as possible after a job-related illness or injury.
- ii. The City shall endeavor to provide reasonable accommodation to retain and/or place employees who have become disabled by illness or injury into jobs for which they may qualify by previous training or experience.
- iii. If it is determined by the Workers' Compensation division, based on medical information, that an injured employee is capable of performing duties other than his/her regular work during the period of recuperation, the employee may be given a modified work assignment.
- iv. The department shall make every effort to place injured employees in modified work assignments within their own department. If unable to do so, employees may be assigned by the Director of Human Resources or designee to modified work assignments within any department of the City. Payroll will be charged to the home department.
- v. Modified work assignments may be available for a specific period of time as determined by the Director of Human Resources in cooperation with the participating department. Modified work assignments shall not conflict with medical work restrictions or place the employee in the position of potentially exacerbating his/her work-related illness or injury. A modified work assignment, if provided, will be evaluated every 30 calendar days and shall not exceed 90 calendar days without the approval of the Director of Human Resources if the employee is anticipated to return to work in the usual and customary assignment within a reasonably short period of time.
- vi. Employees performing in modified work assignments will be paid at their regular compensation rate while in the modified assignment.
- vii. Upon the determination by the Director of Human Resources, that an employee may not or cannot be reasonably accommodated in accordance with State and federal law on a long-term basis, and cannot be returned to his/her regular assignment because of medical limitations and/or work restrictions, he/she may be certified to a job vacancy for which he/she is qualified in which any medical limitations and/or work restrictions may be accommodated on a permanent basis by engaging in the Interactive Process. The Interactive Process will be facilitated by Human Resources. If no reassignment can be made, the City shall file for disability retirement on the employee's behalf if he/she so qualifies, or if not, then the employee will be separated from employment.
- viii. Injured or disabled employees who are unable to return to their regular duties on a permanent basis must qualify for other job classifications through the regular merit system standards as established by the Human Resources Department in order to be placed in another job; and if appointed to another job, will be subject to a new probationary period.
- ix. The Workers' Compensation division will notify employees of their rights to vocational rehabilitation services if they so qualify.

- x. If the employee who suffers an industrial illness or injury is appointed to a classification at a lower salary level than his/her previous position, he/she shall be entitled to the pay step nearest to, but no greater than, his/her previous salary. There shall be no H-rating or freezing of an employee's previous salary at a rate greater than the rate for the classification into which the employee is assigned on a permanent basis.
- f. Supplemental Disability Payments
- i. Any employee incapacitated by reason of a job-related illness or injury may be placed on an approved leave of absence, including on a recurring or intermittent basis, and may receive supplemental disability payments while under treatment and convalescing from such illness or injury in an amount as prescribed by the Memorandum of Understanding and/or Salary Resolution covering the classification.
  - ii. Employees eligible for supplemental disability payments shall submit an "Authorization for Payment of Workers' Comp Wages" for each pay period or as otherwise directed by their supervisor or the Workers' Compensation division.
  - iii. Approved leave and supplementary disability payments may be terminated upon a determination by the Director of Human Resources that one or more of the following conditions exist:
    - When it is determined that the injury is permanent and stationary or has reached maximum medical improvement.
    - That the employee will not be able to return to work and perform those duties normally required for the job classification.
    - The employee's return to work is approved by the Director of Human Resources.
    - It is determined that the employee is not demonstrating a positive effort toward treatment and recuperation.
    - The employee fails to keep the Workers' Compensation Division apprised of his/her treatment schedule and medical progress as directed by the Workers' Compensation Supervisor.
    - The employee fails to provide specified medical reports from his/her treating doctor within a reasonable period of time upon request.
    - The termination of temporary disability payments is required as prescribed by Workers' Compensation law.
    - The employee has been offered modified duty and has refused to accept the modified duty assignment.

- The approved absence is terminated.
- iv. The Director of Human Resources may extend an approved leave of absence and may authorize supplemental disability payments when it is administratively necessary to coordinate this provision with Workers' Compensation benefits.
- g. Authorization for Payment of Workers' Comp Wages
  - i. An Authorization for Payment of Workers' Comp Wages must be submitted for all absences for which supplemental disability payments are requested. It must also be submitted for all absences due to medical or physical therapy appointments which occur during the employee's regular work schedule. The authorization form must be submitted for each pay period unless other specific arrangements have been approved by the supervisor or the Workers' Compensation division.
  - ii. When an employee is seriously ill or injured and unable to prepare or sign the Authorization for Payment of Workers' Comp Wages, the supervisor or workers' compensation division may verify the absence and submit the Authorization until the employee has recovered.
  - iii. The department Payroll Clerks will have responsibility for ensuring that an Authorization for Payment of Workers' Comp Wages has been received prior to posting on employee's time roll. All such Authorizations will be retained in the department files as verification of such absence. Failure to submit the authorization may result in the employee going on a no-pay status unless good cause is shown as to why the Application was not submitted on time. Adjustments or exceptions for good cause may be made upon approval of the department director of the subject employee.
- h. Leave of Absence Without Pay

When an employee has exhausted all benefits and is still unable to return to regular duty, Human Resources will facilitate the Interactive Process to determine if a reasonable accommodation may be granted. If it is determined that a reasonable accommodation cannot be granted the City will apply for a disability retirement for the employee if he/she so qualifies, or if not the employee may be separated from City employment.

In the event a leave of absence without pay is granted, the following conditions shall apply:

- i. The employee will retain eligibility to compete in promotional examinations.
- ii. The employee can maintain enrollment in medical, dental, and vision plans at the employee's expense. No City contributions will be made on behalf of the employee unless otherwise required by law.
- iii. In the event that more than one disabled employee is engaged in the Interactive Process and may be available for the same position at the same time, the employee having the



## SECTION 9 | RISK MANAGEMENT

highest level of qualifications for the position, or if this is equal, the one having the highest total seniority in the department shall be given preference.

- iv. In the event the employee is reinstated to a position in a classification other than his/her previous class after being on a leave of absence without pay, the employee shall be entitled to reinstatement of total seniority for purposes of future vacation and sick leave benefits only, except that no retirement, sick leave or vacation benefits shall accrue for the period of the leave of absence without pay.

- i. Return from Disability Retirement

Employees rehired by the City following a disability retirement will be treated as a new employee for all purposes unless otherwise required by law.

5. Workers' Compensation Appeals Board Hearing

- a. Purpose

To ensure that the interest of the employees and City are protected in all cases which are set for hearing before the Workers' Compensation Appeals Board (WCAB).

- b. Policy

- i. Whenever appropriate, the Workers' Compensation Supervisor and/or a representative and the department director or a representative of the department of the claimant employee shall attend the Workers' Compensation Appeals Board hearing.
- ii. Any and all information presented by the employee and/or their representative before the Appeals Board, including their current physical condition, shall be used to evaluate their physical and mental capacity to return to their regular job or be retained by the City.
- iii. Employees may be subject to disciplinary action by the department director when found to be perjuring themselves or making false or misleading statements to or before the WCAB administrative law judge (ALJ) or the Appeals Board.
- iv. In cases when the employee is medically cleared to return to work before the date of the hearing, it should be recognized by the supervisor that their work performance should be carefully reviewed and the degree of their recovery noted for consideration at the hearing.
- v. It should be noted that a permanent disability rating based upon the employee's claim that the ability to do their work has been impaired, may or may not directly relate to the capability of the employee to continue in their present position. Therefore, the disability rating should not be a basis in and of itself in determining the employee's ability to return to work in any capacity whether temporary or permanent.

## SECTION 9 | RISK MANAGEMENT

- vi. Where employees continue to be employed by the City after permanent disability ratings are received, the case shall remain open and subject to subsequent review based upon the employee's actual ability to perform the essential functions of their position with or without accommodation.

- c. Procedure

- i. Although not all inclusive, the following shall be used to prepare the City's case for a WCAB hearing:
  - Before the hearing, time should be allowed by the Workers' Compensation Division and the department representative of the claimant employee to consult with the City's attorneys regarding the circumstances surrounding the case and possible testimony at the hearing.
  - All pertinent medical and employment information available should be reviewed in advance and be available at the hearing for the City's representatives' use and presentation if needed.
  - It is important to review and prepare for each case in advance because it may not be possible for the City to obtain a continuance for any reason once a trial date is set, especially if any City representatives are unprepared.
  - It is of the utmost importance that the supervisor of the employee obtains complete and factual information regarding the injury and records it fully and as promptly as possible following the injury.
  - If there is any question on the part of anyone as to the validity of the claim by the employee, it should be reported to the department director and the Human Resources Department immediately, rather than waiting until the date of the hearing. The City takes cases of Workers' Compensation fraud seriously and will investigate and prosecute such cases if brought forward.
- ii. The City representatives shall not discuss the details of the cases with the claimant employee prior to the hearing except with the specific authorization of the City's Workers' Compensation Division or legal representatives, if applicable. This provision shall not apply to the Director of Human Resources or their designee, or the Workers' Compensation Supervisor who may advise the City representatives on procedures to follow.

- B. INJURY AND ILLNESS PREVENTION PROGRAM

1. Introduction

## SECTION 9 | RISK MANAGEMENT

In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees and volunteers according to the California Occupational Safety and Health Act of 1973. In accordance with Title 8 of the California, Code of Regulations, Section 3203 of the General Industry Safety Orders, and Section 1509 of the Construction Safety Orders, a written, effective Injury and Illness Prevention Program (IIPP) is required for every California employer.

The program shall cover all employees in all job classifications. The regulation covers all workers who the City of Pasadena controls, directs or indirectly supervises on the job, to the extent these workers are exposed to the employer's work site and specific job hazards. In addition, volunteer workers and outside contractors are covered under the IIPP.

The IIPP must be a written plan that includes and exemplifies the following elements:

- a. Management commitment
- b. Assignment of responsibilities
- c. Employee safety communications system
- d. System for assuring employee compliance with safe work practices
- e. Scheduled inspections / evaluation system
- f. Accident investigation
- g. Procedures for correcting unsafe / unhealthy conditions
- h. Safety and health training and instruction
- i. Recordkeeping and documentation

The City of Pasadena is committed to complying with all safety and health standards. To do this, we must be constantly aware of conditions in all work areas that can produce injuries. No employee or volunteer is required to work at a job they know is not safe or healthful. Cooperation is expected in all safety and health matters, not only between supervisors and employees, but also between employees and their coworkers. Only through such a cooperative effort can a safety program, in the best interest of all, be established and preserved.

## 2. The City of Pasadena's Commitment to Safety

At the City of Pasadena, safety has become an integral and indispensable part of our organization's fabric. It is a well-known fact that accidents cause suffering and financial loss to employees and their families. The City has developed a comprehensive Injury and Illness Prevention Program that includes the identification and correction of hazards and training of employees in safe work practices. The goal of this program is to reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing, the best experience of operations similar to ours. Our goal is zero accidents and injuries. Everyone must be one hundred percent safety conscious in everything they do while on the job. A safe and

productive employee is our most valuable asset. We are confident that with a sincere and concentrated effort from everyone, our safety goals can be achieved.

The immediate responsibility for preventing accidents belongs to each employee. All employees are expected to report potential safety hazards without fear of retaliation, and with confidence that safe and healthful conditions and practices will prevail in the workplace. It is the policy of the City to identify and minimize potential risks inherent in the operation of various programs, services, facilities, and equipment. The City recognizes that unaddressed risk may result in injury or illness to employees, injury to the public or damage to City property may result in financial loss and litigation against the City.

The City of Pasadena will strive to comply with all safety and health standards and we expect the full cooperation of our employees so that we can be proud of our safety record. All employees shall comply with all applicable federal, State and local safety laws and regulations. City of Pasadena Departments shall conduct operations and activities in a safe manner to minimize the risk of injury to employees and the public. No employee will be required to conduct any task which is determined to be unsafe.

### 3. Supervisor Commitment to Safety

To All Employees:

Daily operations are essential to keeping the City of Pasadena functional. Almost every occupational discipline can be found in our organization. It is no longer acceptable to believe that accidents are a part of doing business. Research clearly shows that the indirect costs of an injury or illness far outweigh the direct costs. Since most accidents are preventable, safety and health in our business must be part of all operations.

Management has wholeheartedly supported the development of the Injury and Illness Prevention Program. This program will allow us to provide better workplace protection for our employees, and reduce losses resulting from accidents and injuries. The importance of this program reaches far beyond regulatory compliance; it is the right thing to do.

Without question, safety is every employee's responsibility. Safety is more than rules and regulations; it is an attitude and a skill that is crucial to our success. Our goal is to continue to develop a strong safety culture whereby everyone sees safety as an integral part of their day to day work activities.

### 4. City of Pasadena Safe Working Conditions Statement

To All Employees:

It is our policy at the City of Pasadena to achieve the greatest practical degree of freedom from accidents and to ensure that every employee is provided safe and healthful working conditions.

Injuries are always costly to the individual worker, often significantly changing their future and frequently undermining the security of their family. They are also costly both directly and indirectly with indirect costs often being much higher than the direct costs.

## SECTION 9 | RISK MANAGEMENT

It is the firm and continuing policy of the City of Pasadena that accidents shall be reduced or eliminated by the use of every reasonable mechanical precaution and by the aggressive promotion of safe practices.

Each employee plays an important role in preventing accidents and is expected to cooperate fully in the measures taken for safety. Every employee has a responsibility, not only to themselves for their safety, but to their family, to their fellow workers, to the community, and to the City of Pasadena.

In the performance of their duties, each employee is expected to observe safety practices, rules and operating procedures, as well as instructions relating to the efficient performance of their work. The ideal safe and most efficient operation is reached only when all employees are alert and safety conscious.

We will succeed in providing a safe and healthful working environment. All of us stand to benefit by adherence to the guidelines and requirements of this manual. The cooperation of all employees at the City of Pasadena is expected. The results will be well worth the effort.

5. Scope And Purpose

The City's Injury Illness Prevention Plan (IIPP) involves an ongoing process that includes training supervisors and employees to identify potential risks and eliminate unsafe work practices. The City of Pasadena communicates its workplace safety procedures through the IIPP. Each department of the City of Pasadena is responsible for communicating with employees on matters concerning safety and health, including identifying, evaluating and mitigating workplace hazards; investigating injury and illness; and conducting employee training. Successful implementation of the policies and procedures contained in the IIPP involves an ongoing commitment by managers, supervisors, and employees.

6. Responsibilities

a. City Manager

General policies which govern activities and responsibilities under the IIPP are established under the final authority of the City Manager.

b. Safety Officer

The Safety Officer under authority of the City Manager, plans, organizes, directs, and supervises the development and implementation of a comprehensive occupational safety and industrial hygiene program for the employees of the City of Pasadena. The Safety Officer shall have the authority to enforce all applicable safety and health regulations as required to comply with the IIPP and serve as a contact for the Safety Coordinator(s) and Safety Manager(s). The Safety Officer, through the Safety Manager, is responsible for implementing the City of Pasadena's IIPP.

c. Safety Manager/Safety Officer/Safety Coordinator/Safety Specialist

The Safety Manager for the City oversees the Safety Office and provides policy guidance and reviews implementation of the IIPP. The Safety Officer shall serve as the director of operations

## SECTION 9 | RISK MANAGEMENT

and policy implementation with regard to safety policies, rules and procedures. The designated Safety Coordinator who reports to the Safety Officer shall assist the Safety Officer in implementing the IIPP through direct interaction and cooperation with the City's departments. The Safety Specialist is an entry level safety function that services as a safety technician in support of the Safety Office.

d. Managers and Supervisors

All Managers and supervisors shall be familiar with the City's IIPP. A copy of the IIPP shall remain at each City of Pasadena facility and be readily available for review by any employee. Managers and supervisors are responsible for implementing and maintaining the IIPP in the City of Pasadena and for informing their employees of all provisions within the City's IIPP, as well as any safety and health rules or regulations that apply to the job task.

Supervisors shall take an active, visible role in the implementation of the City of Pasadena's IIPP. Supervisors shall evaluate the safety performance of employees as part of the employee's annual evaluation. Supervisors will ensure that:

- i. All employees are trained to safely complete their job assignments, and are retrained whenever any new process, procedure, or equipment has been introduced into the workplace.
- ii. All employees are provided any required personal protective equipment, as well as instructions on the proper use of such equipment necessary to safely carry out their job assignments.
- iii. Work-sites are inspected regularly, and corrective action is taken whenever hazards are recognized or unsafe acts are observed.
- iv. Safety meetings are conducted which include in-service training covering various topics relating to safety and health.
- v. Written documentation is maintained by supervisors regarding all instruction and training for each employee for a minimum of three years.
- vi. Employee Performance Evaluations document any failure to follow safe work procedures or adhere to established City of Pasadena policies regarding safety and health
- vii. All accidents are thoroughly investigated and corrective action taken. All accident investigations (including findings and recommendations) are promptly reported to the designated Safety Officer for records retention purposes.

e. Employees

All employees are responsible for complying with all applicable safety and health regulations, policies, and established work procedures. Employees have an obligation to work in a safe

## SECTION 9 | RISK MANAGEMENT

manner and in accordance with all training and instruction received by supervision. Employees are required to:

- i. Adhere to all City of Pasadena safety and health policies and procedures.
- ii. Read and understand the City of Pasadena's written IIPP.
- iii. Report any unsafe conditions or equipment immediately to their supervisor.
- iv. Report any job related injuries or accidents to their supervisor immediately.
- v. Wear all personal protective safety equipment when instructed to do so by supervision.
- vi. Only operate equipment or machinery that they have been trained and authorized to operate.
- vii. Keep work area clean and orderly at all times.

#### 7. Compliance

The City of Pasadena has a comprehensive IIPP. Each Department within the City shall be responsible for implementing the IIPP as outlined. Employees shall adhere to safe and healthy work practices as defined in the City's IIPP. Employees are required to follow all safety and health laws and regulations that have been established by the California Code of Regulations, Title 8. Violation of safety rules and regulations may result in disciplinary action per the City of Pasadena Discipline Policy.

##### a. Manager and Supervisor Compliance

Each manager and supervisor shall set a positive example for subordinate employees by working safely and following all safety rules and regulations. Managers and supervisors shall use appropriate discipline such as written or oral warnings, suspensions, etc., to ensure that employees follow established safety policies and procedures. Managers and supervisors should also recognize those employees who exemplify good safety practices. Attention to both satisfactory and unsatisfactory safety practices should be recorded when completing an employee's annual Employee Performance Evaluation.

##### b. Identification of Resources

Each manager and supervisor shall identify the resources necessary for providing a safe and healthy workplace for employees. These assessments shall be considered when preparing annual budget requests.

##### c. Informing Employees about Compliance

## SECTION 9 | RISK MANAGEMENT

Each manager and supervisor shall ensure that safety regulations are enforced, and all relevant safety and health information has been communicated to their employees, verbally and in writing (e.g., memoranda, directives, and bulletins).

d. Employee Compliance

Each employee shall follow all established laws and regulations including all City of Pasadena policies, memoranda, and safety bulletins that apply to safety and health. Employee safety depends to a great extent on the behavior of each individual employee both on and off the job. Employees have an obligation to report all unsafe conditions and practices, and encourage other employees to work safely.

8. Communication

The City of Pasadena ensures that employees have the right to be advised of any occupational safety and health hazards in the workplace, as well as any change in work procedures or practices. Employees are encouraged to report safety hazards, request information on unsafe conditions, or make safety suggestions without fear of retaliation. Several methods of communicating safety and health information to employees have been established, and include:

a. City of Pasadena Safety Committee

Safety Committee meetings are held on a scheduled basis no less than twice per year. Meetings are attended by selected employees and management representatives from the Departments as follows:

- City Manager
- City Clerk
- City Attorney/City Prosecutor
- Finance
- Fire
- Housing
- Human Resources
- Human Services and Recreation
- Information Technology
- Libraries and Information Services
- Planning and Community Development
- Police
- Public Health



## SECTION 9 | RISK MANAGEMENT

- Public Works (3 members)
- Building Systems and Fleet Maintenance
- Parks and Natural Resources
- Street Maintenance and Integrated Waste Management
- Transportation
- Water and Power (3 members)
- Power Supply
- Power Delivery
- Water Construction/Delivery

Minutes shall be made of each Committee meeting and the minutes of Committee meetings shall be circulated to employees or posted in a conspicuous location for employees to review.

b. Safety Concern Form

Safety Concern Forms shall be made available at all City of Pasadena facilities. Employees should be encouraged by supervisors to use the Safety Concern Form if workplace hazards are discovered. The completed Safety Concern Form shall be sent to the Safety Officer.

c. Safety Training

The City of Pasadena currently utilizes a combination of on-line and in-person training regarding safety including subjects such as defensive driver, preventing workplace violence, electrical safety, use of fire extinguishers, etc. Instructors may include Safety Office or other staff, or the City may work with consulting companies to perform in-person training that can travel to your facility and educate staff based on the City of Pasadena's safety and health policies and procedures as well. Employees can contact the City of Pasadena Safety Office for further information.

d. Safety Bulletins

Safety Bulletins are used to draw attention to and inform employees about safety and health policies and procedures. Safety Bulletins shall be posted on official bulletin boards where employees report to work. Bulletins may also be used to highlight specific safety issues such as accident/injury trends, changes in the law, or areas of concern that may affect employee safety.

9. Hazard Assessment

## SECTION 9 | RISK MANAGEMENT

A safety and health inspection program is essential to reducing unsafe conditions that may expose employees and the public to injuries or property damage. Each supervisor shall ensure that appropriate, systematic safety inspections of facilities and equipment are conducted periodically, but not less than annually. Inspection reports will be provided to the Safety Division as they are completed.

a. Informal Inspections

Managers and supervisors shall complete informal safety inspections daily, weekly, and/or monthly, depending on Cal/OSHA and DOT requirements. These informal inspections shall address daily change in the work environment or equipment that may cause unsafe conditions.

b. Scheduled Inspections

All formal facility safety inspections which are conducted on a schedule shall be completed on the City Facility Safety Inspection Form. Formal inspections shall be conducted and signed by the City Safety Officer or designate. Formal reports shall be kept in the department or facility inspected, with copies forwarded to the City Safety Officer as corrected actions are completed. Formal facility safety inspections shall be conducted no less than once a year in all department office spaces and facilities.

c. Unscheduled Inspections

Unannounced inspections are conducted by the City Safety Officer or designate. These will focus on general facility maintenance, storage and handling of hazardous materials, use of personal protective equipment, proper operation of machinery, and any other areas that are deemed necessary. If during the course of these inspections the City Safety Officer or designate discovers that equipment being used or a particular job procedure creates an imminent hazard to the health or safety of employees or the public, the Safety Officer shall stop all work being performed or equipment being operated. A "Do Not Operate" tag shall be affixed to the affected equipment or a written order shall be issued to stop work being performed. Any attempt to continue working, using equipment, or willfully removing any "Do Not Operate" tag without the approval or knowledge of the Safety Officer can be grounds for disciplinary action against the employee involved in accordance to City of Pasadena Discipline Policy.

d. Inspections by Outside Agencies

If inspectors from the Division of Occupational Safety and Health Administration (OSHA or Cal-OSHA) or any other outside agency claiming to investigate safety practices, procedures, or accident/incident/near-miss arrive at any City of Pasadena facility, employees are required to immediately contact the City Safety Officer. Employees should utilize the assistance of the Safety Officer when responding to any questions by an outside agency, and before providing any documentation. No employee shall be retaliated against for cooperating with a safety investigation whether conducted by the City or an outside agency.

e. Job Safety Analysis

## SECTION 9 | RISK MANAGEMENT

A Job Safety Analysis (JSA) is a supervisor's tool to ensure that a job is being performed safely. The JSA will help identify hazardous work situations and procedures. During a job safety analysis, the supervisor needs to consider the purpose of the work, current duties and tasks, and methods and procedures. Analysis of this information may require that a supervisor contact the City Safety Officer or designate to determine a proper solution to a particular safety or health problem in accordance to the City of Pasadena Safety and Loss Prevention Policy.

#### 10. Hazard Correction

Hazards that are discovered as a result of periodic or unscheduled inspections or during normal operations shall be corrected promptly. The City of Pasadena recognizes that hazards range from imminent dangers to relatively low risks. A corrective action must include evaluation of the potential hazard and a suitable timetable for correction. Procedures for correcting hazards include the following:

##### a. Imminent Hazards

For serious hazards that present an imminent danger to life or limb, immediate action shall be taken to mitigate the hazard. The City's Safety Division or Department Directors or designees shall immediately be notified. If the hazard cannot be immediately abated, all personnel shall be removed from the affected area. Access to the area shall be limited until the City's Safety Division or Department Director or designate has arrived and completed an assessment of the hazard in accordance with the IIPP.

##### b. General Hazard Control

Hazards involving the physical conditions of structures, surrounding grounds, or associated equipment shall be reported to the Safety Officer who shall determine the appropriate Department/Division to be made aware of the hazard and to remediate it. Immediate steps shall be taken to ensure that employees and the public are protected from the hazard while arrangements are being made to report and remediate it.

##### c. Supervisors' Responsibilities

Supervisors are responsible for informing and protecting employees and the public regarding any safety hazards that have been discovered. Unsafe work practices by employees shall be stopped immediately by supervisors. Supervisors are required to instruct employees on proper procedures before work resumes.

##### d. Exposure to Hazardous Materials

Exposure to asbestos, lead, mold, or chemicals in the workplace shall be reported immediately to the City Safety Officer.

#### 11. Accident/Exposure Investigation

All injuries or accidents that are job-related shall be reported per this Injury and Illness Prevention Policy. The Safety Officer or designate has overall responsibility to investigate all reported accidents, injuries, occupational illnesses, and near-miss incidents. Others may conduct accident, injury, illness and near-miss investigations depending on the type and severity of incident, such as Risk Management, managers and supervisors so long as they are qualified to conduct investigations and report their findings to the Safety Officer. Those persons investigating accidents or injuries shall document all information that is gathered during the investigation process and take photographs and/or video whenever possible. Employees are required to report all injuries or accidents to their supervisor immediately no matter how slight the occurrence. Procedures for reporting and investigating injuries or accidents are as follows:

a. Supervisor Documentation

The supervisor must document all interviews with the injured employee(s) and any witnesses, examine the workplace for factors associated with the accident, review work procedures and training, determine cause, and take corrective action. Supervisors must ensure that the supervisor Injury/Illness Investigation Report has been completed. Supervisors must ensure that the employee's Workers' Compensation Claim Form (DWC1) has been completed and given to the injured employee within 24 hours of the incident or as soon as possible.

b. Serious Accidents or Injuries

Serious accidents, injuries, illness or exposure to hazardous materials that require hospitalization other than observation must be reported to the City's Safety Division immediately. Accidents, injuries, or exposures of this severity may require the City of Pasadena Safety Officer to convene a special accident or incident investigation panel. A report of the accident investigation including the panel's finding and recommendations will be forwarded to the Department Director or General Manager. All employees, supervisors or managers must ensure that the accident location including equipment and materials involved in the accident remain undisturbed until a member of the City Safety Division arrives and investigates. Vehicles or equipment involved in serious accidents, injuries, or exposures shall not be moved or removed unless necessary for the safety of any person or operation.

c. Reporting Injuries to Cal/OSHA

For accidents that cause death, dismemberment, permanent disfigurement, or that require in-patient hospitalization of an employee (other than observation), the City Safety Officer must notify the nearest Cal/OSHA District Office within eight (8) hours. It is therefore imperative that serious injuries be reported to the Safety Officer immediately, regardless of the day, weekend, holiday or off duty hours.

d. Accidents Involving Exposures

Any suspected employee exposure to hazardous chemicals, asbestos, or lead must be reported to the City Safety Officer immediately.

e. Vehicle Accidents

Any employee involved in a vehicle traffic accident operating City vehicles shall report the accident immediately to his/her supervisor and the local Police or the City of Pasadena Police

(if within city limits) for investigation. The employee must remain at the accident location until the police arrive to investigate and a supervisor responds to the scene. The employee must complete the Vehicle Accident Form and return it to his/her supervisor. The employee shall not admit fault or liability or discuss payment for damages with the other party or anyone not identified as a police officer or authorized City personnel.

f. Investigation of Vehicle Accidents

Supervisors and the City Safety Division are required to investigate all vehicle accidents involving their employees operating City vehicles while on City business. After an investigation has been completed, the City Safety Division refers all investigative materials to the City's Accident Review Committee pursuant to the Motor Vehicle Safety Policy to determine preventability, and make recommendations for any corrective action.

12. Training

Effective dissemination of safety information is essential for the success of the City's IIPP. Training includes general safe work practices as well as specific instruction on control of hazards unique to each employee's job assignment. Supervisors are responsible for much of the safety training related to their subordinate employees.

a. Training Methods

The City of Pasadena uses many types of training methods to communicate safety-related information to employees. Training may vary widely with respect to instructional method, setting, and subject matter. Types of training applicable to all employees include:

- i. Classroom instruction, which involves the presentation of general or specific safety information. These classes are taught by City Safety Division or outside contractors.
- ii. Online training, in which employees utilize computers or other electronic devices to watch and respond to interactive training exercises and instruction.
- iii. On-the-job training, in which a small number of employees receive instruction from the supervisor. On-the-job training can also include instruction on how to operate and maintain new equipment by manufacturer representatives, or changes to work practices or procedures.
- iv. Written instructions or training materials, which include memos, safety bulletins, policy letters, trends, changes in the law, etc.

b. General Safety Training

General safety training refers to instruction which is applicable to all City of Pasadena employees and not related to specialized trades or procedures. The City of Pasadena ensures that all new employees shall attend a new hire orientation provided by the City of Pasadena. New hire orientation shall include but is not limited to the following safety and health subjects:

## SECTION 9 | RISK MANAGEMENT

- i. Basic safety training and introduction to the City's IIPP, including an overall review of employees' rights and employer's responsibilities under the California Code of Regulations, Title 8.
  - ii. Instruction on reporting injuries and unsafe conditions, and employees' rights under Workers' Compensation law.
- c. Specialized Training

Many workplace operations require specialized training or instruction under the California Code of Regulations, Title 8. Before employees can be allowed to perform certain job tasks, supervisors must ensure that the employees have completed required training courses. These specialized training courses include, but are not limited to: Respiratory Fit Instruction, Blood borne Pathogen Exposure, Workplace Violence, Emergency Evacuation, Hazard Communication, Confined Space, and Lock-Out/Tag-Out.

- d. Supervisor Responsibility

It is the responsibility of each supervisor to ensure that employees receive general and job-specific safety training for each employee under his/her direct control. Supervisors are required to review employees' compliance with instruction given regarding safety rules, regulations, and policies established by the City's IIPP. The supervisor must ensure to the best of his/her ability that employees comprehend the training they are provided, ensuring that language barriers and/or literacy difficulties, or any disabilities are accommodated. Instruction by supervisors shall include but are not limited to the following subjects:

- i. Safe work procedures, personal protective equipment, evacuation and emergency response, hazard communication and identification, and reporting of workplace safety hazards.
  - ii. Protection of employees from hazards specific to their individual job duties.
  - iii. New substances, processes, procedures, or equipment introduced into the workplace that may create new hazards, when new or previously unrecognized hazards are brought to a supervisor's attention.
- e. Frequency of Training

City of Pasadena policy requires that employees are provided safety-related instruction upon reporting to work the first day and prior to being assigned a new job task or process for which training has not been previously provided in accordance with the IIPP. Supervisors are responsible for providing training whenever a new substance, process, procedure or piece of equipment is introduced into the workplace. Supervisors are required to notify and inform employees when they receive information from the City Safety Division regarding changes in safety and health rules, regulations, or policies. In addition, the City of Pasadena shall follow all requirements regarding frequency of training established by the California Code of Regulations, Title 8.

- f. Documentation and Retention of Records

The person performing safety training must ensure that appropriate records are sent to the Safety Officer. All safety training records must include the subject title, name of employee, employee ID number, the date of training and the person who administered the training. Please use the Training Attendance Form to record this information. The supervisors shall retain a copy of the of employee safety training documentation and ensure that the original has been sent to the City Safety Officer. All documentation regarding safety training shall be kept on file for three (3) years.

### 13. Record Keeping

City of Pasadena policies and Cal/OSHA regulations contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections, and all other activities relevant to the occupational health and safety of the employee.

#### a. Vehicle Accidents and Property Damage

Completed Vehicle Accident Reports along with the accident investigation report and finding of the Accident Review Committee shall be kept on file for three (3) years or until the claim is closed, and shall be stored in the City Safety Division.

#### b. Occupational Injury and Illness Reports

Completed Employer's Report of Occupational Injury or illness and Employee's Claim for Workers' Compensation Benefits shall be kept in confidential files which are stored in the City's Workers Compensation Division. All records relating to occupational injuries and illness shall be kept for an indefinite period.

#### c. Occupational Injury and Illness Information

Specific information regarding the number and type of occupational injuries and illnesses must be prepared, maintained, and posted as a requirement under the California Code of Regulations, Title 8. Pasadena shall maintain a master log (Cal/OSHA Form No. 300) and summary of occupational injuries and illnesses (Form No. 300A) for those employees assigned to that location, and post the annual summary in the workplace where other OSHA required postings are located from February 1 to April 30. All forms and logs of occupational injuries and illnesses must be preserved and maintained for a period of five (5) years.

#### d. Employee Exposure Records

The employee exposure record contains information regarding exposure of employees to toxic substances or harmful physical agents. These records include results of workplace monitoring or measuring of toxic substances or harmful agents which can be absorbed, inhaled or ingested by employees. These records also include employees' exposures to regulated carcinogens that may be found in the workplace. Exposure records are generated by the City Safety Division. All documents of exposure and monitoring that are generated by the City Safety Officer are kept with the City Workers Compensation Division. All employee exposure records shall be kept on file for a period of thirty (30) years after termination of employment.

## SECTION 9 | RISK MANAGEMENT

e. Employee Access to Medical Records

Records of employee work-related medical exams, medical fitness reports, medical analyses and assessments for exposure to harmful agents or substances, including required examinations for respiratory protection and hearing conservation programs, are kept on file by the Safety Division. These records must be preserved and maintained for a period of thirty (30) years.

f. Documentation of Safety and Health Activities

General documents regarding safety and health issues such as safety concerns and suggestion forms, facility inspections, attendance rosters, and investigations of accidents and potential hazards, and including corrective actions, shall be maintained and preserved in the City Safety Division for a period of ten (10) years.

14. Workplace Violence

- a. The City of Pasadena is committed to providing a workplace that is free of violence or threats of violence. The City's position and policy regarding threats or acts of violence in the workplace is one of zero tolerance. Management will take appropriate action whenever it determines that an employee has engaged in threats or violent behavior.

Cal/OSHA has classified the circumstances associated with workplace violence into three major types:

- i. Type I workplace violence occurs when an individual enters the workplace to specifically commit a criminal act.
- ii. Type II workplace violence involves an assault or threat by a person who is either the recipient or object of service by the City of Pasadena.
- iii. Type III workplace violence consists of an assault by an individual who has some employment related involvement with the City of Pasadena.

b. Reporting Workplace Violence

Employees shall report any form of violence or threat of violence (actual or reasonably perceived) involving an employee or occurring in the workplace to the City Human Resources Department.

i. Carrying Firearms

The possession or carrying of an unauthorized firearm of any type is strictly prohibited. Possession includes a firearm inside a parked vehicle on City leased, owned or operated property. (Police department excluded)

ii. Immediate Threats



## SECTION 9 | RISK MANAGEMENT

If a threat is immediate to someone and there is a weapon in view, call 911. If the threat is not life threatening, contact the Human Resources and/or place a non-emergency call to the Police City of Pasadena.

iii. Restraining Orders

Employees are required to report the existence of any restraining order or any potential violent non work-related situation that could likely result in violence in the workplace to the City's Threat Assessment Team. The City Safety Officer is the Threat Assessment Team Coordinator and the point of contact for any workplace related threats or violence.

iv. Recognizing Warning Signs

Supervisors or employees should watch for warning signs that can lead to violent behavior. These warning signs can include belligerent or defiant behavior, harassing or verbal abuse, threats, bullying, sexual harassment, physical assault, etc. Any such behavior should be evaluated, verified, and documented by a manager or supervisor and discussed with the Human Resources Director or designate.

v. Bomb Threats

Any employee who receives a bomb threat or finds what appears to be a bomb shall immediately call 911 and keep the area clear. The employee shall also notify the supervisor and contact the City Safety Officer if the employee is located in a City of Pasadena building. An employee who discovers a suspected bomb shall not touch or handle the object, and shall immediately call 911 and clear the area and warn others when safe to do so. Such discovery shall also be reported to the City Safety Officer when possible.

15. Glossary Of Terms

Action Level

A pre-designated level of employee exposure to an airborne contamination or other hazard that, when equaled or exceeded, requires that personal monitoring, medical evaluation, or other regulatory provisions be applied. Action levels are specified for a substance/hazard by State and/or federal law.

Cal/OSHA

Under California law, Cal/OSHA is the primary State organization that is charged with implementation and enforcement of worker safety and health standards set forth by the California Code of Regulations and Federal Occupational Safety and Health Administration.

Employee Exposure Records

Information, results or records concerning employee exposure to toxic or harmful substances or agents in the workplace. Examples include air sampling results, biological monitoring results (blood test, etc.), inventory or chemical Safety Data Sheets (SDS).

Employee Medical Records

## SECTION 9 | RISK MANAGEMENT

Records concerning the health status of employees made by physicians, nurses, or other health professionals. Examples include results of physical examinations, first aid records, medical complaints, diagnoses, opinions, and treatment recommended by a physician.

#### Hazard Priority Classification

A system of categorizing the severity of consequence or probability of injury or damage for identified hazards. This information is used to determine level and speed of corrective action to be taken after a hazard has been identified.

#### Industrial Hygiene

A specialized area within the field of Occupational Health and Safety. Industrial Hygiene has as its goal the recognition, evaluation, and control of worker exposure to harmful physical or chemical agents or conditions.

#### Injury and Illness Log

Required by federal and State regulations, this log documents injuries and illnesses caused by work-related activities that result in lost time, offsite treatment, and restricted work activity.

#### Industrial Safety Procedures

Specific guidelines for implementing safety regulations and practices in industrial settings. Safety procedures are designed to prevent accidents causing injury and illnesses.

#### Injury and Illness Prevention Program (IIPP)

Mandated by the California Code of Regulations, Title 8, Section 3203, this program is required of all employers in the State. The purpose is to prevent job-related accidents and illnesses through a written plan to identify, evaluate, and correct unsafe workplace hazards.

#### Inspections

Periodic audits of the workplace environment, including equipment, chemicals, building structure, documented procedures, records, and employee knowledge of requirements and hazards.

#### Safety Data Sheets (SDS)

Literature prepared by a chemical product manufacturer that contains hazard and safety information about the product. Information includes ingredients, safety precautions, personal protection requirements, and spill or release response.

#### Medical Surveillance

A program whereby the health of the workers is monitored through a regularly scheduled and post-incident medical examination. Medical surveillance may be required to determine the suitability of workers to perform a certain type of job.

#### Personal Protective Equipment (PPE)

Equipment worn or used by workers to protect themselves from exposure to hazardous materials or conditions.

#### Responsible Person

The individual at a place of employment who has the responsibility and authority to implement the IIPP on behalf of the employer.

#### Safety Communication

The collective means by which safety information is disseminated to employees.

#### Supervisors

Employees who have authority to direct the tasks of other employees, and are therefore responsible for the job related environments to which their workers are exposed. In many circumstances, “lead workers” or others may be considered “supervisors” for purposes of ensuring legal compliance and workplace safety.

#### Time-Weighted Average (TWA)

As set forth by State or federal law, a maximum concentration of a hazardous substance, averaged over an eight-hour day, to which employees may be exposed.

#### Training

Classroom instruction, online instruction, job-site safety meeting, on-the-job training and written materials provided to employees to make them aware of workplace hazards and how to avoid accidents and illnesses.

### C. MOTOR VEHICLE SAFETY

#### 1. Policy

The City of Pasadena is committed to reducing motor vehicle accidents among our employees. The intent of this program is to provide a process that will help to reduce the likelihood of vehicle accidents. It shall be the policy of the City of Pasadena that all City vehicles will be maintained in safe operating condition. All drivers will be required to demonstrate that they have a valid driver’s license and a satisfactory driving record prior to employment in a position which may require them to operate a vehicle on City business. In addition, employees who are required to operate a motor vehicle for City business may be required to attend a defensive driver training program. When accidents do occur, they shall be reviewed by the Accident Review Committee. This Committee shall meet as necessary to review all vehicle accidents resulting in damage to City vehicles, other persons’ vehicles or property, or injury to members of the public. This policy is not intended to supersede provisions in the respective MOUs or salary resolutions.

#### 2. Objectives

- a. The primary objective of this program is to provide for the protection and safety of human life.
- b. The secondary objective is the protection of the City’s assets, which are exposed daily to accidental loss.
- c. The third objective is to avoid discredit to the City, the appointing authority, or the person’s employment.
- d. The fourth objective is to ensure employees are protected by providing City-owned or personal vehicles that are maintained in safe operating condition.

#### 3. Responsibilities

a. Public Works – Fleet Maintenance Division

- i. Ensure a record of periodic maintenance is available for each commercial vehicle and commercial vehicle combinations.
- ii. Purchase vehicles equipped with equipment which meets CAL/OSHA and CHP/DOT standards and is appropriate for specific job requirements.
- iii. Provide timely notice to the assigned department of a vehicle's regular or periodic maintenance. In addition, all regular maintenance records shall be maintained for as long as that vehicle is owned and in service by the City.

b. Department of Human Resources – Safety Officer

- i. Revise the Motor Vehicle Safety Program when appropriate.
- ii. Prepare suggestions for further accident prevention techniques.
- iii. Determine effectiveness of the Motor Vehicle Safety Program by analysis of all accidents.
- iv. Administer the Defensive Driver Training Program to ensure that employees operating City or personal vehicles on City business have access to training.
- v. Conduct an annual review of the driving records of each commercial vehicle operator as required by 49 CFR, 391.25. In response to vehicular accidents which may occur on the job, appropriate action may be taken.
- vi. Administer the DMV Pull Notice Program for Public Employers. In response to vehicle convictions or suspension of driving privileges, notify the affected management for appropriate action.

c. Human Resources – Recruitment and Selection

For each position that may require the operation of a City vehicle or personal vehicle on City business, obtain current DMV record for each prospective new employee, and verify that the license is valid. A review of a new employee's driving record will be conducted as part of a background review. Any offer of employment is contingent upon an employee passing background review at the sole discretion of Human Resources. An appointment of a current employee to a position that may require the operation of a City vehicle or personal vehicle on City business is contingent upon having an acceptable driving record as determined at the sole discretion of Human Resources.

d. Employee Responsibilities

The driver is the first line of defense against vehicular accidents. Therefore, all drivers shall:

## SECTION 9 | RISK MANAGEMENT

- i. Obey all ordinances and safety rules including wearing a seatbelt, ensuring all passengers are wearing seatbelts, using airbags (not turning off airbags that have shut-off switches), and following applicable laws and individual department/division rules regarding the use of cellular telephones or other electronic devices during driving operations.
  - ii. Report any mechanical difficulty encountered in their daily routine to the appropriate supervisor. A driver's attention to items such as brakes, alignment, oil pressure, and tires, on a daily basis will keep the City's vehicles in top running order and must be documented on the daily vehicle inspection form as may be required.
  - iii. Assume a safety conscious attitude, for the employee's own safety and the safety of others.
  - iv. Observe common courtesy toward all other drivers and pedestrians and obey all traffic laws and the right-of-way of other drivers.
  - v. Drive defensively and always be aware of the surroundings to prevent accidents.
  - vi. Participate in the DMV Pull Notice Program for Public Employers.
  - vii. Inspect vehicles before operation. Document inspection on "Daily Inspection Form." Report vehicles needing repair to the supervisor and to Fleet Maintenance. If a vehicle cannot be safely operated before repairs are made, the employee shall not drive the vehicle and must report the vehicle's condition immediately to his or her supervisor and Fleet Maintenance and be sure the vehicle is "red tagged" so no one else will drive it until repairs are made.
  - viii. Submit to any request for proof of driver's license by a supervisor or manager.
  - ix. Employees shall not use City vehicles to transport non City employees or animals unless authorized by the department director.
- e. Supervisor Responsibilities
- i. Supervisors and managers must take seriously any employee report of unsafe equipment or vehicles. They must ensure that employees are not knowingly allowed to operate any unsafe vehicle.
  - ii. Supervisors and managers who have a reasonable suspicion to believe that an employee's driver's license may not be valid or in force are obligated to require the employee to provide proof of a valid applicable driver's license. Until such proof of a valid driver's license is provided, the employee shall not be allowed to drive a City vehicle or a personal vehicle on City business. An employee without a valid driver's license shall not be allowed to drive any vehicle into or onto any City owned or operated facility or work site.

4. Motor Vehicle Accident Reviews

## SECTION 9 | RISK MANAGEMENT

a. Objective

The Accident Review Committee has been established in order to provide a thorough and objective evaluation of motor vehicle damage or accidents. For all City departments, including Police and Fire, The Accident Review Committee shall meet as necessary to review vehicle accidents or incidents resulting in damage to City vehicles, other persons' vehicles or property, or injury to members of the public.

b. Accident Review Committee

The Accident Review Committee will consist of the following individuals:

- Police Department Commander or designee
- Fire Department Battalion Chief or designee
- affected division head or designee
- Water & Power Division Head or designee
- Human Resources Manager or designee
- Safety Officer
- Liability Claims Coordinator
- Public Works Division Head or Designee

The Safety Officer shall act as the Chair of the committee. The committee will review all accident or incident reports in which there was damage to a City vehicle, and other available information submitted to it by the division head, the Police Department if a report was taken, Fleet Maintenance, and the Safety Officer. The employee involved in the accident will be notified of the date to appear before the Accident Review Committee no later than 10 calendar days before the hearing date, and may have a representative present during the hearing. Employees may be compelled to attend by their respective department if doing so is in the best interests of the City.

The Committee will review all information and must deliberate on the evidence and issue a report as to whether the accident was, according to the evidence, preventable or non-preventable and state the cause or causes of the accident. The Committee's report will be submitted in writing to the Department director of the department employee within 10 calendar days. In the case of a preventable finding, the written report of the Committee will be filed in the employee's official Human Resources personnel file. If equipment failure is determined to be the cause of the incident, the matter will be referred to the Public Works Department – Fleet Maintenance Division. Corrective action is to be determined by the Department director and may include, but is not limited to: attendance at a defensive driver training course, other specialized driver training, or disciplinary action. Employees found to have been involved in preventable accidents may submit a request for reconsideration to the Accident Review Committee.

All disciplinary actions will be handled in accordance with the City's DISCIPLINE POLICY.

D. CITY VEHICLE AUTHORIZATION AND CONTROL1. Purpose

The purpose of this policy is to establish guidelines and procedures governing the assignment, use and control of City-owned vehicles utilized as transportation for employees engaged in City business. Additionally, this policy establishes reimbursement procedures for the use of privately-owned vehicles and/or public transportation by City employees during the performance of official duties.

## 2. Scope

This policy is applicable to all City agencies, departments and offices responsible directly to the City Manager, City Attorney or City Clerk.

## 3. Employee Transportation Policy

- a. Employees requiring transportation to perform their official duties may be authorized to utilize the following types of transportation in accordance with the criteria set forth in this policy:
  - i. A City-owned vehicle permanently assigned to the department for use by a particular employee position. Overnight use of such take home vehicles must be approved by the employee's department director and the City Manager annually in accordance with this policy. Employees must sign to acknowledge receipt and understanding of the City's Motor Vehicle Safety Policy annually.
  - ii. A City-owned vehicle checked out from either the Fleet Maintenance Division's dispatch pool or a departmental car on an "as required" basis. Overnight use of such vehicles will conform to the department's written policy for such dispatch or will require prior written approval by the department director.
  - iii. Privately-owned vehicles with reimbursement for associated mileage expenses, or automobile allowance, as specified in this policy.
  - iv. Public transportation, such as bus or taxi, on an "as required" basis with reimbursement for costs incurred by the employee.
  - v. Rental of vehicles as may be authorized to meet specialized or emergency needs.
- b. City-owned vehicles shall only be used for official business, except for trips to/from the employee's home and City work when specifically authorized in conformance with this policy. City vehicles shall be operated only by City employees, or by persons designated by City contract to operate such vehicles. An individual authorized under the above criteria to operate a City vehicle may only authorize another licensed and properly trained driver temporarily to operate the assigned City vehicle in cases of declared emergency, or extreme or exigent circumstances, provided the individual to whom the vehicle has been assigned is present in the vehicle throughout the time of operation. No City-owned vehicle shall be driven to or kept at any employee's home or any location other than the regular work location or City Yard, except as provided by this policy.

## SECTION 9 | RISK MANAGEMENT

- c. Any person authorized to drive either personal or City-owned vehicles on official City business must possess a valid California motor vehicle driver's license for the class of vehicle to be operated and maintain appropriate insurance.

4. Policy for Assignment of City Owned Vehicles

- a. City vehicles will not be authorized to individuals as compensation or as a condition of employment unless authorized by the City Council or City Manager.
- b. Except as may be authorized by the City Manager, management employees shall use their own vehicles when conducting City business and will be reimbursed for the use of such vehicle or will receive a monthly automobile allowance.
- c. Employees not specifically assigned a City-owned vehicle are expected to provide their own transportation to and from work (commuting) and to and from their work assignments or work location. When a privately owned vehicle is not available or appropriate for City business use, if available, a City-owned vehicle may be checked out of the departmental or City motor pool, except that employees receiving a car allowance are not to use City vehicles except when written approval by the City Manager has been received. In no event may an employee receive an automobile allowance while at the same time use a City vehicle for work related purposes unless their personal vehicle is unavailable and such use is only temporary and is authorized by the department director of the employee.

5. Policy for Authorization for Automobile Allowance

The monthly car allowance shall not exceed the rates set forth in the current Salary Resolution or Memorandum of Understanding for employees represented by a specific bargaining unit. A monthly car allowance for Council-appointed positions will be determined by the City Council. A monthly car allowance as authorized by the City Manager, City Attorney or City Clerk is based on the following conditions:

- a. If the employee is regularly classified as an executive-management member, a car allowance may be authorized in an amount not to exceed the amount specified in the Salary Resolution. Executive Management employees who are on an unpaid leave of absence shall not be entitled to car allowance during such leave.
- b. If the employee is regularly classified as a management member, a car allowance in an amount not to exceed the amount specified in the Salary Resolution or Memorandum of Understanding may be granted. In deciding to grant car allowances, the department director shall consider how much the employee uses his/her personal vehicle for City business and the degree to which a car allowance is a part of employee benefits. Management employees who are on an unpaid leave of absence shall not be entitled to a car allowance during such leave.
- c. Each employee receiving a car allowance shall provide for their own use of a passenger vehicle in good repair and appearance, and insured at least to the extent required by State law. (Suggested coverage is \$100,000 per person and \$300,000 per incident for personal injury and \$25,000 for property damage.)



- d. Individuals authorized to receive a monthly automobile allowance must personally bear the expenses associated with the operation and maintenance of their vehicles. The City will not provide, nor shall an employee request, gas, oil or services of any kind to personal vehicles at City expense.

6. Policy for Assignment of City-owned Vehicles and Reimbursement to All Other City Employees

- a. A City employee may be regularly assigned a City-owned vehicle only when total mileage incurred on City business, or other operational necessity, makes utilization of a pool vehicle, or personal vehicle, impractical or when no pool vehicle is available. This determination shall be made by the director of the employee's department, and shall be reviewed and approved by the City Manager, annually. An assigned City-owned vehicle may be garaged at the employee's home as a "take home" vehicle only during periods when the employee is responsible for immediate response in an emergency-equipped vehicle to after-hours emergency call-outs. Employees must sign to acknowledge receipt and understanding of the City's Motor Vehicle Safety Policy annually.
- b. Any City employee whose job regularly requires that transportation be available between multiple job sites but who does not qualify for the assignment of a City-owned vehicle based on the criteria set forth above, and who does not have access to City-owned pool vehicles will be authorized to use his/her personal vehicle for the performance of official duties and will be reimbursed by the City at the rates set forth by the Internal Revenue Service as the federal mileage rate for business-related deductions.
- c. Employees may also be authorized to use, and be reimbursed for, public bus or taxi transportation, with the approval of their department.
- d. Employees subject to emergency calls but who do not have access to a City-owned vehicle during off-duty hours, may be authorized to be reimbursed as specified above for the use of their own vehicle or for the actual costs of public transportation.

7. Requests for Transportation Authorization

All assignments of City-owned vehicles and any authorization to receive automobile allowance by any City employee shall be approved by the City Manager based on the recommendation of the employee's department director.

a. Regular Assignment of City Vehicle

During the annual departmental budget review, the City Manager in cooperation with department directors will review all regular assignments of motor vehicles to City employees for conformance with the standards set forth in this regulation.

b. Authorization for Assigned Vehicles to be Taken Home

## SECTION 9 | RISK MANAGEMENT

Prior to January 15 of each year, departments which have assigned motor vehicles authorized to be garaged at employees' homes as "take home" vehicles shall review such assignments. A report of these assignments shall be prepared, containing the following information.

- i. Department and division
- ii. Employee name and classification
- iii. Employee home address
- iv. Round trip distance between employee's home and City Yards
- v. Justification for taking vehicle home
- vi. Average monthly business mileage
- vii. Actual odometer mileage, January 1, December 31, past year
- viii. Average monthly number of emergency call-outs or after hours work requirements
- ix. Whether the vehicle is radio-equipped
- x. Whether the vehicle is equipped with other emergency lighting, equipment or markings.

The report shall be sent to the City Manager with copies to the Department of Finance and the Fleet Maintenance Division of Public Works. Listings of assigned motor vehicles authorized to be garaged at employees' homes will be kept updated by the departments involved. The approval of the City Manager shall be required for any change in the assignment of motor vehicle to be garaged at employees' homes.

c. Seat Belts

All vehicles used on City business, both City-owned and privately owned, shall be equipped with operational seat belts which conform to the requirements of State law. It shall be the responsibility of the driver operating a vehicle on City business to ensure that all occupants of that vehicle are wearing seat belts while the vehicle is in operation including while on City property whenever the vehicle is in motion. "Make-shift" seating is strictly prohibited.

d. Use of Electronic Devices

The operator of a City-owned vehicle must comply with all State laws pertaining to use of electronic devices while driving. Each department may impose more restrictive policies on the use of electronic devices while driving depending on the department's own operational needs or necessity or for uniformity or equality in application of departmental rules.

E. DEPARTMENT OF TRANSPORTATION REGULATIONS FOR SAFETY SENSITIVE POSITIONS

1. Purpose

As part of its ongoing commitment to providing a safe working environment for its employees, as well as protecting the health and welfare of the general public, the City of Pasadena has implemented this policy with the intention of achieving a safer city and to comply with federal transportation laws. When interpreting or applying this policy, applicable federal regulations shall prevail in the event of any conflict between those regulations and this policy.

This policy is intended to comply with the following federal rules and regulations:

- DOT regulations: Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- The Federal Motor Carrier Safety Administration: “Controlled Substances and Alcohol Use and Testing
- Drug Free Workplace Act of 1988

Compliance with this policy is a condition of employment for all employees in safety sensitive positions as identified herein. This policy does not negate an employee’s obligation to comply with the provisions of the City’s ALCOHOL AND DRUG ABUSE POLICY or applicable MOU.

Complaints concerning the application of this procedure shall be resolved through the grievance process as outlined in applicable Memoranda of Understanding, up to and including advisory arbitration. Discipline which results from this addendum policy shall be administered in accordance with procedures as described in the City’s DISCIPLINE POLICY.

## 2. Definition of Safety Sensitive Employees

- a. A safety-sensitive employee means a person, including an applicant, transferee, or volunteer who performs or will perform a safety-sensitive function on a regular or occasional basis.

Covered employees also include supervisors who possess a Commercial Driver’s License and who perform these functions or who are immediately available to perform these functions. City of Pasadena employees in positions designated as safety sensitive on the job bulletin, are subject to the drug and alcohol testing requirements described in this policy. These covered employees shall be called “safety-sensitive” employees.

- b. Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Under FMCSA Safety-sensitive functions shall include:
- i. Driving a commercial motor vehicle which requires the driver to have a commercial driver’s license (CDL)
  - ii. Inspecting, servicing, or repairing any commercial motor vehicle
  - iii. Waiting to be dispatched to operate a commercial motor vehicle
  - iv. Performing all other functions in or upon a commercial motor vehicle

SECTION 9 | RISK MANAGEMENT

- v. Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded
- vi. Repairing, obtaining assistance or remaining in attendance upon a disabled commercial motor vehicle
- c. A commercial motor vehicle and safety sensitive function includes driving any of the following vehicles:
  - i. A vehicle with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
  - ii. A vehicle with a GVWR of at least 26,001 pounds;
  - iii. A vehicle designed to transport 16 or more passengers, including the driver; or
  - iv. A vehicle of any size placarded under hazardous materials.
- d. The City of Pasadena requires all employees to have a California Commercial Driver’s License who do or may at some time operate the following:

WITH THIS LICENSE CLASS	YOU MAY DRIVE...	AND MAY TOW...
A*	Any combination of vehicles including all vehicles in Class B and C.	Another vehicle or any trailer exceeding 10,000 lbs. GVWR. Double trailers, with endorsement. A trailer bus, with endorsement.
A	Any two-axle vehicle weighing 4,000 lbs. or more unladen. All Class C vehicles.	Any trailer coach exceeding 10,000 GVWR or any fifth-wheel travel trailer exceeding 15,000 lbs. GVWR, when not used for compensation.

SECTION 9 | RISK MANAGEMENT

B*	A single vehicle with three or more axles weighing 6,000 lbs. or more gross. Any single vehicle weighing 26,001 lbs. GVWR or more. Any bus (except trailer bus) designed, used, or maintained for the transportation of more than 10 persons, including the driver, for compensation with endorsement. Any farm labor vehicle with endorsement. All Class C vehicles. Modular mobile equipment determined by the gross weight of the vehicle, in conjunction with the number of axles.	Another vehicle or trailer not exceeding 10,000 lbs. GVWR.
----	--	--

\* Includes all legal endorsements required under this policy and in the Hazardous Materials Transportation Act.

3. Positions Subject to this Policy

Employees, whose job specification requires them to possess a Commercial Driver’s License, will be subject to the provisions of this policy. Any employee who performs the functions of a covered employee as described in the definition of safety-sensitive employee shall be tested even if their job specification is not specifically listed. Covered employees also include supervisors who possess a Commercial Driver’s License and who perform these functions or who are immediately available to perform these functions.

4. Contact Person

Questions regarding Alcohol and Drug Testing should be referred to the Designated Employer Representative - Safety Officer.

5. Prohibited Behavior

In addition to other rules or regulations or provisions of this manual pertaining to drug or alcohol consumption or intoxication or other disciplinary matters, the following conduct is also prohibited and may result in discipline, up to and including the termination of a safety-sensitive employee:

- a. Reporting for duty or remaining on duty while having an alcohol concentration level of 0.04 or greater;
- b. Consumption of alcohol within four (4) hours prior to beginning work in a safety-sensitive position;
- c. Consumption or possession of alcohol while performing a safety-sensitive function;
- d. Consumption of alcohol during the eight hours immediately following an accident, unless the employee has been tested;

- e. Reporting for duty or remaining on duty when the employee has used any controlled substances;
- f. Refusal to take an alcohol and/or drug test pursuant to these regulations as directed by a supervisor, Human Resources, or the Safety Office. A safety-sensitive employee who refuses to submit to a required drug and/or alcohol test will not be allowed to perform or continue to perform safety-sensitive functions. The employee will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positive on a controlled substance test;
- g. A safety sensitive employee, as defined herein, who alters or substitutes a drug or alcohol test or otherwise attempts to or does thwart such test through any means, whether legal or illegal, will be treated in the same manner as an employee who refuses to take an alcohol and/or drug test and will be treated in the same manner as an employee who tested positive for a controlled substance.

Allowing an employee to report for duty or remain on duty performing safety-sensitive duties if the manager/supervisor has actual knowledge that the employee has used alcohol or controlled substances.

#### 6. Definitions

- a. Prohibited drugs (and their metabolites) are: marijuana, cocaine, opiates (e.g., heroin, morphine, codeine), phencyclidine (PCP), and amphetamines (e.g., methamphetamine).
- b. For the purpose of this policy, "alcohol use" means the consumption of any beverage, mixture, or preparation (including medication) containing alcohol.
- c. "Work assignment" also includes any time period in which a covered employee is on stand-by.
- d. "Stand-by" includes any time an employee is engaged to be ready to immediately respond to work when notified. Employees on stand-by for emergency call out are considered "ready to perform safety-sensitive functions," therefore failure to be available for an emergency due to alcohol misuse while on stand-by may result in disciplinary action up to and including termination.
- e. "Callback" time is when an employee is not waiting to be engaged for an emergency or to come into work when notified. However, in case of emergency the employee may be contacted and called back to work. Employees on "callback" are permitted to go about their daily business. When designated safety-sensitive employees are contacted by their supervisor/manager to perform "call-out" duty, they shall not be coerced or otherwise ordered to report for such duty when they inform their supervisor/manager of consumption of alcohol in violation of this policy.

#### 7. Prescription & Non-Prescription Drug/Medication Use

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employees to remove themselves from service if they are unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

#### 8. Voluntary Rehabilitation

- a. Employees who voluntarily submit to a rehabilitation and/or drug education program will not be subject to the referral, evaluation and treatment requirements of this policy provided that:
  - b. The employee does not self-identify in order to avoid testing under the requirements of the policy; makes the admission prior to performing safety sensitive functions (i.e., prior to reporting for duty); and successfully completes the education and/or treatment requirement as determined by a qualified drug and alcohol abuse professional.
  - c. Participation in rehabilitation in and of itself will not result in disciplinary action. However, successful completion of the prescribed program, if it is determined that such a program is needed, will be required for the employee to continue in the employment of the City of Pasadena. The employee may use sick leave, vacation leave or leave without pay if accrued leave is not available in order to enter into an approved rehabilitation program. The employee may apply for a medical leave of absence.
  - d. Participation in rehabilitation will not waive disciplinary action where warranted for violations of rules and regulations.
  - e. Reinstatement will be conditioned upon consent for substance/alcohol retesting as scheduled by the Substance Abuse Professional (SAP) for a time period not to exceed 60 months. Positive results on a follow-up test or other evidence of relapse will be grounds for discipline up to and including termination.

#### 9. Types of Drug and Alcohol Testing Required

##### a. Pre-Employment Testing

Prior to an offer of employment, applicants for job classifications, who will be performing safety-sensitive functions, will be required to submit to pre-employment drug testing.

The pre-employment testing requirement applies to any candidate for "safety-sensitive" positions, including new applicants who are not City employees, or existing City employees

## SECTION 9 | RISK MANAGEMENT

seeking promotion, transfer or reassignment to any of the job classifications identified as “safety-sensitive.”

Employees who have been removed from the random testing pool due to a leave of absence for 30 or more days will be required to submit to a pre-employment drug test prior to their return to work.

b. Reasonable Suspicion Testing

- i. A supervisor’s and/or a manager’s determination that reasonable suspicion exists that the employee is under the influence of alcohol or a controlled substance shall be based upon the observation of behavior or appearance that is characteristic of drug or alcohol use. This shall include specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee by a supervisor or manager who is trained in detecting the signs and symptom of drug use and alcohol. The reasonable suspicion/reasonable cause observations must be documented within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier. A drug test of an employee may be ordered any time during the employee’s workday
- ii. An alcohol test may only be ordered immediately before (up to 30 minutes), during or immediately after (before sign-out while still at the worksite) the performance of safety-sensitive functions. A reasonable suspicion alcohol test must be administered within two hours of the observation. If not, the supervisor and/or the manager must document why the test was not promptly conducted. No alcohol test may be administered after eight hours following the observation.
- iii. An employee may have a representative, a friend, or a witness present if he/she desires. However, there will be no unreasonable delay in conducting the drug and/or alcohol analysis.
- iv. A supervisor or other appropriate personnel shall accompany the employee to and from the collection site. After returning from the collection site, the employee shall not be allowed to perform the covered functions pending the results of the drug and/or alcohol test.
- v. If there is any inconsistency between this policy and the applicable Memorandum of Understanding (MOU), the MOU shall prevail.

c. Post-Accident Testing

Post-accident drug and alcohol testing will be conducted on employees following an accident involving a commercial motor vehicle. An accident occurs when, as a result of an occurrence, involving the vehicle, an individual dies or when a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident and either a) there is a bodily injury with immediate medical treatment away from the scene or b) disabling damage to any motor vehicle requiring tow away.



**Note:** This provision shall not supersede the authority of the City to order a post-accident drug and/or alcohol test under other provisions of this Manual or an MOU, or as may be permitted by law.

Post-accident drug and alcohol tests must be administered within two hours following an accident and no test may be administered after eight hours. If an alcohol test is not administered within two hours following the accident, the supervisor/manager must document the reason(s) why the test was not promptly administered.

d. Random Testing

- i. Employees subject to this policy shall be tested for drugs and alcohol on an unannounced and random basis. Each year, drug tests must be performed randomly on a number of employees equal to at least fifty percent (50%) of the total subject to this policy; alcohol tests must be performed randomly on at least ten percent (10%). The percentages shall at all times remain concurrent with federal regulations.
- ii. A random drug test of a safety-sensitive employee may be performed at any time during the workday. A random alcohol test may only be ordered immediately before (up to 30 minutes), during, or immediately after (before sign-out while still at the worksite) the performance of safety-sensitive functions, or while the employee is “on stand-by.”
- iii. To the extent feasible, the tests will be spread reasonably throughout the year. On the day of the test, the employee shall be relieved from duty at the time of the test solely for the purpose of attending the test. The employee will not be permitted to go home or leave the work premises or work site unescorted once the employee has been advised of his/her obligation to take the test. A supervisor or manager shall be responsible for transporting the employee(s) to the collection site. If a supervisor or manager of the employee is not available, then the Safety Officer or his/her designee shall transport the employee.
- iv. The following “guidelines” will apply when conducting random drug and alcohol tests:
  - When supervisors are notified of employees who have been randomly selected to be tested, they will arrange to have employees tested within one hour of being notified of the random test requirement and will attempt to do so no less than one hour before the end of the employee’s work shift.
  - Employees who are scheduled to report to duty subsequent to the time names are randomly selected shall be referred to the collection site at the beginning of their work shift.

e. Return to Work / Follow Up Testing

## SECTION 9 | RISK MANAGEMENT

- i. Before a safety-sensitive employee is allowed to return to work, after having engaged in any of the prohibited behaviors listed in this policy, Prohibited Behavior, that employee must:
    - Be referred to the City's Employee Assistance Program (EAP), or other City approved program, for evaluation by a Substance Abuse Professional (SAP) and may be required to undergo treatment for his/her alcohol or drug abuse;
    - Be confirmed fit for duty by the City's Medical Review Officer (MRO), a licensed physician knowledgeable in substance abuse disorders;
    - Pass a "Return-to-Duty" drug and/or alcohol test.
  - ii. A "Return-to-Duty" test will include testing for prohibited drugs and/or alcohol. The employee must have a verified negative drug test or an alcohol test result of less than 0.02 to return to a safety-sensitive position.
  - iii. Once allowed to return to duty, all employees who have engaged in any of the prohibited behaviors listed in the Prohibited Behavior subsection of this policy will be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP with a minimum of six tests performed during the first 12 months after the employee has returned to duty.
  - iv. Follow-up testing is separate from and in addition to the regular random program. An employee who is undergoing follow-up testing shall remain in the random pool and be tested if his/her name is selected.
- f. Return to Work After Specimen Collection

A covered employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the covered employee is also subject to random or follow-up alcohol testing, the covered employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

A covered employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the City of a verified test result.

## 10. Testing Procedures

Alcohol and drug tests shall be conducted in conformance with current federal regulations concerning collection and chain of custody procedures. The federally-prohibited drugs (and their metabolites) are: marijuana, cocaine, opiates (e.g., heroin, morphine, codeine), phencyclidine (PCP), and amphetamines (e.g., methamphetamine).

For purposes of this policy, if the test results for prohibited drugs are below federal cutoff levels, the test results will be reported as negative. (**Note:** These federal cutoff levels are subject to change at any time by the U.S. Department of Health and Human Services.)

### 11. Collection Site Protocol – Drug Testing

#### a. Applicant/employee must:

- i. Report to the collection site as soon as possible, in no case later than one hour after notification to report. Failure or refusal to report for collection on time or refusal to cooperate with the collection process will result in a determination of a refusal to provide a specimen.
- ii. Present valid picture identification upon reporting for specimen collection.
- iii. Sign a consent form authorizing the collection site to perform the test and permit release of this medical information to the City of Pasadena. These forms must be signed in the presence of and witnessed by a representative of the collection site.
- iv. Fill out the applicable portions of the Urine Custody and Control Form and read specimen collection procedures before collection.
- v. The employee will be required check his or her belongings and remove outer clothing (i.e. briefcases, purses, overalls jacket). The collector will also check the content of pockets to ensure no items are present that can be used to adulterate the specimen.
- vi. The employee will return the specimen to collection site staff. Staff shall pour off 30 ml. of the specimen into a primary specimen bottle and at least 15 ml. into a secondary bottle. The secondary bottle will not be tested initially, but will be held in the event that the employee requests a retest.
- vii. Both bottles will be shipped with copies of the urine custody and collection form to a Department of Health and Human Services certified laboratory.

#### b. Initial Test

Initial testing will be performed on the primary sample using an immunoassay-test. If results are negative, no further testing will be required and a telephone report will be faxed to the MRO who is responsible for interpreting and recording results. The MRO will advise an authorized representative of the City of Pasadena Safety Division that the results are negative.

#### c. Confirmation Test

Whenever a presumptive positive result is obtained on initial drug test, a confirmation drug test will be performed. All confirmations shall be by quantitative analysis - Gas Chromatography/Mass Spectrometry (GC/MS). Results of confirmation testing will be immediately faxed to the MRO by the testing laboratory. If the test is positive, the secondary sample shall be kept in frozen storage for one year from the date of its receipt to allow retesting.

#### d. Informing the Employee of a Positive Result

- i. The MRO, a licensed physician knowledgeable in substance abuse disorders and trained to evaluate and interpret test results, will receive laboratory results generated under this testing program. The MRO will be responsible for interpreting the test results in light of the employee's medical history and biomedical information.
  - ii. If the MRO receives a confirmed positive, adulterated, substituted or invalid test result, the MRO will arrange to meet or speak with the employee before finalizing the test result. If the MRO is unable to contact the employee within 24 hours, he/she will instruct the Designated Employer Representative (DER) to contact the employee in a manner that protects the confidentiality of the request. The DER shall immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
  - iii. A positive test result will be considered final if the employee elects not to meet or communicate with the MRO, or if the MRO determines that there is no legitimate medical explanation for the result, including legally prescribed medications.
  - iv. The MRO, will be responsible for making the determination of a positive test result for adulterated or substituted samples, and whether invalid test results require a recollection under direct observation consistent with 49 CFR Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
  - v. Following notification by the MRO of a positive test result, the supervisor will arrange to meet with the employee as soon as possible to review the test result and to explain the mandated follow-up steps. Following such notification, the employee may be eligible to use sick leave, vacation leave, banked or floating holiday leave, or apply for a medical leave of absence.
  - vi. Nothing shall be placed in the record, nor any action taken, until the result is final.
- e. Test of Split Sample

Any employee who tests positive for prohibited drugs may submit a request verbally or in writing to the MRO for the secondary sample to be tested. This request must be received within 72 hours of the employee's notification by the supervisor/manager. If the secondary sample fails to confirm the results of the first test, then the MRO shall cancel the report of the initial test.

## 12. Collection Site Protocol – Alcohol Testing

- a. An employee must:
  - i. Present valid picture identification upon reporting for specimen collection.
  - ii. Complete and sign the required breath alcohol testing form. A refusal to sign the form will be considered a refusal to take the test.

## SECTION 9 | RISK MANAGEMENT

- iii. The Breath Alcohol Technician (BAT), who operates the breathalyzer, will explain the process to the employee.
- iv. The BAT shall compare the test results shown on the machine with that on the printout. If the test result shows a blood alcohol level of 0.02 or greater, a confirmation test shall be performed. In such cases, the employee will be asked to wait at least 15 minutes but not more than 30 minutes before taking the confirmation test.
- v. Before the confirmation test, the BAT will perform an air blank test to ensure the breathalyzer is calibrated at 0.00. The employee will again be asked to exhale forcefully into the breathalyzer. After the confirmation test, the BAT will again perform the air blank test.
- vi. The results will be transmitted by the BAT to an authorized representative of the City of Pasadena Safety Division.

### 13. Consequences of a Positive Test Result

#### a. Pre-Employment Test

A candidate will not be hired, promoted, or transferred into any safety sensitive position if he/she tests positive for any drug prohibited by this policy. A positive test result on the drug screen will render a candidate ineligible for any safety-sensitive position for a minimum of six months.

#### b. Pre-Assignment Test

A positive test result on the drug test or an alcohol concentration level of 0.04 or greater will render the employee ineligible for a safety-sensitive position for a minimum of six months.

An employee whose alcohol test result is between 0.02 and 0.039 will also be ineligible but will be allowed one retest after 24 hours have elapsed. Failure to pass the alcohol test a second time will render the employee ineligible for assignment to a safety-sensitive position for a minimum of six months and may include additional disciplinary action.

#### c. Reasonable Suspicion Testing, Post Accident Testing, Random Testing and Follow Up Testing

##### i. First Positive Test

The employee will be referred to the City's EAP for evaluation by a Substance Abuse Professional (SAP). The employee will be removed from his/her safety-sensitive position until that employee is confirmed "fit for duty" by the MRO and tests negative for alcohol and/or controlled substances covered by these rules and regulations. Depending upon the circumstances that led to the testing, disciplinary action, up to and including termination, may be taken.

##### ii. Second Positive Test

The employee will be referred to the EAP for further evaluation by a SAP. The employee will be removed from his/her safety-sensitive position until he/she is confirmed "fit for duty" by the MRO and tests negative for alcohol and/or controlled substances covered by this policy. Disciplinary action, up to and including termination, may be taken.

Upon removal from duty due to a verified positive drug and/or alcohol test, the safety-sensitive employee may be eligible to use his/her sick time, vacation time, banked or floating holiday leave or apply for a medical leave of absence.

**Note:** The procedures listed above are guidelines. Action taken will depend upon the severity of the circumstances and the safety-sensitive employee's previous record, especially the drug and/or alcohol test record.

d. Alcohol Concentration Levels Between 0.02 and 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her safety-sensitive job duties for not less than 24 hours. The City will then retest the employee. Before returning to his/her safety-sensitive position, the employee's alcohol concentration must be below 0.02. The employee may be subject to progressive discipline for repeated occurrences between 0.02 and 0.04 alcohol levels.

**Note:** The supervisor/manager shall arrange to have an employee transported home safely if that employee tests positive for alcohol at 0.04 or greater.

14. Refusal to Take a Test

- a. Refusal to test for drugs and alcohol includes the following:
- i. Failure to appear at the collection site within a reasonable time when directed to report;
  - ii. Failure to remain at the collection site as required and necessary;
  - iii. Failure to provide a urine specimen or adequate breath for the breathalyzer test;
  - iv. Failure to provide sufficient urine or breath specimen;
  - v. Failure to take additional drug tests as required;
  - vi. Failure to undergo a medical evaluation or evaluation the MRO or employer has directed;
  - vii. Failure to cooperate with any part of the collection process;
  - viii. Failure to follow instructions during an observed collection.
  - ix. Being uncooperative, including:

## SECTION 9 | RISK MANAGEMENT

- x. Possession of a prosthetic or other device that could be used to interfere with the collection process
  - xi. Adulteration or substitution of the urine specimen.
  - xii. Failure to sign the consent form.
- b. Any refusal to submit to a test shall be considered equivalent to a positive test result. The employee will not return to perform safety-sensitive duties until the Substance Abuse Professional (SAP) return-to-duty process is successfully completed.

15. Refusal or Failure to Comply with Treatment Recommendations

Refusal or failure to comply with treatment and after-care recommendations under this policy may be grounds for disciplinary action, up to and including termination.

16. Return to Dutya. After Mandatory Referral

An employee wishing to return to work after a mandatory referral to a SAP must agree to the terms of a Return-to-Work Agreement, which shall be established by the City. That agreement may include, but is not limited to, the following:

- i. A compliance statement from an approved treatment specialist, as well as from the SAP.
- ii. A plan designed by the SAP, setting forth after-care and follow-up treatment procedures through the SAP and the EAP.
- iii. A review and release for work by the City's Medical Review Officer (MRO).
- iv. A negative test for drugs and/or alcohol.
- v. Consent to submit to continued, periodic and unannounced drug and/or alcohol testing as detailed in these guidelines.

Failure to successfully complete a treatment program or to comply with the return-to-work agreement, or a positive drug and/or alcohol test after return to work will be grounds for disciplinary action up to and including termination.

b. After Voluntary Referral

Employees who voluntarily entered a substance abuse treatment program must complete the following:

## SECTION 9 | RISK MANAGEMENT

- i. Successfully complete an educational or treatment program as determined by a drug and alcohol abuse evaluation expert.
- ii. Pass a return-to-duty drug/alcohol test.
- iii. Consent to continued periodic and unannounced drug and/or alcohol testing as prescribed by the SAP.

Failure to successfully complete a treatment program, or a positive drug and/or alcohol test after return to work will be grounds for disciplinary action up to and including termination.

#### 17. Education and Training

All covered employees will receive a copy of the Alcohol and Drug Testing Policy and educational material regarding the effects alcohol and substance abuse on personal health and safety and the work environment. Covered employees are required to sign a confirmation for receipt of the documents.

Employees designated to supervise covered employees shall receive a minimum of (1) hour training on the misuse of alcohol and (1) hour training on prohibited drug use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and used of controlled substances.

#### 18. Employee Assistance Program

The City of Pasadena has an Employee Assistance Program (EAP) which provides screening and initial counseling for employees and is designed to assist employees with personal, behavioral, or substance abuse problems.

Employees may contact:

Community Action EAP (CAEAP)

On call 24 hours

1-800 777- 9386

[www.caeap.com](http://www.caeap.com)

#### 19. Confidentiality

Laboratory reports or test results shall not appear in an employee's personnel file. They will be included in a separate confidential medical file. The reports or test results may be disclosed to City Management on a strictly need-to-know basis and to the tested employee upon request. Disclosure, without patient consent, may also occur when:

- a. The disclosure is compelled by law or by judicial or administrative process;
- b. The disclosure is required by the Federal Transit Administration (FTA), the National Transportation Safety Board (NTSB), or other regulatory agency;



## SECTION 9 | RISK MANAGEMENT

- c. The information has been placed at issue in a formal dispute between the tested employee or applicant and the City of Pasadena;
- d. The information is to be used in administering an Employee Assistance Program (EAP) and SAP Program.
- e. The information is needed by medical personnel for the diagnosis or treatment of the employee or applicant who is unable to authorize disclosure.

Reports or test results may be released to a subsequent employer, if the employee has provided a written authorization and release that the particular records be transmitted to that employer.


20. Federally Required Record Keeping

The City is obligated by federal regulations to maintain records of drug and alcohol misuse prevention programs, report the results in a management information system (MIS), and have controlled access to the recorded information. The following record retention requirements shall apply:

- a. 1 year: Verified negative drug tests, alcohol test results less than 0.02, canceled tests;
- b. 2 years: Documentation of the collection process for tests;
- c. 3 years: Information obtained from previous employers concerning drug and alcohol test results of employees;
- d. 5 years: Alcohol test results 0.02 or greater, verified positive drug test results, documentation of refusals to take required test, calibration documentation, employee evaluations and referrals by substance abuse professionals, annual calendar year MIS summary reports required by federal agencies.
- e. Indefinitely: Education and training records of covered employees while the employee performs the functions which require training and for two years after ceasing to perform those functions.

## SECTION 10. FINANCIAL POLICIES

A. ACCOUNTS PAYABLE POLICY

Effective: June 15, 2016	Supersedes: October 9, 2015
City Manager Approval:	
	

1. Purpose

Accounts Payable shall assist the City in its operations by safeguarding public funds, operating in an efficient manner, maintaining an excellent credit rating, and being responsive to the changing needs of customers. Accounts Payable shall be responsible for timely and accurate payment of the City of Pasadena's disbursements and for monitoring all invoices for compliance with applicable regulations.

2. Authorities

- City Manager

3. Scope of Application

These procedures apply to employees in each department designated to facilitate the processing and approval of invoices and Accounts Payable employees in the Finance Department designated to facilitate payment of invoices in compliance with City purchasing policies and procedures

4. Policya. Role of City Departments

Each department in the City purchases goods and services as needed to operate. Goods and services shall be purchased in accordance with City purchasing regulations as described in the City's Purchasing Policy. The individuals in each department designated to approve invoices track which purchase order, contract or other agreement the department has and what goods or services have been ordered.

These individuals shall:

- I. Verify that the purchase order, contract or other agreement has sufficient funds available for payment.
- II. Verify that the funds are from appropriately budgeted funds.
- III. Ensure invoices are received and correctly coded with required information for Accounts Payable processing **within 30 days of receipt of good or service.**

## SECTION 10 | FINANCIAL POLICIES

- IV. Verify that the goods or services have been received in good order and match the item on the purchase order, contract or other agreement.
- V. Verify by calculation that the extensions and totals are correct on the invoice, and match the unit price or amounts on the purchase order, contract or other agreement.
- VI. Complete electronic Receiving or attach the receiving documents to the invoice (packing slips, shipping receipts, etc.).

b. Approval Authority

Individuals designated to approve invoices shall:

- i. Certify that they are an appropriate expense for the City of Pasadena
- ii. Certify the proper goods and quantity of goods were received
- iii. Verify the balance on the related receipt of goods matches the expense coding on the purchase order, contract or other agreement
- iv. Verify that the pricing, sales tax rate, extensions of the amount, account coding on the purchase order, contract or other agreement number is correct.

It shall be the responsibility of each City department to approve a correct invoice with accurate information to Accounts Payable. **Invoices are subject to return or rejection if the information is incomplete or erroneous.**

c. Elements of an Invoice

**An acceptable invoice from the vendor shall contain all of the following:**

- An original document received by the Finance Department
- Company, Doing Business As (DBA), or individual name and address
- Invoice number and/or date
- Date of Service (From and thru dates)
- Purchase order, contract or other agreement number
- Description of products with unit price or description of service
- Dollar amount of product or service, sales tax and freight

**Invoices under \$100 without a Purchase Order, Contract or Agreement**

Approval beyond the department level is not required.

- This is for non-recurring expenses only. Recurring expenses are to be covered by a purchase order, contract, or other agreement. Petty Cash Vouchers are no longer required
- These invoices may be paid by Accounts Payable check, departmental Petty Cash fund, or Purchasing Card (see [Purchasing Card Policy](#)).
- Invoices over \$100 without a purchase order may not be split into smaller payments to avoid the dollar limit.

### Invoices over \$100 without a Purchase Order, Contract or Agreement

Procurement of goods or services without a purchase order, contract or other agreement is not allowed except in emergency circumstances. Finance approval is **required** in addition to department approval for payment. A memo detailing the circumstances and requesting approval must be attached to the invoice or supporting documentation and signed by the individual with authorized signature authority. Send to the proper approval authority depending on dollar amount (see Purchasing Policy). As all expenditures are subject to City rules and regulations, City Council authorization may also be required.

- Exceptions include library books, Workers Compensation invoices, and refunds by various City departments

#### d. Check Request Form

This form is used whenever there is not an invoice (such as a deposit or an advance payment) or when the supporting documentation does not provide adequate information for payment. Complete the form with the following information and send it to the supervisor responsible for Accounts Payable. **If the payment request is over \$100 and without a purchase order, all approvals as stipulated in "Invoices over \$100" must also be obtained before submitting the Check Request Form to Accounts Payable.**

- i. Name of individual / company / DBA / organization to whom the check is payable.
  - All vendors are required to have a W-9 on file.
- ii. Complete mailing (Remit) address of the vendor.
- iii. Purchase order, contract or other agreement number
- iv. A description / purpose of the payment
- v. Account, fund and department ID to be charged
- vi. Authorized departmental approval
- vii. Supporting documentation must be attached to the check request.
  - Supporting documentation **may not** be used as enclosures with the check.
  - Submit an additional copy if needed.
- viii. Indicate if enclosures must be sent with the check

#### e. Disbursements without an invoice

## SECTION 10 | FINANCIAL POLICIES

Use a *Check Request Form* to submit for payment. Using this form will provide the information needed for a payment to be made. Examples of usage include deposits (as explained below), advanced payments mailed at the time of purchase, and payments to contract workers who have only a time sheet.

f. Payment of Deposits

The request for a deposit payment is to be submitted using the *Check Request Form* unless an invoice is received for the deposit amount. If the invoice for the balance of the order is for the full amount, the invoice total must be adjusted for the deposit that was paid before it is forwarded to Accounts Payable. **It is the responsibility of departments to track deposits and ensure that the invoice submitted for the balance of payment reflects only the amount owed.**

g. Account Coding on Invoices

Account coding on invoices is **only** needed if:

- Multiple expense accounts or lines are used
- The invoice is for an unencumbered purchase order, contract or other agreement
- The invoice is submitted for payment without a purchase order, contract or agreement

**For invoices with an encumbered purchase order, contract or other agreement and only one expense account or line, the purchase order, contract or agreement number and authorized approval signature are all that is required.**

If the invoice involves multiple expense accounts or lines, the expense breakdown must adhere to the following rules:

- The percentage used or amount allocated must be written next to each expense account and dollar amount
  - This will assist Accounts Payable if recalculation is necessary.
- Each expense account and dollar amount must be clearly stated and easy to read
  - Cluttered and confusing information leads to errors and may cause an invoice to be delayed.
- **The total of the expense allocations to each expense account or line must be based on the merchandise amount of the invoice.** The merchandise amount is the invoice total less sales tax and freight.

h. Approvals

## SECTION 10 | FINANCIAL POLICIES

Only those individuals to whom responsibility has been delegated in writing may approve invoices or expenditure requests. Department heads must provide a Signature Authorization Form for approved individuals with the authorized individual's signature. Individuals cannot approve expenditures payable to themselves. In these situations, the individual's immediate supervisor must approve the expenditure.

- **A legible signature that resembles the Signature Authorization Form is required for invoices**
  - Initials will not be accepted.
- **Approval signatures should not be written on the remittance portion of any invoice**
  - Invoices are subject to return if approval is on a remittance that must be mailed to the vendor.

i. Prompt Payment of Invoices

Invoices should be approved for payment by departments as soon as the invoice or the goods / services are received and accepted. To help ensure payment is made timely, this approval must be no later than five (5) calendar days from receipt of invoice documents by the department.

Departments must have a valid purchase order or contract with available funds and budget to ensure prompt payment of invoices.

j. Returned Invoices

Invoices may need to be returned to the responsible department under certain circumstances. Accounts Payable understands the loss of time it takes to return an invoice and will attempt to contact the department if a problem can be resolved easily. If there is a difference between the purchase order, contract or other agreement and the invoice, if an Asset sheet is not attached, if the approval is on the remittance advice or another situation exists that a telephone call cannot resolve, the invoice may have to be sent back. Properly handled invoices will reduce time and save the City money.

k. Overages on Purchase Orders, Contracts or Agreements

Departments should be aware that they have funds on a purchase order, contract or other agreement **before** sending an invoice to Accounts Payable. Accounts Payable will process overages on purchase orders, contracts or agreements due to a change in sales tax or freight without further support. **All other requests for payment of overages exceeding the lesser of 10% or \$200 will require a purchase order or contract change.**

l. Product Returns and Credit Adjustments

## SECTION 10 | FINANCIAL POLICIES

Returned merchandise or adjusted service charges require documented acceptance from the vendor that the change in the amount owed will be accepted. An invoice may be held for a short time if part of the product has been returned and an adjustment is in process. Submit the adjustment, credit memo, or notification of replacement product with the original invoice.

- i. Returned merchandise requires:
  - RGA number (Returned Goods Authorization) or equivalent documented approval for credit or replacement from the vendor **before** shipping the product back
- ii. Adjusted services require:
  - Documented authorization from the company that the adjustment is accepted
- iii. Invoices submitted to Accounts Payable require:
  - Original invoice for the original amount
  - Documented acceptance by the vendor of returned products or adjustment to charges such as a credit memo, adjustment letter or notification of replacement product.

m. Credit Memos

Credit memos are treated as any other invoice. If you do not need it for a current order or invoice, code it and send it to Accounts Payable. Do not hold a credit memo while waiting for the next order unless it is anticipated it will be used against an expected invoice within the month.

n. Check Runs

Accounts Payable runs checks every Tuesday and Thursday. **Invoices submitted for payment will be scheduled according to the date of the invoice and the City's payment terms.** Once invoices and payment requests are paid, and checks printed, the Treasury Division of the Finance Department will compare the invoice to the remittance information on the check for validity.

o. Special Check Runs

Accounts Payable has special check runs regularly scheduled for other departments of the City.

- As needed:
  - Refunds from various services
- Bi-monthly:
  - Housing Authority mid-month on the 15<sup>th</sup>
  - Housing Authority final at end of month

p. Check Registers

Detailed check registers are created after each check run and approved by the Finance

## SECTION 10 | FINANCIAL POLICIES

Director or his/her representative. These are filed in Accounts Payable and kept as a permanent record.

q. Special Handling Requests

Any invoice whose check will not be mailed in the normal course of business requires a Special Handling Request Form. Special Handling categories are:

- Express Check/Same day
- Next Day Payment
- Pick-up / Deliver
- Special Mailing

If an invoice requires Special Handling, it must have a Special Handling Request Form attached and must be approved by the head of the Department submitting the request. If the request requires a check to be printed outside of our regular check schedule, a signature from the Finance Department Division Head is also required. **In addition, if the payment exceeds \$50,000 the Treasurer or his representative must also approve the payment. It is the responsibility of the requester to obtain all necessary approvals before bringing the Special Handling Request Form and invoice to Accounts Payable for processing.**

r. Picking up Checks

The City of Pasadena, Finance Department, does not allow vendors to pick-up checks except in isolated and extenuating circumstances. Requirements are:

- Vendor pick-up
  - Department head approval
- Department personnel pick-up
  - Department head approval
- Accounts Payable will review the appropriateness of each request

s. Returned Checks

Checks that are returned to Finance will be handled in this manner:

- i. Returned:
  - In person: check is to be given to Treasury
  - By mail: check is distributed to Treasury by the mail desk
- ii. Treasury will give a copy of the returned check that same day to Accounts Payable for research.
- iii. Accounts Payable will research the situation and determine the appropriate action.



## SECTION 10 | FINANCIAL POLICIES

- iv. If the check is to be re-mailed due to an incorrect address, Accounts Payable will give Treasury the new address for mailing.

- t. Void Checks

If a check is to be voided, Accounts Payable will:

- Void the check in the financial system.
- Notify Treasury. Treasury will mark the original check with the word VOID, the date and reason voided and cut out the signature.

- u. Stop Payments

Departments requiring a stop payment on a City check should contact Accounts Payable immediately. The department representative is also responsible for contacting Treasury to inquire if the check in question has been cashed. If it is determined that the check has not been cashed Accounts Payable will then:

- Pull the non-negotiable copy from the system for Treasury to use for the Stop Payment process.
- Stop the check.
- Close or re-issue the invoice for a second payment as the case requires. Checks will be reissued after of ten (10) or more business days.

- v. Re-issue Check

Accounts Payable is responsible for issuing replacement checks. If the vendor acknowledges losing the check, they will be assessed a \$10 charge for the new check.

- w. Wire Transfers

Invoices paid by wire transfers will be saved in the Accounts Payable files, as would any other invoice. The original invoice must be marked with the FEDREF number and the date of wire. Treasury will supply the FEDREF number and date of wire to the individual who requested a wire transfer.

5. Forms

Forms used for Accounts Payable requests have been standardized. Forms that will be accepted are:

- Petty Cash Voucher (for non-local travel and Petty Cash Funds only)
- Special Handling Request Form
- City of Pasadena Check Request Form
- Claim for Reimbursement of Petty Cash
- Travel Request and Expense Report form

SECTION 10 | FINANCIAL POLICIES

All other forms should be discarded. Transactions shall be reviewed prior to payment for availability of funds, price extension, correct account number, compliance of vendor invoice with purchase order and receiving report, and mailing address.

**B. ACCOUNTS RECEIVABLE / COLLECTION POLICY****1. Purpose**

The City of Pasadena Municipal Code requires that the Director of Finance shall, from time to time, submit regulations defining the credit and collection policies of the City. These procedures stated below are to insure accurate billing of the City of Pasadena's department requests and for monitoring all invoices that are not paid in a timely manner.

**2. Authorities**

- City of Pasadena Municipal Code Section 4.10.010
- City Manager

**3. Scope of Application**

These procedures shall apply to all department requests for billing and staff assigned to the Accounts Receivable Section of the Finance Department.

**4. Policy****a. City Departments**

Departments in the City shall send billing to Accounts Receivable through email requests to: [accounts\\_receivable@cityofpasadena.net](mailto:accounts_receivable@cityofpasadena.net). This email box was created for this purpose. Both the biller and supervisor of Accounts Receivable have access to this address. It was designed to track requests and for the sake of eliminating inter-office mail.

**b. Types of Invoices**

Invoices for the City fall into one of two groups:

- Miscellaneous invoices for one time billing
- Recurring invoices for monthly, semi-annual, annual bills

**c. Miscellaneous Invoices**

Once billing invoice requests are received, the staff member assign to the Account Receivable Section of Finance shall look up the customer in the Munis System to see whether the customer already exists or needs to be created. Once this is done, the information shall be entered into the Billing module. The type of bill, the frequency of billing, and the account number is then entered. The final step shall be to add any notes for the invoice. The more information put in this area, the better. This lets the customer know what the bill is for. There are also standard notes that have been set up for recurring invoices and shall be used whenever possible. Once all these tabs are completed, the invoice shall be sent to the customer.

d. Recurring Invoices/Installment

Recurring/Installment invoices shall be processed around the 16th of each month and will be set up in the Billing module as a recurring type of invoice. A separate template shall be entered for each customer set up to receive one of these invoices.

e. Sending Invoices

All invoices sent to customers will be retained in the Munis system.

f. Payment Process for Invoices

On a daily basis, cashiers in Municipal Service shall enter payments directly into the Munis system separately and aside from staff assigned to the Account Receivable / Collection Section of the Finance Department for internal control purposes.

g. Adjustments to Invoices

Whenever an invoice needs to be adjusted for any reason, the department originally requesting the billing shall approve the adjustment and the reason for the adjustment shall be entered into the Munis system.

h. Aging Process

All invoices that are filed shall be reviewed at 30, 60 and 90 days. Invoices are considered "past due" at 30 days. At 60 days a "final notice" shall be sent out and at 90 days, the account shall go to the Collections Section under the Treasury Division. All Grants related invoices, because they are never sent, do NOT get sent to Collections. Also, all miscellaneous County, State of CA and Rose Bowl Operating Company invoices do not get sent to Collections.

i. Journals to the General Ledger

The Munis System automatically generates journal entries to the general ledger.

j. General Ledger

Periodically (not less than once a month), staff in the Account Receivable Division of Finance shall verify that journal entries for accounts receivable were posted correctly to the General Ledger and document this verification in writing.

C. CITY OF PASADENA PURCHASING POLICY

Please click [here](#) to see the current version of the City's Purchasing Handbook.

D. PURCHASING CARD POLICY1. Purpose

The Purchasing Cards expedite the procurement process by enabling employees to purchase low-dollar materials and services with a procurement card.

The Purchasing Card expedites the procurement process by:

- Reducing the amount of paperwork required to make a purchase (requisitions, purchase orders, etc.)
- Reducing overall procurement costs by reducing process cycle time
- Improving customer and vendor relations by shortening the time required to pay vendors
- Expanding the local vendor pool by enabling employees to purchase items from vendors with whom the City does not have Blanket Purchase Orders or Vendor Contracts
- Providing an additional option for purchasing where other options are not feasible.

2. Authorities

- Pasadena Municipal Code Sections 4.08.040, 4.08.050, & 4.08.150
- Pasadena Charter Section 1004

3. Scope of Application

These procedures apply to all City employees authorized use of a Purchasing Card for purchases. Limits are determined by the Department Director and the Director of Finance. Other restrictions are stated in this policy.

4. Proceduresa. Issuance

Employees requesting a Purchasing Card shall complete a “Purchasing Card Request Form.” Once completed, the form shall be signed by the Department Head and send to the Purchasing Manager.

The employee requesting the Purchasing Card shall attend a mandatory Purchasing Card orientation prior to receiving the Purchasing Card. Purchasing Cards will be activated by the cardholder upon receipt of the card. (Activation procedures are explained in the Purchasing Card Program Manual.)

b. Spending Limits

There are TWO transaction limits placed on Purchasing Cards, which all include tax, shipping, and any other charges to the transaction. Purchases by the use of a Purchasing Card shall not exceed:

## SECTION 10 | FINANCIAL POLICIES

1. **Single purchase and transaction limit = up to \$3,000.00** (unless otherwise authorized by the City Manager)
2. **30-Day monthly purchase limit = up to \$15,000** (unless otherwise authorized by the City Manager)

Unique situations may arise where a required purchase exceeds a Cardholder's established limit. The Cardholder shall contact the Finance Director with such a request. The Director of Finance shall contact the Agency Program Coordinator to temporarily increase a Cardholder's spending limits.

**Single-purchase and transaction limit.** Every Purchasing Card holder has an individual single-purchase and transaction limit that may be up to but shall not exceed \$3,000. A single item shall not exceed \$3,000. The credit card company will not authorize purchases that exceed the limit.

**Daily limit.** The maximum amount a Cardholder may charge in one day. This enables the Cardholder to make more than one purchase on the same day. Please note that you are allowed only five (5) transactions per day.

**30-Day monthly limit.** In addition to a single-purchase and transaction limit, your Director or the Finance Director has established a 30-day monthly limit based on the anticipated purchasing needs of your department or division. The 30-day period corresponds to the billing cycle.

**Emergency Purchasing Cards.** In case of emergency, there are four Purchasing Cards issued to the City Manager, the two Assistant City Managers, and the Finance Director with limits determined by the City Manager (Section 4.08.150 of the PMC).

c. Use of the Purchasing Card

**Only the employee to whom the Purchasing Card was issued shall use that card. NO ONE ELSE may use your Purchasing Card, not even a member of the employee's:**

- Department
- Division
- Section
- Family

The Purchasing Card has been specially designed to avoid confusing it with your personal credit cards. It has your name and the City of Pasadena embossed on the front.

**Your Purchasing Card shall not be used for PERSONAL purchases. No exceptions.**

d. Compliance To Policy

An employee who has been issued a Purchasing Card shall comply with City purchasing policies and procedures when using the Purchasing Card. Questions about purchasing policies shall be directed to the Purchasing Division.

The following conditions shall be met when using the Purchasing Card:

- i. In addition to the general aforestated policy, before/when making purchases the employee shall follow your departments' procedures.
  - ii. ***The employee who has been issued a Purchasing Card may use the City's Purchasing Card for City use only.*** Violation of the authorized use of the Purchasing Card or loss of receipts or supporting documentation shall result in suspension or revocation of Purchasing Card privileges.
  - iii. Each transaction purchase may be comprised of multiple items; the total shall not exceed the limit on your Purchasing Card.
  - iv. Whenever possible, your purchase shall be made in the City of Pasadena. If you are making a purchase from a retail chain store (i.e. Target) that has a store in Pasadena, then the purchase must be made in Pasadena if at all possible.
  - v. The least expensive item that meets your basic needs shall be purchased.
  - vi. **An employee who has been issued a Purchasing Card SHALL NOT SPLIT ORDERS TO CIRCUMVENT THE PURCHASING THRESHOLDS. Splitting purchases to avoid single or maximum purchase limits could result in *personal financial responsibility* for the purchases and revocation of the card. For further explanation of "splitting purchases" and examples, refer to the Purchasing Card Manual.**
  - vii. An employee who has been issued a Purchasing Card shall be prepared to explain to his/her Approving Official and the Agency Program Coordinator purchases made with your Purchasing Card. If the employee cannot substantiate the purchases were necessary and for City use, the employee may be subject to disciplinary action.
  - viii. An employee who has been issued a Purchasing shall NEVER use the Purchasing Card when doing so requires the cardholder to agree/sign with a vendor's terms and conditions.
- e. Penalties

When policy violations by a particular cardholder are identified during the approving official's review of the monthly transactions, the following process shall be followed:

- If a single abuse occurs by a particular cardholder, a warning shall be issued and the Finance Director is informed in writing.
- In the second instanced of abuse, the Finance Director is notified and the card shall be suspended for at least one (1) billing cycle.
- In the event of any future violations, the card shall be canceled up to one year at the Finance Director's discretion.



## SECTION 10 | FINANCIAL POLICIES

Depending on the severity of the violation, the Finance Director alone or at the request of the Approving Official can skip all steps and suspend or revoke the purchasing card immediately and permanently. This applies to any recommendation of the Agency Program Official to the Finance Director as well. In this event, the Department Director will be notified that the card has either been temporarily or permanently revoked.

The Finance Director shall impose penalties for any of the following occurrences:

- If transactions are not reviewed in WORKS and provided to the Approving Official by the 5<sup>th</sup> business day of the month following the close of the billing cycle.
- Repeated cardholder abuse
- Improper documentation

The Director of Finance has the authority to rescind penalties.

When multiple penalties are imposed within a single department the following process will occur:

- At the first instance, a warning shall be issued to the Approving Official by the Finance Director.
- If corrective action is not taken after the second review, the Department Director shall be contacted and the cards for the entire department may be suspended for at least one (1) billing cycle.
- After the third review, cards may be canceled up to one (1) year.

f. Purchases

A Purchasing Card **may be used** to purchase:

- ☞ Materials and off-site services costing no more than \$3,000.00 that are not available by any other purchase method and;
- ☞ Materials and services that are no more than your single-purchase limit, *including* tax, shipping, and all other charges and;
- ☞ You *may* make purchases with the Purchasing Card on-site, by telephone, Internet, facsimile, or mail.

A Purchasing Card **shall not** be used to purchase:

- ⊗ Air Phone
- ⊗ Alcoholic Beverages or Purchases In Bars
- ⊗ Attorney Services
- ⊗ Cash Advances From Bank Tellers or ATMs
- ⊗ Cigarettes, Tobacco, Alcohol Products
- ⊗ Computer Hardware or Software (Unless Approved, in Writing and in Detail, by the Department of Information Technology )
- ⊗ Contracting for Any Kind of Public Works Construction
- ⊗ Court Costs, Fines, Bail and Bond Payments, Alimony, Child Support
- ⊗ Furniture Purchases

## SECTION 10 | FINANCIAL POLICIES

- ⓧ Gambling or Betting, Casino Gaming Chips
- ⓧ Government Loan Payments or Payments to any other Government Agencies
- ⓧ Insurance Claims and Payments
- ⓧ Materials and Off-site Services Costing More than the single purchase limit on your card
- ⓧ Materials or On-site Services Normally Considered Inappropriate for Purchase Using City Funds
- ⓧ Medical Payments (Psych evaluations, medical labs)
- ⓧ On-site services (services taking place on City property require prior approval of insurance)
- ⓧ Personal Items or services (Even If You Intend to Reimburse the City)
- ⓧ Political Organizations or Religious Donations
- ⓧ Savings Bonds
- ⓧ Security Brokers/Dealers
- ⓧ Tax Payments
- ⓧ Timeshares
- ⓧ Travel – except where approved by the Department Head at the time that the Purchasing Card was issued.
- ⓧ Wire Transfers, Money Orders, Traveler’s Checks or Foreign Currency, money grams
- ⓧ Utility Payments
- ⓧ Monthly bills/invoices
- ⓧ Onsite services

**ATTENTION:** The above items are strictly prohibited from purchase with a Purchasing Card. A Cardholder using his/her card for such purchases may be subject to disciplinary action.

g. Responsibilities

The Finance Director shall appoint an Agency Program Coordinator for the Purchasing Card Program. This position’s responsibilities are listed in the Purchasing Card Program Manual.

The Department Director shall appoint an Approving Official who is responsible overseeing department Purchase Card activity. The Approving Official shall receive monthly statements showing their Cardholders’ transactions. The Approving Official shall verify and authorize purchases made by Cardholders that report to them. The Approving Official shall report to the Agency Program Coordinator on the last day of every month.

An employee who has been issued a Purchasing Card shall be responsible for keeping his/her personalized Purchasing Card in a safe place to protect it against theft, fraud, and misuse. ***An employee who has been issued a Purchasing Card shall not lend his/her card or give his/her card number to any other person, not even to other City employees. Card holders are empowered to use the Purchasing Card for budgeted City use expenses only.***

On a monthly basis, (by the 30<sup>th</sup> of the month) an employee who has been issued a Purchasing Card shall reconcile their Purchasing Card purchases with their bank statement.

If an employee who has been issued a Purchasing Card is not at work when the bank statement arrives and is not available to reconcile it by the 30<sup>th</sup> of the month, that employee is to notify their Approving Official. The Approving Official or his/her designee shall reconcile the statement on the employee's behalf.

Intentional use of the Purchasing Card for any purchase other than official City use shall be considered an attempt to commit fraud against the City and grounds for immediate separation from the City of Pasadena.

Proof of fraud shall result in ***immediate cancelation*** of Purchasing Card privileges ***and disciplinary action***, up to and including ***termination*** in accordance with the terms of the policies of the City of Pasadena.


Should an employee inadvertently use his/her Purchasing Card for a personal purchase, the employee **must immediately** notify his/her Department Director and the Agency Program Coordinator.


Each Cardholder shall be required to sign a "*Purchasing Cardholder Agreement*".

h. Making, Recording, and Receiving the Order

Making and recording purchases, as well as receiving the order is explained in the Purchasing Card Program Manual.

i. Tracking Purchases

 Daily. As purchases are made, receipts shall be received from the vendor (for phone orders, ask the vendor to e-mail or fax the receipt to you).

 Monthly. *The card holder shall compare his/her Purchasing Card transaction receipts and Monthly Reconciliation Report to his/her Purchasing Card Statement of Account.* The card holder shall reconcile the bank statement as indicated in the Purchasing Card Program Manual on a monthly basis.

## SECTION 10 | FINANCIAL POLICIES

j. Handling Problems

If a problem should arise with a Purchasing Card, follow the procedures in the Purchasing Card Program Manual.

k. Lost or Stolen Cards

**When an employee's Purchasing Card is lost or stolen, the employee shall immediately notify:**

1. The bank (the number can be found in the Purchasing Card Program Manual)
2. The Police if a burglary, robbery, or other crime occurred
3. Employee's Approving Official
4. The Agency Program Coordinator
5. **Provide the following information to all parties:**
  - Employee complete name
  - Purchasing Card number
  - Date the loss was reported to Police, if applicable
  - Date the bank was notified
  - Any purchases made the day the card was lost or stolen

A new card will be re-issued by the bank within 15 business days from the time the card is reported lost or stolen. A new account number will be assigned to the employee's new card.

l. Approving Official Responsibilities

The Approving Official shall verify the monthly reconciliation by reviewing receipts, quotes, credits, etc., re-allocated funds per each separate line item for each cardholder statement.

The Approving Official for a Cardholder group shall be responsible for the following:

1. Insuring that the items purchased are appropriate and are used for City business.
2. Receiving completed Cardholder Statements of Accounts from all Cardholders in the group.
3. Matching the Statement of Accounts to the monthly Financial Statement received directly from Bank of America.
4. Reviewing all Cardholder Statements of Account and resolving questions that may have arisen regarding purchases. The Approving Official shall verify that the transactions and disputes are valid and agree with the City's Purchasing Policies and Procedures.
5. Signing each Cardholder Statement of Account. Department Directors will approve all reconciliations.
6. Promptly forward the monthly Financial Statement, receipts and completed Monthly Reconciliation Report to the Agency Program Coordinator by the 5<sup>th</sup> working day of the new month.

If you do not receive a Cardholder Statement of Account, it is the Approving Official's responsibility to contact the Cardholder. If a Cardholder did not have any Purchasing Card

## SECTION 10 | FINANCIAL POLICIES

transaction activity for that billing cycle, no Cardholder Statement of Account would be generated unless adjustments for previously billed transactions are processed during that cycle. In this case, contact the Agency Program Coordinator for assistance in securing a copy of the statement of account.

***Approving Officials shall be ultimately responsible for ensuring their Cardholders have:***

- Accumulated copies of sales drafts, charge slips, and sufficient supporting documentation for all purchases. (i.e. quotes)
- Reconciled sales drafts and charge slips for their monthly statements

Both the Cardholder and the Approving Official shall attest that all charges on the monthly billing statement are allowable purchases based on City policy. Upon approval, the statement and the supporting document shall be forwarded to the Purchasing Division.

How to change cardholder information, cancel a purchasing card, replace a purchasing card and who to call for assistance can be found in the Purchasing Card Program Manual.

E. FEE WAIVER POLICY

1. Purpose

The City of Pasadena recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. In an effort to provide support for organizations providing valuable community services that the City would otherwise provide or is unable to provide, and to provide uniform, consistent guidelines for a Fee Waiver Request within the City, the following policy has been established for determining when permit and facility fees may be waived.

2. Authorities

City Council Action (11/23/1998)  
City Manager

3. Scope of Application

These procedures apply to events that are co-sponsored by the City of Pasadena.

4. Policy

The City of Pasadena may choose to co-sponsor an event if certain criteria are met as listed below. The City of Pasadena will only agree to limited participation as outlined below.

a. Definition

In co-sponsoring an event, the City shall agree to:

- Put the City name on the event;

## SECTION 10 | FINANCIAL POLICIES

- Grant specified fee waivers and permits;
- Assign a staff person to coordinate fee waiver and permits;
- Provide limited additional support (such as printing flyers or advertising the event in City publications) at the discretion of the City Manager.

b. Possible Fee Reductions or Waivers

Fees waivable through co-sponsorship shall be limited to:

- cleaning deposits;
- facility rental fees for community centers; and
- recreational fields.

If the organization is a non-profit, it shall be eligible for reduced fees for:

- rental of City Hall courtyard and rotunda;
- barricade rental fees;
- temporary street closures/special event permits.

c. Criteria for Co-sponsorship

The City may co-sponsor special events meeting the following criteria:

## i. The event is sponsored by:

- A non-profit with current 501 (c) 3 status that provides direct services or funds to residents and businesses in Pasadena in an amount equal to or greater than the dollar value of the fees waived; or
- A for-profit organization proposing an event that will return profits in the amount equal or greater than the value of the fees waived, as follows:
  - For events conducted at a City park or related site, the share of profits will go to the Pasadena Recreation & Parks Foundation
  - For events conducted at City libraries, the share of profits will go to the Friends of the Library.

## ii. The event sponsor shall demonstrate that the organization has the experience and expertise to undertake the planning and execution of the proposed event.

## iii. The event sponsor shall demonstrate that the event is consistent with City policy and goals.

## iv. If sponsored by a for-profit organization, the event sponsor shall demonstrate that the event will produce the proposed amount of revenue. Documentation that the required event profits were transmitted to the beneficiary must be submitted to the Special Events Office within 90 days after the event. Documentation may include a copy of the letter

## SECTION 10 | FINANCIAL POLICIES

and payment sent by the for-profit organization or a letter from the recipient organization acknowledging the donation amount. Please submit this completed application to your event coordinator.

- v. Priority for the co-sponsor of special events shall be given to local non-profit organizations delivering services in Pasadena.
- vi. Providing an “earnings opportunity” to a foundation of non-profit organization (e.g. allowing a non-profit group to retain earnings from a concession operated by that non-profit) does not qualify for City Co-Sponsorship.
- vii. Co-Sponsorship applications shall be submitted no less than 30 days prior to the event.

Any organization interested in applying for co-sponsorship shall fill out a “City Co-Sponsorship Application”. Special Events staff shall forward the request to the appropriate department for consideration and then onto the City Manager’s Office for final review. Decisions of the City Manager may be appealed to the City Council.

d. Condition to Waiver

Fees associated with the use of City facilities are set by formal City Council action in the form of Ordinances or Resolutions. These fees can only be waived if a provision was made by the City council when the fees were established in the General Fee Schedule.

Neither the City Manager nor City staff has the authority to waive any fees other than those listed in the general Fee Schedule. Any additional fee waivers would require action by the City Council. The City Council may not waive fees for a particular event, but rather must waive fees for a general category of events through enactment of an Ordinance or adjustment to the Fee Schedule through Resolution.

F. DONATION / GIFT POLICY

1. Purpose

The purpose of this policy is to establish a formal process for acceptance and documentation of donations and/or gifts made to the City of Pasadena. This policy provides guidance when individuals, community groups, and businesses wish to make a donation to the City of Pasadena. This policy also establishes the standards for City employees and City officials regarding the acceptance of gifts during the performance of City business.

This policy is not intended to modify, contradict, or interfere in any way with the Taxpayer Protection Article, Section 1700 et al. of the Pasadena City Charter.

2. Authority

City Manager

### 3. Scope of Application

These procedures apply to all City Council, Appointed Officials and employees.

### 4. Policy

#### a. Types of Donations

Donations and gifts are defined as cash and real or personal property. Designated donations mean those donations that the donor specifies for a particular City department, location, or purpose. Undesignated donations mean those donations that are given to the City for an unspecified use.

#### b. Consistency with City Interests

Designated donations shall only be accepted when they have a purpose consistent with the City of Pasadena's goals and objectives and are in the best interest of the City of Pasadena. The public trust shall always be considered and all applicable laws shall be complied with when accepting a donation or gift.

#### c. Acceptance of Undesignated Donations of Cash of Tangible Items

- i. Offers or donations of cash or items valued at \$5,000 or below may be accepted by a Department Director.
- ii. Offers of donations of cash or items valued for more than \$5,000 and up to \$10,000 may be accepted by the City Manager.
- iii. Offers of cash or items valued more than \$10,000 must be accepted by the City Council. Donations valued at more than \$10,000 shall be accepted through a written agreement consistent with these guidelines, reviewed by the City Attorney's Office, and approved by the City Council.
- iv. Offers of donations for gratuitous purposes (e.g. holiday gift baskets, etc.) to any employee, department or the City shall be made available to benefit all employees.

#### d. Acceptance of Designated Donations of Cash or Tangible Items

Based on the value of the donation or gift offer as outlined in the section above, appropriate City staff will review the conditions of any designated donation or gift and determine if the benefits to be derived warrant acceptance of the donation or gift.

Criteria for the evaluation include but are not limited to:

- i. Consideration of an immediate or initial expenditure is required in order to accept the donation or gift;



## SECTION 10 | FINANCIAL POLICIES

- ii. The potential and extent of the City of Pasadena's obligation to maintain, match, or supplement the donation or gift

- e. Acknowledgment of Donations

A "Donation Acceptance Form" is required to be completed by the receiving Department Director or the City Manager's Office for all donations provided to the City (see form attached). Acknowledgment of the donation should be in writing and be the responsibility of the Department Director whose department is the beneficiary of the donation, the City Manager, or the City Council depending on the value of the donation or gift and the level of accepting authority.

- f. Declined Donations and Gifts

The City of Pasadena reserves the right to decline any donation if, upon review, acceptance of the donation offered is determined in the sole discretion of the City to be not in the best interests of the City.

- g. Distribution of the Donation or Gift

- i. Tangible items will be distributed to appropriate City departments for use or, at the discretion of the Department Director or City Manager.
- ii. Donations of cash for designated purposes will be deposited into the appropriate revenue account for the designated City department and/or use.
- iii. Donations of cash for undesignated donations will be deposited into the City's General Fund donation revenue account and appropriated for use by the City Council.

- h. Dissemination of Information

- i. A copy of each "Donation Acceptance Form" for accepted donations shall be forwarded for information purposes to the City Council by the City Manager's Office.
- ii. A copy of each "Donation Acceptance Form" for accepted donations shall be forwarded to the Finance Department and the designated department for which the donation was assigned.
- iii. Each original "Donation Acceptance Form" shall be maintained by the City Clerk's Office.

- i. Acceptance of Gifts to Employees and /or Elected Officials of the City of Pasadena

- i. Employees and/or elected/appointed officials of the City of Pasadena shall follow the provisions of the Manual of Personnel & Administrative Rules, Section 2. A. Code of Conduct/Ethics as they relate to the receipt of gifts.

## SECTION 10 | FINANCIAL POLICIES

- ii. Employees and officials of the City are required to be objective and fair in dealing with the public and persons or firms doing business with the City. Employees shall not solicit or accept gifts or gratuities for the performance of the City job responsibilities.
- iii. No City official or employee shall directly or indirectly solicit, accept, or attempt to accept any money, fee, credit, gift, gratuity, object of value, or compensation of any kind that the official or employee knows, or has reason to know is being offered:
  - For the purpose of improperly obtaining or regarding favorable treatment;
  - With interest to influence the official or employee in the discharge of official duties;
  - In consideration of having exercised official powers or performed official duties.
- iv. This policy does not prohibit a City official from accepting anything of value by way of a gift when such a gift is made to and accepted on behalf of the City of Pasadena. All such gifts to the City shall be forwarded to the Department Director or the City Manager for compliance with this policy whenever possible to ensure that all such gifts are shared by all City staff. An example of such gifts would be those received during holiday periods.

**CITY OF PASADENA  
DONATION / GIFT ACCEPTANCE FORM**

Name of Donor: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: Zip: \_\_\_\_\_

Description of donation: \_\_\_\_\_  
\_\_\_\_\_

Donor estimate of current value: \_\_\_\_\_

Potential immediate or initial acquisition or installation cost, an on-going maintenance or replacement cost: \_\_\_\_\_

Intended use: \_\_\_\_\_  
\_\_\_\_\_

Conditions of acceptance or donor designation: \_\_\_\_\_  
\_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

City Department receiving donation/gift: \_\_\_\_\_  
\_\_\_\_\_

**APPROVED / DISAPPROVED** (Please circle)

Date Department Head Signature

\_\_\_\_\_

Date City Manager Signature

\_\_\_\_\_

Date Approved by City Council

\_\_\_\_\_

Date Mayor Signature

Note: The City of Pasadena cannot guarantee future funding for repair, maintenance, us or replacement of donated items.

CC: City Council, Finance Department, City Clerk

G. CONTRACT MANAGEMENT POLICY1. Purpose

Contracts fall into two general categories: Administrative and General Contracts. Each of these categories is used for a specific purpose as outlined by the policy and procedures below.

2. Authorities

- Pasadena Municipal Code Section 4.08
- City Manager

3. Scope of Application

These procedures shall apply to all City employees involved in negotiating, writing, approval of, administrating, and coordinating payment of City contracts.

4. Policya. General Contracts

This contract is for a service or commodity that is going to utilize a purchase order to invoice against the entire amount. The attached documents will support the thresholds for the selection of a vendor and/or any exemptions.

These contracts are not to exceed and do not encumber. They are encumbered with a purchase order.

Approvals for the purchase order shall still be required per the thresholds directed in Section 4.08 except for Council if the contract was already awarded by Council. Change orders for contracts shall require all approvals per 4.08 including Council approval.

Once the vendor has been selected with the terms and pricing in place, the City Attorney may assist with the development of the contract. If, in the selection of the vendor, another government contract was chosen to be utilized, the Purchasing Division shall be consulted to review and confer as to the best way to utilize the contract and process the terms and conditions taking into consideration the department's needs.

When this exemption is selected to be used, the City Attorney may also be consulted as to the acceptance of terms and conditions and any other concerns.

The contract package shall also contain documents that are required by the City for other types of stipulations such as insurance, prevailing wage, etc., and any other necessary documents, i.e. bonds, reports. If a contract has not been approved by Council as a General Contract type, it shall be the department's responsibility to represent that classification to the Purchasing Division for the final determination.

## SECTION 10 | FINANCIAL POLICIES

At this point, the department is ready to proceed with the contract process.

All contracts of \$75,000 or more require City Council approval.

The Requesting Department shall enter the contract and all supporting documents, including the terms and conditions, in the Munis system, beginning the workflow process of review. The department, upon entry, shall also designate the intended use of this contract. The requesting department shall designate during entry if the contract is to utilize a government contract, citywide contract, or a contract exclusively for the department, whatever is the case.

b. Citywide Contracts

Citywide Contracts are those issued to a single vendor, contain an overall dollar amount, may be used by various departments, divisions, or for various projects. The funds on the contract remain unencumbered until a purchase order is issued against the contract. Various departments or divisions may each enter a regular purchase order based on their expected use to encumber and invoice against the contract. The intended use of the Citywide Contract could also be to issue purchase orders representing a variety of projects where that service or item is needed departmentally or citywide, i.e. "as-needed engineering."

Prior to entering a Citywide Contract into the system, the Purchasing Division or the initiating department/division shall send out a note to solicit dollar amounts from those departments/divisions that want to participate in that contract based on the provided information regarding the contract.

The Citywide Contract is entered into the system by the Purchasing Division or the initiating department or division, and the contract number is automatically assigned. It shall then be reviewed by the Purchasing Division for accurate classification and supporting documents. The contract circulates electronically through workflow to include the oversight of the necessary reviewers ending with the Purchasing Division, which posts the contract.

Upon full approval, the initiating department shall print a hard copy of the approval page from the Munis System. Then circulate the printed approval page along with the hard copy contract for wet signatures on the signature page of the contract. Once the contract has been signed, return the wet signature page to the Purchasing Division to be electronically attached to the contract in the Munis System. Once the signatures are attached, the Purchasing Division shall "POST" the contract. Either the Purchasing Division or the initiating department/division, shall notify other potential users of this contract's availability. The contract number shall be referenced on all requisitions/purchase orders issued against the contract.

Once the contract has been "POSTED", the department or division can then enter a requisition/purchase order with associated contract number along with the dollar amount to be encumbered. This could be several purchase orders immediately or over the course of the contract.

c. General Contracts

General Contracts are also used for managing a purchase order spanning multiple uses (as in an “as-needed” engineering contract purchase order), or multiple years for management of expiration dates and fund balances (as in equipment leases, MOU’s, agreements). This also allows for an accurate picture of the City’s long-term commitments.\*

When processing a purchase order associated with any General Contract, the only further approvals that are necessary are those of the department levels within the workflow. This is to confirm the accuracy of the content of the purchase order. Regardless of the dollar amount of the purchase order, there is no need for a return to Council. A purchase order attached to a contract shall not act as a contract. There is already a contract in place. Insurance shall be confirmed for expiration dates on subsequent purchase orders. When an agenda report was used for Council action in generating the contract, that agenda report shall also be attached to the purchase order.

d. Administrative Contracts

These contracts shall be encumbered and invoiced directly. No purchase order is needed.

This contract type is for the fundamental functions, professional needs or items of confidentiality for the City such as: real estate, legal, medical, insurance, utilities and a direct contract with another government agency.

Administrative Contracts shall be established directly by the department and the City Attorney. The Purchasing Division is exempt regarding the creation of the contract or supporting documentation. For that reason, they are also exempt from the bidding and selection process found within the Purchasing ordinance 4.08. This process may be utilized as a “best practice” decision as is pertinent. If, in the selection of the vendor, another government contract was chosen to be utilized, the City Attorney shall be consulted as to the acceptance of terms and conditions and any other concerns. The contract may then be approved by Council, and any exemptions that are needed are attached with the supporting documents in the contract package upon presentation to Council.

Upon Council award or the department’s determination of the need for the contract, the requesting department shall enter the contract and all supporting documents into the Munis system to start the workflow and receive the contract number. The Purchasing Division review is ONLY for accurate classification (Administrative or General). If a contract has not been approved by Council, it shall be the department’s responsibility to represent to the Purchasing Division their determination as to the Administrative type. The Purchasing Division shall make the final determination.

The Administrative Contract circulates through workflow ending with the Purchasing Division to “POST” the contract. The dollar amount shall be encumbered, and invoices shall be applied directly against the contract by using the contract number on all invoices. No purchase order shall be issued.\*

\*If a service or item is being acquired from a vendor that would be considered “Administrative or General Contract” but there is no formal contract in place, the Purchasing Division shall be contacted for assistance on how to proceed. The options could be:

## SECTION 10 | FINANCIAL POLICIES

- An internal contract cover sheet (IC) may be used to obtain the signed agreement to the City's Terms and Conditions, and Agenda Report will act as the direction for the contract, or
- A purchase order may be entered and used if the vendor requests it, even on an Administrative Contract.

Much will depend on the dollar amount and type of use. These exceptions may require the permission of the Finance Director. That will be the Purchasing Division's determination.

e. Authorized Types of Administrative Contracts

- i. Payment of monthly **utility bills** (including without limitation landline/VoIP telephone service with designated provider, electricity, gas and water bills), where the initial agreement for service between the City (or Customer) and the utility provider pursuant to which the bills are issued was approved by the Director of Finance, City Manager or the City Council;
- ii. Payment of monthly, annual or other periodic **insurance** premiums, where the City's (or Customer's) purchase of the insurance policy for which such premiums are due was approved by the Director of Finance or the City Council;
- iii. Any installment or lump-sum payment for the **purchase or lease of real property**, or for the **acquisition of easement rights or similar property rights**, where the purchase agreement, lease, rental contract, easement deed or other written Contract pursuant to which that payment is made was approved by the City Council;
- iv. Payments to the County of Los Angeles or to other local, state or federal **government entities, organizations, or grants (service, non-profit) and their program contractors**, for professional services rendered to the City under Contracts authorized by the Department Director, City Manager or City Council. (This shall be for services such as, grants designating a specific vendor, community programs contracted by the City to supply assistance with various services, grants, etc. HIV clinics, homeless programs, reading programs, medical clinics, food banks)
- v. Payments for **legal services** (notary, public records notices, service of documents)
- vi. **Medical payments** (physicians, labs, Worker's Compensation, etc.) as approved by the Department Director, City Manager or City Council


f. Change Orders for Contracts or Purchase Orders

When obtaining approval for a change order for a contract or purchase order, the same thresholds and approvals found in the municipal code 4.08, and/or those taken in the generation of the initial contract or purchase order, shall be in effect. The Change Order shall be entered electronically by the originating department for the contract or purchase order, within the Munis system, and it is routed through workflow for approval/review.

SECTION 10 | FINANCIAL POLICIES

A change order for a purchase order associated with a contract may also require a change order to the associated contract. An example would be where the contract, associated with the purchase order, had expired or did not have adequate funds for the purchase order to expense.



Effective Date: January 30, 2019	Supersedes: November 16, 2015
City Manager Approval: 	

#### H. CASH HANDLING POLICY

##### 1. Purpose

Managing and controlling the inflows and outflows of payments is an important responsibility of the Finance Department, Treasury Division and all other City departments which accept payments. A policy governing all types of payments allows for the effective management of the City's revenues and aids in the defense against fraud and/or loss.

##### 2. Authorities

- Pasadena Municipal Code Section 2.255.070
- City Manager

##### 3. Scope of Application

These procedures apply to all employees who are responsible for the acceptance of payments and handling cash for the City of Pasadena.

##### 4. Policy / Procedures

###### a. Custodial Responsibility

A cash handler shall be any employee who has *custodial responsibility and liability* for the City money.

Custodial responsibility means a cash handler who has received City money shall be liable for that money until the money is transferred to the Finance Department or is deposited at the City of Pasadena's banking account. The Department's cash handlers will be liable for that money and shall be responsible to obtain a receipt for all money transferred to the Finance Department or Municipal Services.

All persons who have custody of money payable to the City in any capacity will immediately "within twenty-four (24) hours" deposit that money with the City Finance Office.

The custodial responsibility of the cash handler ceases once the money has changed hands from the designee to the courier picking up the deposit.

All cash handlers shall be knowledgeable of and in compliance with their department and the City Finance Office's policies and procedures issued by their department, the City Finance Office, or the City Manager.

b. Security of Cash

- i. All cash items and the cashier area itself shall remain locked at all times.
- ii. Never allow unauthorized persons in the cashier area.
- iii. Never leave cash items or other confidential items on the counter when you leave your workstation.

c. Cash Drawers

A cash draw shall be setup in the following manner:

- i. Coin and currency shall be arranged in a consistent manner. The cash drawer is divided into separate compartments for different denominations. The small denominations shall be located closer to where you position yourself. The larger denominations shall be farther away. This setup helps prevent the accidental distribution of incorrect denominations.
- ii. A cash handler shall verify the dollar amount of beginning cash. Denomination and coin count shall be listed on a Cash Drawer Reconciliation sheet (Appendix A), signed, and dated.
- iii. Monitor Cash Drawer. A cash handler shall be responsible for the following:
  - Excess currency in a cash drawer will be counted twice, bundled (see Page 14, “Bundling Currency for Deposit”), and transferred to a safe within a deposit bag. Keeping the amount of working cash to a minimum makes a cashier less of an inviting target for robbery. Cash drawer limits for each City location that accepts cash shall be set by the department.
  - Ensure large check amounts are deposited same day.
  - Lock all cash and coins in the safe or in the cash drawer except when in use.
  - Never leave the cash drawer unattended.

The cash operation in which you work shall have a permanent collection record, such as a cash register tape, that records all transactions including voids or refunds. This permanent collection record shall be retained.

d. Receiving and Paying Out Money

- i. When **receiving or paying out money** to customers, a cash handler shall ensure accuracy by always counting currency at least twice or until you have reached the same total twice. All the bills shall be separated into denominations and facing in the same direction, counting largest denomination to the smallest. Count each denomination of coin

## SECTION 10 | FINANCIAL POLICIES

separately. If the customer pays with rolled coins, a cash handler shall make certain the customer's name, address, and daytime telephone number is on the outside.

- Money received shall be kept in view of the customer.
  - Money received shall not be placed in the cash drawer before the transaction is complete.
  - The grand total paid shall be verified against the amount listed on the billing or invoice. If any discrepancies exist between your total and the customer's total, the cash handler shall count the money again. If a discrepancy still exists, the customer shall be asked to count the money.
  - The money shall be counted again at the end of your transaction before it is placed in your drawer.
  - The cash handler shall put away all currency and coins from the last transaction before starting a new transaction.
- ii. When giving **change** to the customer, the change shall be counted twice. The cash handler shall count currency as it is taken out of the drawer. The cash handler shall count again as he or she places the currency on the counter in front of the customer.
- iii. **Currency is mutilated** whenever it is torn, written on, missing a portion, or otherwise damaged. Coins are mutilated whenever they are bent, worn, broken, or otherwise damaged. A cash handler may ask for another bill if a customer offers a mutilated bill. If the customer cannot substitute the bill, the cash handler may accept mutilated currency as long as the bill is more than 60% intact (or  $\frac{3}{4}$  of the two serial numbers).
- iv. **Altering currency** is done by taking a genuine bill and tearing off a corner or two of a small bill such as a \$1 or \$5 bill and then replacing these corners with the corners of a larger bill such as a \$10, \$20, or \$50 bill.
- The cash handler shall observe the face of the bill, as he or she counts to ensure correct denomination. The cash handler shall remain vigilant to the possibility that the corner of a bill of a larger denomination may have been taped onto the corner of a bill of a smaller denomination
- v. In addition to keeping the below factors in mind, a money scanner that identifies **counterfeit currency** is located at each Cashier Window in Municipal Services. Depending on the volume of large bills, each department that has a location that accepts payments should access its need for a money scanner. It is recommended that the cash handler use this as an additional means of detecting counterfeit bills when available on denominations of \$20 or higher. Look at the micro printing in the border and in Ulysses Grant's shirt collar in the \$50 note. (In the \$100 note, micro printing is found in the numeral in the note's lower left-hand corner and on Benjamin Franklin's lapel.)

## SECTION 10 | FINANCIAL POLICIES

- Paper – genuine U.S. currency is printed on special paper that is part cotton and part linen. Close inspection reveals randomly-placed, hair-like red and blue chopped silk fibers impressed in the paper.
- Portrait – the genuine portrait looks lifelike and stands out distinctly from the fine screen-like background. Counterfeit portraits look more one-dimensional, lifeless and flat.
- Serial Numbers – on genuine currency, the last letter of the serial number corresponds with the number of the Federal Reserve District in which the bill was distributed and with the number printed in the upper left portion of the bill.
- Watermarks – a watermark of the portrait is visible when the bill is held up to light.
- Security Thread – a polymer thread embedded vertically in the paper indicates the denomination, which is visible when the bill is held up to light.
- Color Shifting Ink – on denominations greater than \$5, the numeral on the lower right on the front looks green when viewed straight on but black from an angle.
- Dealing with Counterfeit Money. Most counterfeit money will not be detected until it reaches the Federal Reserve Bank. If the cash handler thinks he or she is in receipt of counterfeit money:
  - Excuse yourself from the customer without indicating a problem.
  - Contact your department lead.
  - Do not return the bill to the passer.
  - Run the bill through the bill counter which can identify counterfeit money.
  - If bill is counterfeit, contact Pasadena Police Department and surrender the bill to the police.
  - Describe the passer and any others accompanying the passer.

e. Checks and Check Cashing

- i. A check is used to transfer funds from one party to another. The drawer or payer is the party issuing and signing the check. The drawer may be one or more individuals acting on their own behalf, or the drawer may be one or more individuals authorized to act on behalf of a company, corporation, partnership, or municipality. The payee is the party to whom payment is made.

Cash handlers shall adhere to the following in relation to checks and check cashing:

- No cash back shall be given for a check transaction, because that constitutes a loan of City funds.
  - No two-party checks (checks made payable to one party and endorsed to the City) shall be accepted.
  - No checks drawn on foreign currency shall be accepted.
- ii. The payee shall be the City of Pasadena. This payable method is important, in that checks made out to specific departments can confuse depository banks, as for example, a check made out to “Parks Department’ could be misinterpreted as the Parks Department of another City who is a customer of the bank.
- iii. Types of Checks:

Personal Checks: Personal checks are the most common type of check. Personal checks belong to people who maintain demand account balances at banks.

Company Checks: Company checks may appear similar to personal checks; however, they may have a carbon paper strip attached for the companies own bookkeeping system. Company checks may also have stubs or copies attached. Notice if there needs to be multiple signatures on the check, or if the check says, “not valid over \$ \_\_\_\_\_.”

Cashier’s Checks: This is a check drawn by a bank on its own funds, usually purchased by the bank’s customer. Since only the failure of the bank would cause the bank not to honor such checks, they are accepted as readily as currency.

Personal Money Orders: A personal money order is a check purchased by a customer from a vendor for cash. When issued, it shows the drawee bank and the amount. The purchaser fills in the date, the payer, and the payee’s name and address. Banks usually restrict the maximum amount for which they will issue a money order. This amount is usually printed on the face of the money order. For example, on the money order the words “Not to exceed \$300.00” may be printed. Money orders are also accepted almost as readily as currency.

Traveler’s Checks: These checks are designed for use by persons on business or vacation trips, but are also used in other situations. They are signed on the face of the check when purchased and countersigned when cashed, either on the face or on the back. When using a traveler’s check at a City facility, the customer must countersign and write in the payee in the presence of the cashier. Traveler’s checks should be stamped with the endorsement and placed with the other checks. **The City of Pasadena cannot accept traveler’s checks drawn on foreign currency.**

***Note: Traveler’s Checks are treated like currency and change is given to the customer for the amount over the purchase.***

## SECTION 10 | FINANCIAL POLICIES

- iv. Check Negotiability. There are six elements a check needs to have to be negotiable. Before accepting a check from a customer, verify that the check has all of these elements:
- Current date: The check must have a current date. The check should neither be stale dated nor postdated. A stale-dated check is a check dated in the past. A check dated with a future date is a postdated check.
  - Payee: City of Pasadena.
  - Signature: The check must be signed by the payer. A payer is the individual paying for goods or services.
  - Dollar amount: The dollar amount must appear twice. It must be both written out and printed numerically. A bank honors the written out amount when there is a discrepancy between the two amounts.
  - Bank: The check must be drawn on a bank whose name appears on the check.
  - MICR numbers: Magnetic Ink Character Recognition (MICR) numbers are pre-printed at the bottom, left-hand corner of the check.
- v. Check Endorsements. All checks shall be endorsed upon receipt using the official City stamp, which shall be made available to designated employees, or through the Core receipt printer. The endorsement is stamped in the first 1.5 inches on the back of the check on the trailing edge.
- vi. Identification. At this time, there is no citywide policy requiring identification from citizens or customers other than for Credit Card transactions or when signing up for new utility service. Checks can be accepted without an ID.

If the cash handler is selling “an irretrievable item” such as pool or transit passes, the cash handlers shall require a form of identification as described in the next paragraph. If a citizen pays a utility bill and the check is returned for insufficient funds, the check can be charged back to that person’s utility account. If a person buys merchandise with a check that is later returned by the bank, there is no way to retrieve the merchandise.

If identification is taken, it shall be picture identification such as a California State Driver’s License or California State ID card. If you ask for ID, write CDL or CID on front top-center of check a long with the ID number and expiration date. Do not accept expired identification.

f. Credit Card Transactions

i. Walk-in payments

The cash handlers shall:

- Verify that the credit card has not been altered in any way.

- Take the card and hold the card until the transaction is complete.
- Ask for photo ID. Do not accept expired ID. Compare the picture to the person in front of you. Compare names on the card to ID.
- Slide the card through the credit card terminal to acquire authorization number. If the magnetic strip malfunctions, input the number into the terminal manually.
- Verify the expiration date on the card.
- Have the customer sign the credit card receipt and compare the signature with the one on the card.
- Hand the card back to the customer to complete the transaction.

**It is prohibited to store the full contents of any track from the magnetic stripe or the card-validation code.**

ii. Telephone payments.

The cash handler shall:

- Take down the card number and expiration date.
- Record billing address of the card.
- Obtain card holder's name as it appears on the card.
- Write down the card validation code (last 3 or 4 digit number after account number located in the signature bar on the back of the card).
- Write a reason for the transaction, for example, Utility Billing, Parking Citation, etc.
- Manually enter the information into the credit card terminal to acquire the authorization number.
- Attach the signature form to the credit card receipt.
- Shred card number after the transaction is complete. It is prohibited to store the full contents of any track from the magnetic stripe or the card-validation code.

In all cases, once the transaction has been completed, the authorized credit card receipt should be handled similar to a personal check and processed during the cashier's daily closing process. Once, the credit card transaction has been approved all details of the credit card number should be shredded immediately.

## SECTION 10 | FINANCIAL POLICIES

g. Refunds/Voids

All refunds, voids, credit memos, transfers, etc. shall be approved by a supervisor or designated employee.

h. “Non-Government” Money

Some departments collect what is called “non-Government” money. “Non-Government” money is money collected from a separate entity such as employee associations; or by an office, employee or agent for non-Government use. The City of Pasadena and its cash handlers are not responsible for these funds and will not reimburse for any loss of these funds. To the extent possible, such funds should be segregated from the cash handler’s cash drawer funds.

i. Closing Activity

i. At the end of the workday, the cash handler will document the entire City monies received as follows:

- Balancing of cash drawer
- Removing ending cash to the safe or vault
- Reporting to the Treasury Office all monies received.

Remember maintaining your accountability and integrity is of vital importance. Do not leave your money unattended until it is secured in the safe or vault. Be sure the safe or vault is locked.

ii. Balancing Cash Drawer

At shift closing, the cash handler needs to account for all increases or decreases of cash in the cash drawer. This process is referred to as balancing – the accounting of all City funds received that day.

Balancing involves the adding of currency, coin, credit cards, and checks, determining the dollar total received from the permanent record, subtracting the Beginning Cash and comparing the total money with the total transactions. These two amounts should be the same.

To protect your safety, balancing should occur out of public view in a location away from the collection area. The following is the recommended steps in balancing cash drawers:

- Print all Daily Cash Receipt reports documenting individual transactions throughout the day.
- Remove all cash (currency, coin, credit card drafts, and checks) from the cash drawer.
- Cash handlers will list all credit card slips and checks on an adding machine tape transferring total to the Cash Drawer Reconciliation sheet. Checks will be restrictively



## SECTION 10 | FINANCIAL POLICIES

endorsed as discussed in section – “Check Endorsement”, prior to their removal from the cash drawer.

- Cash handlers will then “buy” from the remaining cash on hand to bring the change fund (opening cash drawer amount) back to the original starting amount obtained when opening cash drawer in the preferred mix of currency denominations as determined by cashier’s department.
- Count remaining currency and coin and list by denomination on a Daily Cash Drawer Reconciliation sheet. The remaining cash amount added to the credit card drafts and checks should equal the Daily Cash Receipt reports.
- Seal money with Cash Drawer Reconciliation sheet, adding machine tape for checks and credit cards, Daily Cash Receipt reports, and any other backup documentation.

iii. Bundling Currency for Deposit

Bundle currency as follows:

<u>Denomination</u>	<u>Number of Bills</u>	<u>Value</u>
\$1.00	100	\$100.00
\$5.00	20	\$100.00
\$10.00	10	\$100.00
\$20.00	100	\$2000.00
\$50.00	20	\$1,000.00
\$100.00	10	\$1,000.00

iv. Shortages/Overages/Losses

The City Finance Director makes a clear distinction between a “loss” and “shortage” of City money. The distinction is determined by the cash handler’s ability to obtain physical custody of the money and how that person safeguards the money.

*A Shortage is an unintentional collection error such as a change making error.*

*An Overage occurs when a cash handler has collected too much money and cannot immediately return the excess to a specific customer.*

On the other hand, a loss of City money is when a cash handler has obtained physical custody of money and then, due to reasons like negligence or an unlawful action, cannot deposit that money with the City Finance Department. An example of negligence is leaving City money unattended and not properly safeguarding that money from loss.

## SECTION 10 | FINANCIAL POLICIES

Report all Losses to your supervisor and the Finance Director or his/her designee immediately. Send to the Finance Office a detailed statement as to the circumstances of the Loss.

v. Locating Cash Differences

Every reasonable effort will be made to locate and balance all cash differences. Regardless of the amount of the overage/shortage, always follow these steps:

- Recount loose coin and/or currency as appropriate to the amount of the difference.
- Check cashier's beginning cash figure.
- Rerun and recheck all figures on the permanent Daily Cash Receipt reports. Compare checks and credit card drafts with the permanent record specifically.
- If a shortage exists, search the cashier's area. Remove the cash drawer and search the space, including behind the drawer stop.
- Examine the waste paper in the cashier's area for cash, checks, credit card receipts, etc., and other papers relating to the transactions of the day.

vi. Security and Loss Prevention

Municipal Services shall check quarterly that security equipment is operational. Make sure all security surveillance cameras and alarms are working properly. There shall be permanent records of all such inspections indicating the findings. (e.g. "all equipment working properly", "camera number xx was out of focus but the condition has been corrected", etc.)

The opening and closing of the daily operations is the most vulnerable time for a robbery. Cash handlers shall use caution by not allowing customers into the facility during the cash opening or closing.

Robbery is the most threatening condition a cashier might experience. You can minimize the threat of robbery by:

- Have good lighting both inside and outside the facility.
- Have numerous people in and around the location – the thief wants to confront as few people as possible.
- Be aware of suspicious people milling in or around the location
- Keep cash drawer locked if you need to leave area for any reason
- Do not keep excessive cash in your cash drawer.

**Preservation of life and safety is the highest priority. In the case of robberies, the cash handler's objective shall be to assist in identifying the criminal, not to stop the crime.** In case of in-person robbers, the cash handler shall observe the following procedures:

- Always assume there is a weapon even if you do not see one.
- Be polite and accommodating. A nervous person is committing the robbery. Do not upset or antagonize the robber.
- Avoid making any quick movements that might alarm the robber.
- Do exactly as the robber asks.
- Attempt no heroics. Heroics may jeopardize the lives of innocent people.
- Observe the robber but don't stare. Try to remember the distinguishing features of the robber. You will be asked to describe the robber at a later date by completing a Pasadena Police Department crime report.
- Watch over all evidence left by the robber. Remember everything the robber touches for possible fingerprints
- Listen to voice, inflections, names, slang, and so on that the robber uses.
- Do not leave the premises or call 911 until it is safe to do so.

vii. Procedures to Follow After a Robbery

Once the robber has left the building, call 911:

- Close the cashier window, secure the area if possible, and notify your supervisor about the robbery.
- Call 911 and follow dispatcher's instructions. Provide 911 with the following information:
  - Your location (know the street address at which you accept cash)
  - Who you are
  - What happened
- Speak to no one, other than City officials, until you have talked to the police and have completed a crime report.
- You may be asked to take the names and addresses of those who witnessed the robbery

## SECTION 10 | FINANCIAL POLICIES

- No one, except the police and perhaps your department officials, should be allowed in the facility after the robbery.

viii. Emergency Procedures

Secure all money by locking cash drawer and vacate the building.

***Remember, in the situation of a fire or other grievous threat, protecting people is of greater importance than retrieving City funds.***

ix. Daily Deposit

i. In order to complete the deposit of City funds, designated individuals complete a deposit slip and a Daily Cash Summary Form used to reconcile cash. The form will be submitted for all amounts collected and deposited by cash handlers. To complete the Daily Cash Summary Deposit form correctly, individuals designated to complete a deposit slip and Daily Cash Summary Form shall include:

- Name of employee preparing the deposit
- The amount of deposit by denomination
- Totals for each cashier
- Totals for types of monies received (check, credit card, cash)

ii. Cash Handlers responsible for deposit shall follow the same guidelines as regular cash handlers.

- Never leave money unattended.
- Currency shall be counted twice:
  - Checking each cashier's amounts: noting each denomination with face up; counting largest denomination to the smallest.
  - All currency shall be counted again at the end of the deposit by electronic cash counter.

iii. Filling out Deposit Slips

Individuals designated fill out at least two copies of the deposit slip in addition to the original. These copies shall be distributed as follows:

- Original deposit slip, with deposit of coin/currency/check, to the bank
- The department for their internal records retains one or more copies.


## SECTION 10 | FINANCIAL POLICIES

- iv. Municipal Services shall use an armored car service to pick up money and physically deliver it to the bank. Depending on the amount of cash and deposits, the Finance Department recommends the use of an armored car service to maximize cash handler safety and to increase the amount of deposited cash available to the City's investment officer. Investment income from timely deposits provides additional revenue for City services. Below are the steps to follow for the armored car pick up for daily deposits.
- Designated employee shall prepare a receipt that lists each item or group of items to be picked up.
  - Armored car personnel shall sign the receipt in acceptance of the deposit and provide a copy of that receipt to the department. This receipt needs to include the pick-up date and the number(s) impressed on the deposit bag(s).
  - Cashiers shall identify armored car personnel by requesting to see their identification and comparing that ID against the armored car company's authorization list.
- v. Departments shall submit complete, timely, and accurate deposit batches to Municipal Services. Once a batch has been opened in Munis, it must be completed on a daily basis and submitted to Municipal Services. Certain exceptions to this are allowed when the batches are too small to make daily processing practical and when approved by the City Treasurer. These generally apply to the Library where daily transactions are a few dollars or less.

Departmental supervisor/lead staff signing off on batches is an indication that the batch is complete, accurate, and free of errors. Out of balance and all other discrepancies in a batch are to be investigated and cleared by the originating Department within five working days, so that Municipal Services can post the batch.

The intent of this policy is that all batches are to be complete, accurate, and posted within five working days.

I. TRAVEL AND EXPENSE POLICY

Effective Date: December 1, 2017	Supersedes: October 9, 2015
City Manager Approval: 	

1. Purpose

The rules outlined within the following policy are the guiding principles for all City employees, officials, temporary workers, authorized contractors, interview candidates, and other authorized non-employees who travel and conduct business on behalf of the City of Pasadena. The principals within this policy also apply fiscal conservatism to the planning and funding of all travel and acknowledge all expenditures are open to the public.

The City’s travel and expense policy complies with the Internal Revenue Service definition of an accountable plan (IRS Publication 463). As such, expenses and reimbursements that conform with this policy are not considered taxable income to the individual with the exception of expenses exceeding the recommended per diem or in the instance where expenses are not submitted.

City Departments may implement policies that are more limiting, but not more generous than this policy. More limited departmental policies must be documented and consistently applied.

Expenses incurred when traveling on or performing authorized City business such as, attending conferences, professional development, seminars, meetings, working lunches or other business related purposes are reimbursable and subject to approvals outlined in this policy

The individual requesting reimbursement is responsible for ensuring that the incurrence of the expense complies with this policy, is properly authorized and is supported with required receipts, meeting invitation confirmations and other documentation as necessary.

The City shall not pay for personal expenses. Expenses incurred while conducting authorized City business shall be meticulously distinguished between City business and personal expenses. Spouses, companions and others will not be reimbursed for expenses incurred while accompanying authorized individuals as stated in this policy.

In the event of an overpayment or employee submittal error; the employee must notify their Supervisor and the Accounts Payable Division immediately. The employee must also reimburse the City within ten working days upon finding the error.

Completion and submittal of a Travel Authorization and Expense Form and Check Request Form are necessary to initiate and finalize all requests related to this policy.

2. Policy

a. Travel Authorization and Expense Form

**Travel Authorization**

<b>Part 1 – Pre-Authorization</b>	All travel must be pre-authorized in advance of any travel or incurrence of expense by completing Part 1 of the City’s Travel Authorization and Expense Form and obtaining the approval of the requisite supervisor. Ideally, travel requests should be submitted at least 30 days in advance to take advantage of lower airfare and reduced conference rates. Conferences that are one day or less, not requiring lodging or airfare, require Supervisor approval however, do not require the completion of the Travel Authorization and Expense Form.
	Retain hard signed form within departmental files in compliance with the Records Retention Policy.
	<a href="http://citynet/sections/forms/travel_request_and_expense_report.pdf">http://citynet/sections/forms/travel_request_and_expense_report.pdf</a>
<b>Part 2 – Post-Travel/Expense Reconciliation</b>	Upon the conclusion of travel or incurrence of an expense, individuals must submit a completed Check Request Form within a supporting Travel Authorization and Expense Form within <b>30 calendar days</b> of the conclusion of travel.
	Requests for expense reimbursement beyond 90 calendar days from the date an expense was incurred will require written approval from the Traveler’s Department Director.

**Check Request Form**

	The Check Request Form is to be used for all local travel, training, conference and employee related expenses.
--	--

**Forms of Expense Payment**

<b>Purchasing Card (P-Card)</b>	Can be used in compliance with Purchasing guidelines and the contents of this policy. P-Card usage may be reviewed for compliance and/or rescinded at any time. Inappropriate use of a P-Card may result in disciplinary action up to and including termination. Refer to the Purchase Card policy for detailed information. P-Card authorizations or overrides should be asked for in advance (at least 48 hours prior to use).
---------------------------------	--

<b>Accounts Payable (AP) Disbursement</b>	In the event a P-Card is not the utilized method of payment, individuals requesting post-travel reimbursements must submit a completed Check Request Form and Travel Authorization and Expense Form.
	Check Request Form: <a href="http://citynet/sections/forms/CheckRequestForm.pdf">http://citynet/sections/forms/CheckRequestForm.pdf</a>
	Travel Form: <a href="http://citynet/sections/forms/travel_request_and_expense_report.pdf">http://citynet/sections/forms/travel_request_and_expense_report.pdf</a>
<b>Rewards Points (or other non-cash forms of payment)</b>	Can be used however, they are not considered cash and are therefore not eligible for reimbursement. Employees may use personal rewards numbers for airlines, hotels, etc. to accumulate points, but should use the City P-Card for payment.
<b>Invoice Submission</b>	All City of Pasadena Accounts Payable is paperless. All reimbursements are to be submitted to the City of Pasadena Invoice Submission site: <a href="https://invoice.cityofpasadena.net/StaffLogin.aspx?ReturnUrl=/secure/default.aspx">https://invoice.cityofpasadena.net/StaffLogin.aspx?ReturnUrl=/secure/default.aspx</a> .

b. General Provisions

Travel shall be via the most direct and economical means in accordance with this policy.

Individuals should always exercise effective planning and prudent cost management in determining appropriate business travel expenses, which includes:

- Reviewing all possible options such as using technology in lieu of traveling.
- Booking air, car and hotel at the same time to reduce transaction fees.
- Booking travel no less than 7 days in advance of the travel date.
  - If there is an exception to this policy, an explanation signed by the traveler’s immediate supervisor is required (in accordance with the Signature Authorization Form).
- Booking the lowest cost air, car and hotel.
  - Booking all Southwest travel through Southwest Airline Corporate travel (<https://www.swabiz.com/>).
    - This will ensure cancellation and various other fees and penalties are not assessed. The site usually provides the most economic cost to the City.
    - [http://citynet/pasadena\\_virtual\\_mall/Buy\\_Local/Corporate\\_Vendors.html](http://citynet/pasadena_virtual_mall/Buy_Local/Corporate_Vendors.html)
  - If flying with an airline other than Southwest, a screenshot of [www.google.com/flights](http://www.google.com/flights) or a comparable search engine shall be submitted with reimbursement documentation from the time the flight purchase was made.
- Reviewing travel itineraries to ensure the requested travel arrangements are accurate.
- Limiting unnecessary or excessive air, car and hotel changes which may result in penalty fees, unused tickets or other charges.
- Avoiding use of business travel to subsidize personal travel or as a means of personal gain.



## SECTION 10 | FINANCIAL POLICIES

Expenses including airfare, lodging, car rental, conference fees, etc., shall:

- Be pre-authorized by immediate supervisor or manager.
- Include the amount of reasonable expenses for transportation, meals, lodging, and incidentals necessarily incurred therein.
- Any non-local travel shall be by air, City owned vehicle, car rental, ride sharing, private auto, rail, or bus whichever is the most cost and time efficient.
- All local and non-local travel will be measured using the mileage calculation table within the Reimbursable Mileage table.

**NOTE:** In the case of an expense not clearly defined in this policy, the department director and/or Director of Finance or their designee shall determine whether the expense is appropriate and may allow, disallow, or modify any claim or item thereof prior to travel. The City will not reimburse for expenses not clearly identified within this policy yet incurred without pre-approval.

c. Documentation and Expense Report Requirements

The City's reimbursement policy is based on documentation of reasonable and actual expenses, supported by original itemized receipts. The City requires receipts for all air fare, non-per diem meals and lodging and for any reimbursable P-Card expenses. Authorized receipts or other required documentation must be submitted for all expenses except for local and non-local meals, which are on a per diem basis unless charged by a City P-Card. Any other expense not properly documented will be disallowed. All submitted Travel Authorization and Expense forms must bear the individual's signature at the bottom and include their supervisor's signature approval.

If a receipt is lost or otherwise unavailable, a completed Lost Receipt Form is required. (<http://citynet/sections/forms/Lost%20Receipt%20Form.doc>). Inadequate documentation and/or incorrect information in the expense report could result in a delay in processing the reimbursement until corrected.

d. Air Transportation

Receipts and proof of purchase are required for reimbursement. Air travel must also comply with the following: *(Exceptions to this policy must be approved by the Department Director of the traveling employee.)*

- Must be booked through Southwest travel through Southwest Airlines Corporate travel (<https://www.swabiz.com/>). The City's Southwest company identification number is 99505674.

## SECTION 10 | FINANCIAL POLICIES

- Must be purchased through another airline carrier only if Southwest Airlines does not fly to the individual's destination or does not offer an efficient itinerary of one layover or less.
- Airfare should be booked utilizing a City of Pasadena P-Card if available.
- Booking must take place at least 7 days in advance. If this is not possible, the reason must be supplied within the supporting documentation.
- Must be coach or economy class, whichever is less expensive, for all domestic travel, and international travel to Canada, Mexico and the Caribbean. Business Class is acceptable for international travel of eight or more hours of continuous in-air flying time, subject to Department Director approval.

e. Ground Transportation

Transportation shall be by automobile, either City-owned or private, or by alternate means such as rail, ride sharing or bus. Upon completion of the trip, an individual will be compensated for the use of a private auto through mileage reimbursement submission. Ground transportation must also comply with the following:

- Employees receiving car allowance will not receive automobile-related reimbursement for local travel.
- The use of a vehicle in lieu of flying may be authorized but under no circumstances shall reimbursement exceed the cost of available coach airfare.
- Reimbursement is to be submitted utilizing the Check Request form and Travel Authorization and Expense Form.
- All employees must continuously maintain personal auto insurance as mandated by law.
- Employees are responsible for all traffic and parking fines along with any non-business related tolls and parking expenses.
  - Payment of such expenses using City funds may result in disciplinary action up to and including termination.

Car Rental

Utilizing the Travel Authorization Expense Form, approval for use of a rental car must be documented and obtained prior to traveling. City of Pasadena P-Cards pre-authorized for travel must also utilize the Travel Authorization and Expense Form.

- Rental car expense will not be approved or reimbursed except when other modes or local transportation are not cost efficient. Exceptions to this must be approved the Department Director or City Manager.
- Prior to travel, it should be determined if utilization of taxi cabs, shuttle buses, ride sharing services or other forms of public transportation are a practical, lower-cost alternative to a rental car.
- If a rental car is required, it must be requested at the time of air and/or hotel reservations.
- The maximum allowed car rental class for one or two passengers on business travel is intermediate.

SECTION 10 | FINANCIAL POLICIES

- When three or more employees are traveling together, the next car rental class meeting the space requirements may be requested with the exception of Luxury, Premium or Specialty car rentals.
- All other convenience options (i.e. satellite radio) are considered non-reimbursable.
- Employees shall decline all insurance options at the time of the execution of the counter rental agreement, with the exception of international car rentals. It is required that additional insurance be purchased for international car rentals. If an employee wishes to apply incremental insurance, it is to be personally funded.
- The renter/employee shall immediately report any accident, regardless of its magnitude, to his/her immediate supervisor or director.

f. Mileage Reimbursement

Employees who are required to use their own automobile for City business shall be reimbursed automobile expense for each mile actually traveled at the approved mileage rates established by the Internal Revenue Service. If an employee receives an auto allowance, they may receive reimbursement for mileage if the eligible one-way mileage is greater than 75 miles. Requests for mileage Reimbursement must also comply with the following:

- Mileage reimbursement requires supervisor/management approval prior to travel. This approval can be electronic but must be provided within the supporting reimbursement documentation.
- Employees shall never be reimbursed for miles driven between their legal residence and their base work location.
- Employees will be reimbursed for miles incurred in excess of their normal commuting mileage.
- Only the employee whose personal vehicle is used may request mileage reimbursement.
- Reimbursement requests are to be submitted utilizing the Check Request form and the Travel Authorization and Expense Form.
- Mileage shall be recorded at the completion of EACH trip.
- All employees must continuously maintain auto insurance as mandated by law.
- Each request for mileage reimbursement shall include the date of and mileage for each individual trip. Employees completing the Monthly Mileage Reimbursement form must also submit beginning and ending odometer readings, excluding miles driven on personal business.

Reimbursable Mileage

Mileage Circumstance	Reimbursable Mileage
Travel between the employee’s legal residence and a temporary location or vice versa.	Mileage above normal one-way commute

## SECTION 10 | FINANCIAL POLICIES

Travel between the employees City employment location and a temporary work location	All mileage
Travel between temporary locations	All Mileage
Employees staying overnight away from legal residence on authorized City business	All mileage (e.g. from legal residence to hotel, to and from hotel and temporary location, return trip to legal residence and mileage to and from the airport, if applicable)

g. Lodging

Hotel accommodations will be provided, if travel is non-local, justifiable and at a reasonable competitive rate. A lodging request will only be granted if it takes place the night prior to an event that starts before noon on the following day or if a same day flight does not arrive in sufficient time. If a hotel reservation needs to be cancelled, it is the requesting individual's responsibility to contact the hotel directly or use the site/method used for initial reservation. Airbnb or other short-term rental accommodations are permitted provided the accommodation is a permitted location. Prior to booking, individuals should be aware of the hotel cancellation policy to avoid unnecessary fees. No-show fees for lodging are not reimbursable unless there are unforeseen circumstances and a Director or higher provides written authorization.

The following apply to all lodging expenses:

- A City of Pasadena P-Card must be utilized for payment on all lodging reservations that are prepaid in advance.
- The City will reimburse at actual rates for single accommodations only, including applicable taxes.
- An itemized hotel bill is required along with proof of payment.
- Laundry or dry cleaning service, in-room movies, use of hotel facilities, mini-bars, tours, costs for non-essential in-room sundries, other recreational packages or services are not reimbursable.
- Payments for such non-reimbursable packages or expenses should be made in advance and paid directly to the hotel or facility.

h. Business Meals

## SECTION 10 | FINANCIAL POLICIES

All meal expenses not paid for on a City P-Card must be submitted for reimbursement using the Check Request and Travel Authorization and Expense Forms. Meals submitted for reimbursement and paid utilizing a P-Card must comply with the guidelines below:

- **Local** – Upon approval, meals at authorized business meetings will be reimbursed at actual cost if accompanied by an itemized receipt, proof of payment and documentation of the business purpose. Documentation must include a list of attendees and purpose of travel.
- **Non-Local** – Upon approval, a per diem amount of \$50 per/day will be allowed to cover meals and gratuities, including those charged by a City P-Card. If travel and meal expense is only for a specified part of the day, then the per diem amount will be allocated as follows, \$7 for breakfast, \$15 for lunch, and \$28 for dinner. There will be no reimbursement for incidentals.
- Employees can either itemize their meals or elect to utilize a \$50 per day meal per diem (\$7 for breakfast, \$15 for lunch and \$28 for dinner). Neither election shall result in daily meal expenses greater than \$50.
- The City will reimburse the reasonable cost of meals for employees when related to City business.
- Upon approval, host meals, in which the employee hosts other authorized persons or contacts which directly benefit the City, will be reimbursed if accompanied by an itemized receipt, proof of payment and documentation indicating the name of the individuals in attendance as well as the nature of the City business discussed.

i. Conference Registration

All conference registrations require a conference agenda or itinerary. Registration fees for any authorized event should be paid in advance whenever possible and made payable to the event sponsor or organization. When early-bird rates are offered in advance, the employee shall use his or her best efforts to take advantage of such discounted rates, including for blocked room hotel rates at conference prices. Late registration fees or last minute booking of hotel accommodations at higher than normal rates may be cause for cancellation of planned attendance according to the discretion of the department director or City Manager.

j. Miscellaneous Costs

**Parking Costs:** The City reimburses employees for business-related parking costs for their personal or rented vehicle while traveling on authorized City business. It should be determined, prior to the trip, if utilization of taxi cabs, shuttle buses, ride sharing services or other forms of transportation are a practical, lower-cost alternative to parking at an off-airport location or at airport parking facilities. If parking at the airport is necessary, employees should consider using off-airport parking locations because they are a lower-cost alternative to airport parking.

**Other:** Reimbursement for airport shuttle service, baggage handling fees, cost of parking, cab fare, ride-share services or public transportation, including reasonable tips, necessary to

## SECTION 10 | FINANCIAL POLICIES

reach the meeting destination, and gasoline for City-owned vehicles are a reimbursable expense and requires a receipt or, if not available, documentation.

The following are generally considered non-reimbursable expenses:

- Lost luggage and contents. Employees should work directly with the airline for resolution
- Fees or dues for airline clubs and frequent-traveler programs
- Air travel insurance
- Any expenses resulting from obtaining airline miles for personal use
- Class of service upgrades
- Spa services, e.g., massages, manicures, personal trainers
- Personal travel expenses
- Movies (in-room and in-flight movies)
- Normal commuting costs to and from work, including mileage
- Parking citations and driving violations
- Business clothing
- Gift cards in any amount for employees or non-employees

**NOTE:** These lists are not all-inclusive and there may be additional or similar reimbursable or non-reimbursable expenses that are not listed. Employees should consult the Accounts Payable division of Finance prior to incurring charges or their manager or supervisor.

k. Payments

- All expenses shall be reviewed for compliance and paid as are other claims made to the City.
- Department must maintain the signed Travel Authorization and Expense Form in accordance with the Records Retention Policy.
- Conference registrations paid in advance of attendance are to be paid utilizing a City of Pasadena P-Card or reimbursed at the conclusion of travel.
- Employees traveling on City business with a spouse or other companion shall strictly distinguish between City business and personal expenses.
- Employees must reimburse the City for any overpayments within ten working days upon their return to work.
- Authorized receipts or other required documentation must be submitted for all expenses except for non-local meals, which are on a per diem basis, unless charged by a City P-Card. Any other expense not properly documented will be disallowed.

**NOTE:** If the final expense exceeds the originally approved amount and the excess is allowable as according to this policy, employee must submit for reimbursement with an explanation as to cost differential to receive reimbursement in compliance with policy section in compliance with Travel Submittal Forms.

### I. Reimbursement Exclusions

- Personal expenses will not be reimbursed.
- No mileage reimbursement shall be allowed for travel or transportation between the individuals legal and City documented residence and the place where such person is ordinarily required to report for duty.
- If an employee receives an auto allowance, they may receive reimbursement for mileage if the eligible one-way mileage is greater than 75 miles.
- The City does not reimburse for fines incurred during vehicle operation or parking infractions that are a result of the driver's actions.
- No employee is permitted to approve reimbursement for a business meal expense for which he or she was a participant.
- Reimbursements submitted for expenses in excess of the maximum allowance set forth, will not be approved or processed.
- Reimbursements submitted without required documentation will not be approved or processed.
- No-show fees for lodging are not reimbursable unless there are unforeseen circumstances and a Director or higher provides written approval, submitted as a deviation.
- The City's Alcohol and Drug Abuse Policy remains in effect for employees on official City business while attending the event or related activities and while representing the interests of the City. The City will not reimburse for the cost of alcoholic beverages.

### 3. Roles and Responsibilities

#### a. Individual / Employee Traveling

- Ensure expenses incurred on behalf of the City are authorized, appropriate, and consistent with business needs.
- Ensure appropriate accounting is applied to all expenses.
- Accurately document expense reports and submit monthly with the appropriate receipts.
- Maintain files with original copies of all travel-related documentation.

#### Local Travel

- Prior to the actual date of the event, submit request to attend the meeting or event. The request can be completed electronically and submitted at the time of reimbursement.
- When early-bird rates are offered in advance, the employee shall use his or her best efforts to take advantage of such discounted rates.
- Once approved, make preparations for transportation and meals, if applicable, and document actual expenses according to this policy.
- When the event or meeting is completed, prepare a check request and attach all authorized receipts, including any other required documentation.
- For local expense paid for by a City P-Card, clearly document the required detail according to this policy, and submit in accordance with the Tyler Munis Purchasing Card Module Monthly reconciliation.
- Attendance at single day workshops or meetings do not require the use of the Travel Authorization Form.

Non - Local Travel

- One month prior or as soon as the event or trip is known, submit request to attend the conference or seminar.
- Complete the upper portion of the Travel Authorization and Employee Expense form, including an estimate of expenditures reimbursable according to this policy, and attach a registration form or flyer describing the event, location, date, and time.
- Forward the request to the department designee who administers travel.
- Once approved, register for the event and make other travel arrangements needed in accordance with this policy, as directed by the department designee who administers travel.
- Upon return, reimburse the City for each disallowed charge or amount over the maximum allowance according to this policy by submitting a personal check to the Accounts Receivable Division of the Finance department via Inter Office Mail within ten working days.
- If the amount spent exceeds the originally approved amount and is allowable according to this policy, request reimbursement. An documented explanation of the variance is required.
- Document all travel expenses, sign the bottom of the travel expense report, and submit with authorized receipts to the Department of Finance with 30 days of travel via the Travel selection within Invoice Submission Portal (<https://invoice.cityofpasadena.net/>).
- If previously submitted travel has not been submitted for reconciliation, subsequent travel requests will not be processed until outstanding requests are reconciled.

b. Supervisor / Manager

- Ensure expenses incurred on behalf of the City are authorized, appropriate, and consistent with business needs.
- Ensure appropriate accounting is applied to all expenses.
- Once approved, upload within the RFC folder of the City of Pasadena Invoice Upload site: <https://invoice.cityofpasadena.net/>

c. Department Director

- Ensure compliance with the Travel Policy.
- ENSURE ALL REPORTING REQUIREMENTS ARE MET.

d. Department of Finance

- Review all travel requests and expense reports, and verify compliance with this policy.
- Input into Tyler Munis for processing.
- Follow-up with management regarding delinquent travel reports and proceed with payroll deductions to recover overpayments, if necessary and authorized.
- Report any non-compliance or excess abuse to the Traveler's Department Director, Director of Finance, Internal Auditor and City Manager on a monthly basis.



e. Escalation Process

- If a dispute arises over what is unauthorized, improper, or excessive, the final decision shall rest with the Director of Finance.
- Violation of this policy may result in disciplinary action up to and including termination.
- If lack of clarity exists as to the incurred expense being valid for reimbursement, the Department Director shall review and determine approval or denial status. Any disputes over the finding of the department director shall be resolved by the City Manager or his/her designee.

f. Policy Deviations

- Deviations from this policy may be necessary for valid business purposes.
- Deviations to this policy must be approved by the City Manager or his/her designee.

4. Definitions

**City:** The City of Pasadena

**Local Travel:** Travel to locations within 50 miles of the traveler's workplace or home, whichever serves as the point of departure for the travel. No reimbursement shall be allowed for the portion of travel or transportation between the home of any person and the place where such person is ordinarily required to report for duty, unless the actual distance from the home to the travel destination is more. Where extenuating circumstances may justify overnight accommodations (e.g. travel time, hours of the event), City Manager or Department Director approval is required.

**Non-Local Travel:** Travel to locations farther than 50 miles from the traveler's workplace or home, and may require overnight accommodations.

**Receipt:** An original document itemizing good(s) or services(s) purchased. The receipt must provide a named payee and date that confirms payment has been made for a stated purchase.


**Travel Expenses:** Reasonable, appropriate, and necessary travel and business related expenses(s) that are incurred while carrying out official City business. Travel expenses include costs that cover per diem expenses; transportation expenses; meals and/or coffee and light miscellaneous refreshments; and miscellaneous business expenses related to official City travel.

**Traveler:** City employee, official, temporary worker, authorized contractor, interview candidate or other authorized non-employees who incurs travel expenses on official City business and is entitled to reimbursement of those expenses.

## SECTION 10 | FINANCIAL POLICIES

5. Forms / Resources

<b>Forms</b>	Travel Authorization & Expense Form	<a href="http://citynet/sections/forms/travel_request_and_expense_report.pdf">http://citynet/sections/forms/travel_request_and_expense_report.pdf</a>
	Check Request Form	<a href="http://citynet/sections/forms/CheckRequestForm.pdf">http://citynet/sections/forms/CheckRequestForm.pdf</a>
	Mileage Reimbursement Form	<a href="http://citynet/sections/forms/Auto%20Milagepdf.pdf">http://citynet/sections/forms/Auto%20Milagepdf.pdf</a>
	Lost Receipt Form	<a href="http://citynet/sections/forms/Lost%20Receipt%20Form.doc">http://citynet/sections/forms/Lost%20Receipt%20Form.doc</a>
<b>Resources</b>	Invoice Submission Site	<a href="https://invoice.cityofpasadena.net/">https://invoice.cityofpasadena.net/</a>
	IRS Publication 463	<a href="http://www.irs.gov/uac/about-publication-463">http://www.irs.gov/uac/about-publication-463</a>
	Southwest Airlines	<a href="https://www.swabiz.com/">https://www.swabiz.com/</a>
	Google Flights	<a href="http://www.google.com/flights">www.google.com/flights</a>
	AP Check Upload Site	<a href="https://invoice.cityofpasadena.net/StaffLogin.aspx?ReturnUrl=/secure/default.aspx">https://invoice.cityofpasadena.net/StaffLogin.aspx?ReturnUrl=/secure/default.aspx</a>

Effective Date: March 2, 2020	Supersedes: N/A
City Manager Approval: 	

## SECTION 11. INFORMATION TECHNOLOGY AND SECURITY POLICIES

**1.01. EMAIL RETENTION POLICY****1. Purpose**

To establish guidelines for the retention of electronic communications within the City's email system.

**2. General Policy**

The City of Pasadena's email system is intended to be used as a method of communication for the sending and receiving of correspondence. To the extent that any correspondence including email may, in and of itself, contain information relating to the conduct of the public's business, such correspondence is subject to retention as a Public Record and must comply with the City's Records Retention Schedule. For this reason, the City's email system will retain all communications system-wide for two years by default, which is consistent with Government Code Section 34090.

**3. Definitions**

For the purpose of this policy, the following definitions shall apply:


- a. "Email", "e-mail" and "electronic communications" shall mean all correspondence including any files or additional content attached as part of the correspondence that is sent from, received by, and/or stored on the City's email system;
- b. "Public Record" shall mean any writing, regardless of its form and including paper and electronic documents, containing information related to the conduct of the public's business prepared, owned, used or retained by the City;
- c. "Enterprise Content Management System" shall mean a computer-based system which is designed to capture, manage, store, preserve and deliver the electronic documents maintained as part of the City's Records Management program

**4. Procedures**

- a) Email shall be handled in one of the following methods:
  - i. Retained as-is on the email system, for the default retention schedule, subject to the procedure set forth below in 4(b);

## SECTION 11 | INFORMATION TECHNOLOGY AND SECURITY POLICIES

- ii. Individually retained on the email system, following the processes set forth by the Department of Information Technology for retaining emails within the email system consistent with the common Records Retention Schedules of five years or ten years.
  - iii. Individual messages exported from the email system and imported into the City's enterprise content management systems (ECMS) and marked for retention consistent with an applicable Records Retention Schedule, following the processes set forth by the City's Records Management Area.
- b) In order to comply with the general records retention schedule of two years, the City of Pasadena's email system will be configured to retain all messages for two years, calculated as 730 days, after which messages will be automatically purged. The auto-purge policy will apply to all messages within all folders – including but not limited to Inbox, Sent Items, Deleted Items, etc. – in user's email account. Messages may be deleted by each City staff email user prior to two years, however, such messages will be retained within the City's email system pursuant to the retention schedule applied to the message. Messages in mailboxes of staff who separate from the City will be retained for two years from the date the message was created or received by the user.
- c) Email messages that are exported from the email system pursuant to 4(a)(iii) above shall no longer be considered electronic communications but will be Public Records under the City's Records Retention Policy.

Effective Date: August 16, 2021	Supersedes: N/A
City Manager Approval: 	

## 1.02. ACCEPTABLE USE POLICY

### A. Purpose

Effective security is a team effort involving the participation and support of every City of Pasadena employee and affiliate who deals with information and/or information systems. Acceptable use standards form a critical component of enterprise security. The City of Pasadena provides users with access to the technology and information services and resources to perform their daily functions and tasks. It is the responsibility of every technology user to know the acceptable use policy and to conduct their activities accordingly. This policy defines what the City of Pasadena's management deems acceptable use of the City's technology-centric resources. These rules are in place to protect staff and the City of Pasadena. Inappropriate use exposes the City of Pasadena to risks including virus attacks, compromise of network systems and services, and legal and financial issues.

### B. Scope

This policy applies to employees, contractors, consultants, vendors, agency temporary workers, interns, volunteers, and other workers at the City of Pasadena, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the City of Pasadena. This policy covers all types of connections to the outside world through the Internet. This policy also covers all activities performed while using the Internet, Extranet, Intranet, and internal network including but not limited to Internet browsing (viewing Web pages) and social networking (visiting social media sites), using e-mail, instant messaging, VoIP (voice over IP) telephony, the City of Pasadena's systems and applications, and transferring files using FTP (file transfer protocol) or other technologies and protocols.

### C. General Policy

#### **City of Pasadena Technology Resource Use – General Use and Ownership**

While the City of Pasadena desires to provide a reasonable level of privacy, employees should be aware that the data they create on the organization's systems remains the property of the City of Pasadena; and therefore, could be viewed by authorized individuals; and thus, the City cannot guarantee the confidentiality of information stored on any computer or network device belonging to the City of Pasadena.

Employees are responsible for exercising good judgment regarding the reasonableness of personal use.

For security and network operations purposes, authorized individuals within the City of Pasadena may monitor equipment, systems, and network traffic at any time.

The City of Pasadena reserves the right to audit networks and systems as necessary to ensure compliance with this policy.

### **Security and Proprietary Information**

Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts.

All PCs, laptops, workstations and tablets should be secured with a password-protected screensaver, or other screen locking mechanism, with the automatic activation feature enabled, or by logging-off when the system will be unattended.

Postings, by employees, from a City of Pasadena email address to newsgroups, social media platforms, discussion forums or as part of user reviews is only permitted by employees whose job duties require this in the normal course of business and must adhere to the current Social Media Policy in the City's Manual of Personnel & Administrative Rules.

All computing devices, including but not limited to desktops, laptops and tablet devices, used by an employee that are connected to the City of Pasadena's wired or wireless network shall be continually executing approved virus-scanning software with a current virus database. This requirement is not applicable to personal devices connected to the City's Public WiFi and used solely for personal use.

### **Unacceptable Use**

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a device if that device is disrupting services).

Under no circumstances is an employee of the City of Pasadena authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing any City of Pasadena-owned resources.

The lists below are by no means exhaustive but attempts to provide a framework for activities that fall into the category of unacceptable use.

### **System and Network Activities**

The following activities are strictly prohibited, although exceptions may be granted for special circumstances by the Department of Information Technology:

## SECTION 11 | INFORMATION TECHNOLOGY AND SECURITY POLICIES

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated", unapproved software applications, or other software products that are not appropriately licensed for use by the City of Pasadena.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music and video, and the installation of any copyrighted software for which the City of Pasadena does not have an active license is strictly prohibited.
3. Introduction of malicious programs into the network or onto computers (e.g., malware, viruses, worms, Trojan horses, e-mail bombs, etc.).
4. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
5. Using a City of Pasadena computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
6. Making fraudulent offers of products, items, or services originating from any City of Pasadena account. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
7. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
8. Port scanning or security scanning is expressly prohibited unless prior notification to the City of Pasadena is made, unless this activity is a part of the employee's normal job/duty.
9. Executing any form of network monitoring which will intercept data not intended for the employee's device, unless this activity is a part of the employee's normal job/duty.
10. Circumventing user authentication or security of any device, network, or account.
11. Interfering with or denying service to any user other than the employee's device (for example, denial of service attack).
12. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's computer session, via any means, locally or via the Internet/Intranet/Extranet.
13. Providing information about, or lists of, the City of Pasadena employees to parties outside City of Pasadena.
14. Storing non-work-related images, music and video files on any City of Pasadena owned device or system. The Department of Information Technology is permitted to remove any such files at their discretion.

15. Altering system software or hardware configurations without authorization or disrupting or interfering with the delivery or administration of computer resources.
16. Exporting software, technical information, encryption software or technology, in violation of international or regional export control law is illegal. The appropriate management should be consulted prior to export of any material that is in question.
17. Using streaming audio or video for non-City purposes.
18. Blogging by employees, while using the City of Pasadena's property and systems, is prohibited, unless this activity is a part of the employee's normal job/duty.

#### **Email, Telephone and Electronic Communication Usage**

The following activities are strictly prohibited, although exceptions may be granted for special circumstances by the Department of Information Technology:

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone, instant message (chat) or text, whether through language, frequency, or size of messages.
3. Transmitting, retrieving, or storage of any communications of a discriminatory or harassing nature or materials that are obscene or "X-rated."
4. Sending derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference.
5. Using excessively abusive, profane, or offensive language via email, telephone, or text.
6. Unauthorized use, or forging, of email header information.
7. Solicitation of email from any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
8. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
9. Use of unsolicited email from within the City of Pasadena's networks for other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the City of Pasadena.
10. Attempting to access or accessing another's account, private files, or E-mail without the person's permission; or misrepresenting oneself as another individual in electronic communication.

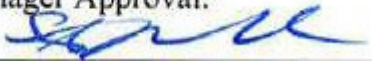
#### **D. Disciplinary Actions**

Failure to comply with the above stated policy may lead to disciplinary action up, and including, discharge.



E. Definitions

Term	Definition
Organization	City of Pasadena
Employee	All Organization employees, interns, agency temporary workers, vendors and independent contractors working for the City of Pasadena.
Blogging	Online writing/editorial/commentary of personal reflections.
Spam	Unauthorized and/or unsolicited electronic mass mailings.
Social Media	User-generated content such as text posts, comments, digital photos or videos and/or content generated through online interactions; reference the City's Social Media Policy for additional guidance.

Effective Date: August 16, 2021	Supersedes: N/A
City Manager Approval: 	

### 1.03 INFORMATION SECURITY POLICY

It is the policy of the City of Pasadena to maintain responsible behaviors and vigilance in all areas of technology and information security. City employees and affiliates must not circumvent the policies, procedures, and safeguards implemented with the technology that protect the City, its information and its employees. City employees and affiliates must promptly report technology-related security incidents or concerns to the Department of Information Technology (DoIT). All other types of security incidents should be reported to law enforcement or following the prescribed City policy.

#### A. Purpose

Technology is a critical component to the advancement of the City's mission but also exposes the City to risk. Staff rely upon technology to support completion of their duties, and various departments have staff responsible for administering City data, information and technology assets. Choices which will protect the City from the risk of financial loss, legal liability, reputational damage and even physical infrastructure damage shall not be treated primarily as a technical function to be carried out by IT staff who manage the City's technology. Protecting the City from the risks inherent in using technology is an essential responsibility of all City staff.

This policy defines that responsibility and seeks to make information security an established practice within City culture. Staff are required to follow these practices when using City technology systems, and when accessing and using City data and information, and are encouraged to employ the behaviors described herein at all times, not just at work but to protect themselves and their families as well.

The Information Security Policy is the foundation for the City's Information Security Program. The policy articulates executive level support for the program. The program has been established to:

- Protect the City's critical infrastructure

## SECTION 11 | INFORMATION TECHNOLOGY AND SECURITY POLICIES

- Protect the sensitive information entrusted to the City
- Continuously improve the City's ability to detect and respond to cybersecurity events
- Ensure risk management is sufficient and in alignment with the City's operations and mission
- Facilitate cybersecurity awareness of risks to City operations and services
- Comply with external and regulatory data protection requirements

B. Scope

This policy applies to employees, contractors, consultants, vendors, agency temporary workers, interns, volunteers, and other workers at the City of Pasadena, including all personnel affiliated with third parties.

C. General Policy

The confidentiality, integrity and availability of the City's information assets shall be protected from unauthorized disclosure, modification, or destruction, and shall be safeguarded to the extent permitted by law. City information security policies establish the minimum expectations to which City staff shall be held accountable. Each City Department may, at its discretion, establish supplemental information security policies, standards, and procedures based on unique requirements of the Department as long as they do not conflict with or weaken City-wide policies.

To maintain a culture of responsible behavior and vigilance in the area of technology and information security the City of Pasadena shall:

- Assign information and technology security responsibilities to an Information Technology Security Officer to coordinate city-wide information security efforts;
- Adopt an industry recognized framework such as the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) or the Center for Internet Security (CIS) Critical Controls as a methodology to secure technology and information resources;
- Refer to NIST Special Publications if appropriate, as guidelines for control selection (NIST SP 800-53), IT contingency planning (NIST SP 800-34), IT security awareness (NIST SP 800-50), data classification (NIST SP 800-60), and other areas supporting information security, as applicable;
- Incorporate additional information technology security compliance or regulatory controls, such as Payment Card Industry Data Security Standard (PCI DSS), Health Insurance Portability and Accountability Act (HIPAA), Criminal Justice Information Systems (CJIS) Security Policy, North American Electric Reliability Corp (NERC), where appropriate; and
- Conduct and update an information technology security risk assessment at least every three years.

D. Application

**The City's Executive Leadership Team shall:**

- Adequately support and fund City and Department cybersecurity operations based upon risk to City operations and mission, to the extent possible;
- With the aid of the City Attorney, determine the requirements and execute necessary breach disclosures;
- Direct an assessment of the information security program with an external auditor/assessor at least once every three years.

**The Information Technology Security Officer shall:**


- Report the City's information technology security status, activities, and risks annually to the City's Chief Information Officer (CIO);
- Inform the CIO when there is an event which compromises the confidentiality, integrity, or availability of a system or data involving personally identifiable information (PII), regulatory protected information, and other data that is not considered public information, as soon as practical;
- Develop and maintain a city-wide incident response program capable of addressing major information security incidents involving City information resources;
- Support the City's Departments with implementation of city-wide information technology security requirements; and
- Establish necessary procedures to support the information technology security program such as information technology security awareness, business continuity, incident response, access control, configuration management, change control, etc.

**Department Heads shall:**

- Designate a liaison within their department to coordinate information technology security efforts with the Information Technology Security Officer;
- Promote a culture of information technology security awareness and compliance; and
- Remind their staff and contractors about the City's information technology security policies, standards, procedures, guidelines, and best practices.

**All City staff shall:**

- Comply with information technology security policies, requirements, practices, and acceptable use agreements;
- Promptly report any incidents to the appropriate personnel;
- Complete information technology security training as assigned;
- Report suspicious activities within the City's information technology security resources to their manager; and
- Report suspicious emails, abnormal system behavior, or breach of this policy to DoIT's Service Center or the Information Technology Security Officer.

Effective Date: November 1, 2022	Supersedes:
City Manager Approval: 	

#### 1.04 MOBILE DEVICE POLICY

##### A. Purpose

Mobile devices are valuable tools in conducting City business. While the use of mobile devices facilitates increased productivity and convenience, it also puts City information and data at an increased level of risk. The potential for loss, theft, compromise or insecure practices are heightened where mobile devices are in use.

Both City-owned and personally-owned mobile devices present additional security challenges to protecting City information. The intent of this policy is to provide a framework and requirements for the use of mobile devices and to establish minimum security criteria for accessing City information assets from them.

##### B. Scope

This policy is applicable to all City-owned and personally-owned computing and/or communications devices including, but not limited to, smartphones and tablets (hereinafter referred to as “mobile devices”) running a mobile operating system, including but not limited to Apple iOS and Android.

This policy is applicable to all City staff authorized to access City networks, systems, and information from a mobile device, irrespective of employment status or job classification.

This policy does not apply to devices running a workstation operating system, such as Microsoft Windows, Mac OS, Linux, etc.

This policy does not apply to devices purchased by the City for the express purpose of providing constituents, patrons or customers a device for individual and/or personal use, such as iPads to be checked out by Library patrons. The Department of Information Technology (DoIT) shall review specific use cases for which there is uncertainty whether this policy applies, and whose determination shall be final.

The presence or absence of any stipend from the City to the owner of a personally-owned device does not affect the applicability of this policy. Except as specifically prescribed in the City’s device stipend program detailed in the Manual of Personnel and Administrative Rules, personal device use for access to City information systems is available as a convenience to staff, and the City is not responsible for any costs incurred.

##### C. General Policy

The following requirements apply to all mobile devices that access, store, or manipulate City data or information systems:

- The device must be physically protected from loss, theft, and compromise.
- The device must be protected with a personal identification number (PIN), password, passcode or similar authentication mechanism, if supported by device.

- The device must be enabled with device encryption. Devices not protected with encryption may be denied access to City information assets.
- The device must be currently receiving operating system software security updates from the device vendor. End-of-life operating systems may be denied access to City information assets.
- Third party software installed on the device must not compromise the security of City data or information systems. Devices which have been “jailbroken” or “rooted” may be denied access to City data or information systems.
- It is prohibited to use a personally-owned mobile devices to access restricted systems, even if it is technically possible. This includes, but is not limited to, systems containing or processing Criminal Justice Information (CJI), Personal Health Information (PHI), or other sensitive or legally protected information. Staff should consult with their supervisor or DoIT to confirm whether a particular system is restricted.
- Staff must take appropriate precautions to prevent unauthorized persons from obtaining access to their mobile device(s). Staff will be held responsible for all operations made with their City credentials, and should not share assigned passwords, PINs or other credentials.
- If a device is lost, misplaced, stolen or compromised, it must be reported to the DoIT so appropriate steps may be taken to protect City resources.
- DoIT shall take all necessary measures to ensure the security of City data and information systems and may enforce additional controls for mobile device access, as and when necessary. DoIT may make changes appropriate for the protection and security of City data and information and which may impact personally-owned mobile device access of City data and information, with or without advance notice to mobile device users, as necessary.

#### **D. City-Owned Mobile Devices**

The following requirements apply to all City-owned mobile devices that access, store, or manipulate City data or information systems:

- City-owned mobile devices are intended to be used for City business only and shall not be used to access personal email, personal social media, non-work directed websites, or to conduct any non-City business.
- Devices purchased by the City shall be managed by DoIT and placed under Mobile Device Management (MDM).
- Devices must not be used by unauthorized persons.
- Devices must be maintained according to DoIT’s IT Asset Management policy.
- Loss or theft of device must be immediately reported to DoIT. The Pasadena Police Department must be notified in cases of theft.

#### **E. Personally-Owned Mobile Devices**

The following requirements apply to all personally-owned mobile devices that access, store, or manipulate City data or information systems:

- Access to City information systems, including City email, from a personal mobile device is provided

## SECTION 11 | INFORMATION TECHNOLOGY AND SECURITY POLICIES

as a convenience to staff. The City retains the right to deny mobile device access to City data and information systems to individual staff, or all staff, with or without notice, and at its sole discretion.

- Any personally-owned device not in compliance with the policy may be denied from accessing City data and information resources.
- Any personally-owned device which has been used to access, store or manipulate City data or information “relating to the conduct of the public’s business” may be subject to disclosure pursuant to the California Public Record Act requests, subpoenas, court orders, litigation requests, or other actions against the City. It is the responsibility of the device owner to respond appropriately to any such action.

#### **F. Disciplinary Actions**

Failure to comply with the above stated policy may lead to corrective action, up to and including termination of employment.

#### **G. Definition**

<b>Term</b>	<b>Definition</b>
Operating System	The system software that manages hardware and software resources and provides common services for applications and programs on a computer system.
Mobile Device	A computing device small enough to hold and operate in the hand. This includes, but is not limited to, mobile phones, smartphones, tablets, laptops, or hybrid devices.
Mobile Operating System	A limited-feature operating system designed specifically for mobile devices with battery life and power efficiency are primary drivers (Apple iOS, Android, etc.) and usually permitting limited user control of the operating system itself.
City-Owned Mobile Device	A mobile device purchased and owned by the City for purposes of supporting staff with operating the business functions of the City.
Personally-Owned Mobile Device	A mobile device purchased and owned by an individual.
Jailbreaking	A process which removes software restrictions imposed by Apple on iOS devices, usually performed for the purpose of installing software not available through the App Store.
Rooting	A process which allows users of the Android operating system to attain privileged control, known as root access, to various Android subsystems.

Device Encryption	Device encryption encodes all information on a device so that only authorized persons can read or access it. Encryption is used to protect sensitive and legally protected data. A device operating system’s HELP system should describe how to verify if encryption is enabled and how to turn it on if it is not.
-------------------	---



## Index

---

**A**

Absences · 105  
 Accident Review Committee · 179, 182  
 Accident/Exposure Investigation · 172  
 Accommodation · 158  
 Acting Assignments · 103  
 Additional Compensation · 83  
 Administrative Reassignment · 101  
 Agency Shop · 6  
 Agency Temporary Employees · 81  
 Alcohol And Drug Abuse · 35, 187  
 Alcohol And Drug Testing · 187, 189, 200  
 Amendments And Revisions To Rules · 2  
 Americans With Disabilities Act · 2, 53, 68, 94  
 Appointment Of Disabled Individuals · 89  
 Attendance · 105  
 At-Will · 79  
 Automobile Allowance · 184

---

**B**

Banding · 90  
 Bereavement Leave · 116  
 Bid Security · 212  
 Bid Specification · 212  
 Bilingual Incentive Pay · 83, 140

Billing Cycle · 213  
 Branding · 26

---

**C**

Cal/OSH · 177  
 California Family Rights Act · 109, 110, 115  
 CalPERS · 80, 114, 118, 129, 131

Mobile Phone/Smartphone Stipend · 151, 154, 155  
 Changes To Personal Information · 3  
 City Identification Policy · 32  
 City Service Worker (CSW) · 80  
 City Temporary Worker (CTW) · 80  
 City Website · 26  
 Class Specifications · 97  
 Classification Structure · 97  
 Code Of Ethics · 4  
 Competitive Bidding · 213  
 Conflicting Rules · 1  
 Conflicts Of Interest · 10  
 Continuous Certification · 90  
 Contract · 213  
 Contracts · 219  
 Court Appearances · 107  
 Cyber-Bullying · 52

---

**D**

Delegation Of Duties · 14  
 Demotion · 82, 101, 126  
 Departmental Rules · 1  
 Disability · 2, 107, 110  
 Disability Retirement · 158  
 Disaster Service Worker · 77  
 Discipline · 21, 58, 121, 124  
 Discrimination · 41  
 Discrimination Complaint Procedure · 53  
 Domestic Violence · 116  
 Dress Code · 33  
 Due Process · 127

---

**E**

EAP · 62, 143, 144  
 Electronic Equipment Use · 19, 20, 21, 25  
 Eligible Lists · 89  
 Employee Assistance Program · 143, 200

Employee Exposure Records · 177  
 Employee Initiated Transfer · *See* Transfer  
 Employee Medical Records · 178  
 Employee Responsibilities · 36  
 Employer-Employee Relations Resolution · 2  
 Employment Of Relatives · 8  
 Employment Verification · 3  
 Equal Employment Opportunity · 1  
 Examination Appeals · 88  
 Examinations · 88  
 Exit Interviews · 130

---

**F**

Family And Medical Leave Policy · 110, 115  
 Family Sick Leave · 115  
 FEHA · 68, 71  
 FEHA / ADA Compliance · 120  
 FMLA · 108, 109, 110, 111, 113, 114  
 Formal Bid Process · 213  
 Furlough · 116, 117

---

**G**

Gifts · 5, 11  
 Gratuities · 11

---

**H**

Harassment Complaint Procedure · 48

Hazard Assessment · 170  
 Hazard Correction · 171  
 Hierarchy Of Rules · 1  
 Holidays · 106  
 Hostile Work Environment · 45

## INDEX

---

**I**

Independent Contractor · 81  
 Industrial Disability Leave · *See*  
   Workers' Compensation  
 Informal Bid Process · 213  
 Injury And Illness Prevention  
   Program 163 · 178  
 Inspections · 170, 178  
 Interactive Process · 68  
 Investigations · 126

---

**J**

Job Abandonment · 105  
 Job Descriptions · *See* Class  
   Specifications  
 Job References · 3  
 Job Safety Analysis · 171  
 Job-Related Illness Or Injury · 155  
 Jury Duty · 106

---

**K**

Kin Care · *See* Family Sick Leave

---

**L**

Leave Requests · 106  
 Leaves Of Absence · 118  
 Letters Of Recommendation · 130  
 Limited Term · 79

---

**M**

Management Initiated Transfer · *See*  
   Transfer  
 Management Time Off · 107  
 Media Briefings · 30  
 Media Policy · 29  
 Medical Documentation · 71  
 Memorandum Of Understanding · I,  
   1  
 Merit Increases · 82  
 Mileage Reimbursement · 146  
 Military Leave · 115  
 Modified Duty · 158

Motor Vehicle Safety · 179  
 Municipal Employee Relations Officer  
   · 2

---

**N**

Nepotism · *See* Employment Of  
   Relatives  
 News Releases · 30  
 No Smoking · 17

---

**O**

Open Recruitments · 87  
 Oral Warning · 124  
 Outside Employment · 4, 10, 15, 16  
 Outside Employment · 15, 16  
 Overpayments · 85

---

**P**

Paid Time Off Donations · 141, 142  
 Payroll Deductions · 84  
 Performance Evaluations · 119  
 PERS Retirees · 81  
 Personal Protective Equipment · 178  
 Personnel Records · 2  
 Political Activity · 13  
 Post-Accident Testing · 192  
 Pre-Employment Physicals · 93  
 Pre-Employment Testing · 191  
 Pregnancy · 107, 108, 110  
 Press Conferences · 30  
 Prideshare · 63  
 Privacy · *See* Electronic Media Privacy  
   Policy  
 Probation · 94  
 Promotion · *See* Promotional  
   Recruitments  
 Public Information · 29  
 Public Records Act · 19, 21, 26, 27, 29  
 Public Records Requests · 30  
 Public Responsiveness · 67  
 Purchase Order · 214  
 Purchase Orders · 220  
 Purchasing Cards · 221  
 Purchasing Guidelines · 212

---

**Q**

Quid Pro Quo · 45

---

**R**

Rater Panels · 88  
 Reasonable Accommodation · 68, 69,  
   109  
 Reasonable Accommodations  
   Transfer · *See* Transfer  
 Reasonable Suspicion Testing · 192,  
   197  
 Reassignment · 70, *See*  
   Administrative Reassignment  
 Reclassification · 96, 98, 102  
 Records Retention Policy · 19  
 Recruitments · 87  
 Reduced Work Schedule · 116  
 Reemployment · 91  
 Reference · 130  
 Referral Procedures · 89  
 Relative · 8, 24  
 Reporting Of Injuries · 157  
 Request For Proposal · 214  
 Request For Qualification · 214  
 Requisition · 214  
 Resignation · 129  
 Responsible Person · 178  
 Retaliation · 42, 46  
 Retaliation · 50  
 Retention Of Records · 28  
 Retirees (CSW-Retiree) · 80  
 Retroactive Compensation · 86  
 Return To Work · 158  
 Risk Management · 155  
 Rule Of Three · 90

---

**S**

Safety Bulletins · 169  
 Safety Committee · 168  
 Safety Data Sheets · 178  
 Safety Officer · 59, 60, 61  
 Safety Records · *See* Record Keeping  
 Safety Sensitive · 187  
 Safety Training · 169  
 Salary Rates · 81  
 Salvage Property · 221

INDEX

Separation · 129  
 Separation Check-Out Process · 130  
 Service Awards · 120  
 Sexual Harassment · 45  
 SICK LEAVE · 106  
 Sliding Classification · 99, 100  
 Social Media Policy · 20, 25  
 Special Employment · 80  
 Supplemental Disability Payments · 159  
 Supplementary Disability Benefits · 155  
 Suspension · 125

---

*T*

Take · 183  
 Take Home” Vehicles · 186  
 Tattoos · 33

Taxpayer Protection Act · 11  
 Temporary Appointment · 79  
 Termination · 21, 47, 79, 83, 106, 109, 126  
 Threat Assessment Team · 61  
 Timekeeping · 105  
 Title Changes · 98  
 Training · 80, 131, 132, 134  
 Transfers · 91  
 Travel And Expense Reimbursement · 252  
 Tuition Reimbursement · 135, 136, 138, 139

---

*U*

Underpayments · 85

---

*V*

Veteran's Points · 89  
 Violation Of Rules · 2  
 Voting Leave · 115

---

*W*

Waiver Of Examination Process · 89  
 Weapons · 59  
 Work Schedules · 70, 105  
 Workers’ Compensation · 71, 110, 155, 161  
 Working Out-Of-Class · 102  
 Working Titles · 98  
 Workplace Violence · 176  
 Workplace Violence · 58  
 Written Warning · 124