



City of Laguna Beach

Administrative Policies

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TRAVEL AUTHORIZATION AND EXPENSE REPORTING

Reimbursement for travel expense when using a privately owned vehicle shall be subject to the following: reimbursement will be at the rate approved by the Internal Revenue Service. Reimbursement will be for the actual miles involved in the most direct route to and from the destination point or at the lowest scheduled air fare to the destination point, whichever is less. Employees who receive monthly mileage allowances are not eligible for mileage reimbursement when they use their cars to attend conferences, except when prior approval has been granted by the City Manager.

In order to facilitate trips, the Finance Division is authorized to make advances or estimated expenditures if the request is made on the attached form ten business days prior to the trip date. All advances and Conference Expense Reports may not be paid unless approved by the Department Head.

Within 60 calendar days of returning from a trip, a Conference Expense Report shall be completed and submitted to the Finance Division. All receipts for expenses, except meals that are less than the per diem rate, must be attached to the Expense Report. The City will reimburse for actual expenses, and only to the limits as stated below. Money advanced in excess of actual expenses shall be refunded to the City at the time the Expense Report is submitted.

The following general guidelines shall apply to all persons traveling at City expense:

- A. Reimbursement for meals is limited to \$75 per day for the actual cost of meals, including gratuity. The City will not pay for alcohol. Lodging costs cannot exceed the group rate published for a conference or other activity. If a group rate is not offered, reimbursement is limited to \$200 per day, excluding taxes and fees. A higher rate may be approved in advance by the City Manager.

Exception: Police officers receiving POST training will be limited to expense amounts reimbursed by POST.

- B. The City will reimburse for the following types of expenses: registration, cassettes/CDs, transportation to and from airports, parking, tips, business-related telephone calls, lodging, and rental cars if properly justified. Employees shall exercise good judgment in the nature of expenses incurred.
- C. An individual planning to attend a conference, seminar, convention or workshop shall request permission from the City Manager at least 30 days in advance. In that case, all conferences or seminars should be specifically identified and funded in the appropriate department budgets; if not, City Manager approval will be required prior to

attendance. This does not apply to attendance at meetings or hearings with other officials regarding the routine and ordinary business of the City.

- D. Travel in City vehicles may be approved when circumstances warrant it. When traveling in a City vehicle, receipts should be secured for the purchase of gas, oil, or other supplies necessary in route. These amounts should be shown on the expense report, with a notation that a City vehicle was used. If emergency repairs are necessary, they will be paid for by the department to which the car is assigned. All receipts for such payments must be furnished in order to obtain reimbursement.
- E. Generally, where cost to operate a City vehicle exceeds the cost of other means of travel, the use of a City vehicle will not be approved.
- F. The City will not pay for lodging at conferences occurring within 50 miles of City Hall unless approved by the City Manager in advance.
- G. The City will not reimburse for any expenses of an employee's spouse.

USE OF CITY VEHICLES**1. GENERAL**

It is the responsibility of the driver of any vehicle in the conduct of City business to maintain and operate that vehicle in a safe and proper manner including observance of all traffic laws. All employees who operate motor vehicles in the course of their employment must possess a valid operator's license issued by the California Department of Motor Vehicles for the class of vehicle being operated.

City vehicles are for official use only. This policy applies both to the operation of City vehicles during regular working hours and to those assigned to employees for their off-duty use because of the emergency or standby nature of their duties. Use of City vehicles, for other than official City business is not only illegal, but extremely detrimental to the public's opinion of its municipal officials and employees. Passengers will not be carried unless essential to the performance of the work of the City.

City vehicles taken home during off-duty or at on-call times must be adequately cared for and protected against theft or damage.

2. ASSIGNMENT AND COMPENSATION

Transportation, when required in conjunction with official duties, will be provided by assignment or use of a City-owned vehicle or by reimbursed use of private transportation; however, it shall be the policy of the City to limit City ownership of passenger vehicles to the maximum extent practical.

a. Assignment

The following employees are authorized to take City vehicles home for standby or emergency duty only:

- Fire Battalion Chief
- Chief of Marine Safety
- Chief of Police
- Fire Division Chief
- Lifeguard Supervisors while on-call
- Police Field Services Division Commander
- Sewer division personnel while on call

b. Compensation for Use of Private Transportation

Compensation in the form of a fixed monthly allowance or mileage reimbursement will be paid to employees for the use of their private vehicle.

Department heads and other management employees may receive a fixed monthly allowance, on the authorization of the City Manager, depending on the nature and frequency of vehicle use. A maximum monthly rate is established by the City Council.

All other employees of the City who utilize private vehicles in the conduct of City business shall receive mileage reimbursement based upon actual miles driven when authorized by the City Manager. The rate for mileage reimbursement shall be the then current rate approved by the IRS for mileage expense deduction.

3. SEAT BELT REQUIREMENT

In accordance with State law and as a matter of personal protection, all employees are required to wear seat belts while operating City vehicles or a private vehicle on City business. Passengers are also required to wear seat belts if provided in the vehicle. Exceptions will be permitted under the following circumstances:

- a. Fire crews may drive without seat belts if the Captain determines that such operation is necessary and safe.
- b. Motorcycles and tractors are exempted. (Seat belts are required for three and four-wheel Cushman type vehicles.)

4. REPORTING OF ACCIDENTS AND VIOLATIONS

The Police Department shall be contacted any time a City vehicle is involved in an accident, no matter how minor and a police report shall be made. The employee shall also notify his or her supervisor of any such accidents that occur while on City business no matter how minor. The employee shall also notify his or her supervisor of any traffic or parking citations issued to the City vehicle or driver in the course of business.

In the event an employee is involved in an accident which involves his or her private vehicle while in the course of City business, the employee's vehicle insurance for both property and liability coverage will be primary.

5. NOTIFICATION OF SUSPENDED OR EXPIRED LICENSE

Any employee who is required by his or her job description to operate a motor vehicle or who may operate a vehicle even if not required by his or her job description, shall notify his or her supervisor immediately of any driver's license suspension. It is the employee's responsibility to maintain a valid driver's license issued by the State Department of Motor Vehicles and to maintain an acceptable driving record during the course of employment. Failure to maintain a valid driver's license or an acceptable driving record may be cause for disciplinary action.

The City of Laguna Beach requires the enrollment of employees in the Employer Pull Notice (EPN) program who are specifically required by job classification or official job description to possess a valid Class A, B, or C driver's license. Enrollment in the program requires the employee to sign an Authorization For Release of Driver Record Information. Enrollment in the EPN program is an effort to promote driver safety and provides the City of Laguna Beach with the authority to receive a driver record report at least once every twelve (12) months or when any subsequent conviction, failure to appear, accident, driver's license suspension, revocation, or any other action is taken against the employee's driving privilege during the employee's employment.

Departments must annually provide to the Personnel Services Manager the names and license numbers of employees whose job descriptions require a valid driver's license.

Any employee who operates a City vehicle or personal vehicle while on City business without a valid driver's license will be subject to disciplinary action.

REFUNDS

GENERAL POLICY:

Section 3.24.050 of Chapter 3.24 of Title 3 of the Laguna Beach Municipal Code has been amended to read as follows:

3.24.050 Return of Funds. From time to time it becomes necessary to refund certain permit fees, taxes, licenses, etc., in the normal course of city business. Upon recommendation from department managers or elected officials, the city manager or his/her designee is authorized to approve such refunds in an amount not to exceed five thousand dollars. All refunds over five thousand dollars require approval by the City Council.

The authority to approve these refunds in place of the City Manager is delegated to the Administrative Services Director.

DISPOSAL OF SURPLUS PROPERTY

PURPOSE: To provide a uniform procedure for disposal of surplus property, including automobiles, computers, furniture and other equipment, which is no longer needed or used by City departments.

GENERAL POLICY:

No department shall dispose of surplus property with a value exceeding \$2,000 without prior notification to and authorization from the Finance Officer.

At reasonable intervals, the Finance Officer will coordinate City-wide surplus property recovery and disposal projects; however, any item may be disposed of at any time with notice and approval as mentioned above.

All proceeds from the sale of surplus property will be deposited in the General Fund or the Vehicle Replacement Fund. There will be no earmarking of these revenues for individual departments.

INVENTORY OF ART WORK

PURPOSE: To make better known, and more accessible to the public, the works of art belonging to the City of Laguna Beach, and to keep an accurate record of the art work.

GENERAL POLICY: An inventory of all art work belonging to the City has been made by the Laguna Beach Arts Commission and Cultural Arts Department and shall be kept by the Finance Division under the supervision of the Finance Officer. A card file shall be maintained, with an individual card for each piece of art listing its location, history, value, approximate size, inventory number, and donor. Any department receiving a donation of a new piece of art work, or any change in the location of a piece of art work requires notification to the Finance Officer, in writing, within a week of the change, so that it can be properly recorded.

REPORT OF ACCIDENT

PURPOSE: This policy is established to provide a process whereby employees who, during the course of their working day, after having witnessed any kind of accident or happening which might result in the filing of a claim for liability against the City of Laguna Beach, can record and report the circumstances of the incident. Specifically, it applies to accidents 1) on City property, 2) involving City employees, or 3) which may result in City liability. This information will be very useful in 1) identifying safety hazards which require attention, and 2) providing advance notice to the City of situations in which someone may make a claim against the City.

PROVISIONS: An employee who witnesses an accident involving a non-employee on or near City property should complete an Accident Report form (copy attached) and submit it to his or her supervisor, who should sign it and send it to the department head. The report should then be provided to the City Clerk's office. The information called for should be given as fully as possible, and the map on the form should be used whenever possible. For accidents on City property, a report should be made by the department which received notice of the accident even if no City employee witnessed it (e.g., a trip and fall at the Community Center).

CITY OF LAGUNA BEACH ACCIDENT REPORT

NAME OF EMPLOYEE(S) REPORTING ACCIDENT: _____

DEPARTMENT: _____ DATE /TIME: _____

LOCATION: _____

WERE POLICE CALLED? _____ POLICE REPORT #: _____

OFFICER'S NAME: _____

WHAT WAS HAPPENING AT THE TIME OF THE ACCIDENT? _____

DESCRIBE CITY PROPERTY DAMAGE, IF ANY: _____

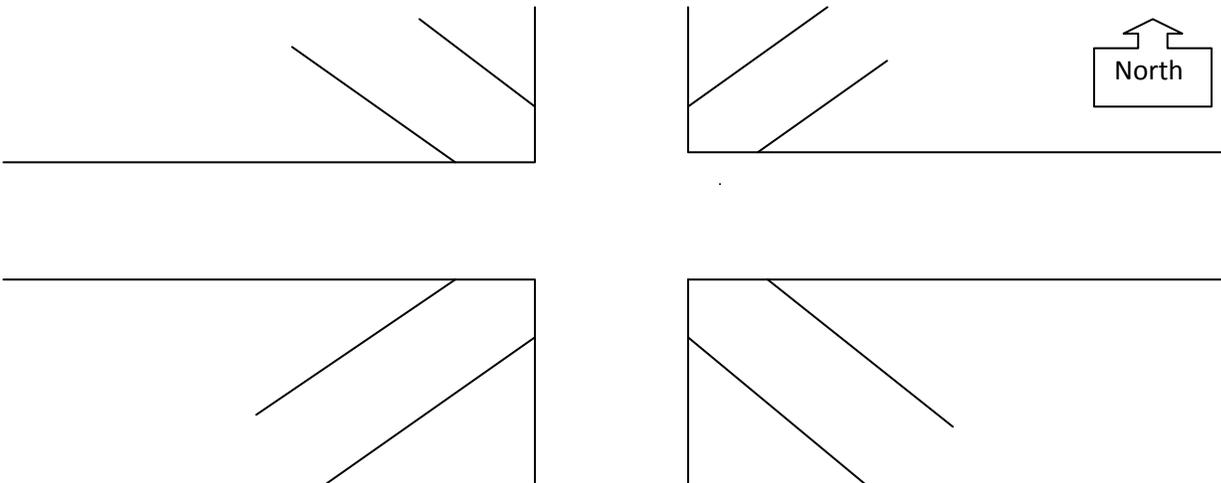
DESCRIBE DAMAGE TO OTHER PROPERTY: _____

NAME OF PERSON(S) INVOLVED: _____

APPARENT INJURY, IF ANY: _____

NAME/ADDRESS OF WITNESSES: _____

PLEASE DESCRIBE WHAT OCCURRED (PLEASE COMPLETE DIAGRAM AS WELL): _____



- Indicate on the diagram what happened. Write in street or highway names or numbers. Show signs, signals, warning and traffic controls. Draw in hedges or buildings, etc. as necessary

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR'S SIGNATURE: _____ DATE: _____

DEPARTMENT HEAD'S SIGNATURE: _____ DATE: _____

PAYROLL DEDUCTIONS

PURPOSE: This policy is written to establish the criteria for use of payroll deductions. It is the policy of the City of Laguna Beach to permit use of payroll deductions for a variety of purposes to benefit the city and its employees.

GENERAL POLICY: Payroll deductions may be established by the Finance Department for the following purposes:

1. Employee benefits authorized by the City Council;
2. Charitable organizations designated by the City Council (e.g., United Way,);
3. Recognized Employee Organizations as provided in Personnel Rule 10.13;
4. Credit Union deposits;
5. Wage attachments or other court orders.

Payroll deductions may not be used for other organizations or purposes unless authorized by the City Manager.

POLICY ON DIRECT DEPOSIT

PURPOSE: To establish guidelines for the use of direct deposit of employee's checks.

GENERAL POLICY:

Payroll direct deposit is a voluntary program in which participating employees receive their pay directly into their bank accounts instead of by a paycheck. There are no changes to current payroll policies and procedures. Pay stubs will be provided to employees participating in the program.

This voluntary program is applicable to all full-time, permanent part-time, year-round part-time City employees and voluntary as part of the City's employee benefits program. It is not available to contract workers, consultants, etc. paid through the accounts payable process.

PROVISIONS:**A. General Provisions**

1. The City's bank can accommodate any bank that uses the National Automatic Clearing House.
2. In almost all cases, employees utilizing direct deposit will have use of their payroll deposit Friday morning of the payroll week. Larger financial institutions may post direct deposit more quickly than smaller institutions. Employees should check with their banks to determine posting dates as the City will not be responsible for posting delays. A financial institution can be a bank, savings and loan or credit union.
3. On payday, each participating employee will receive a pay stub with all of the information instead of a paycheck.
4. Payroll deductions and payroll direct deposits for the Orange County Federal Credit Union will still be offered.
5. New enrollments or changes to an account or bank must be submitted to the Finance Division at least twenty one (21) days prior to the affected payday.
6. The direct deposit program will be limited to only one (1) account at a single financial institution.

B. Department Responsibilities

1. As is currently the case, departments will be required to continue to turn in all timesheets by 5:00 p.m. on the Monday of the payroll week.

C. Employee Responsibilities – Employees can have their pay deposited in either a checking or savings account. The employee should do the following:**1. Checking accounts:**

- a. Complete the Direct Deposit Authorization Form (See attachment). This form will be available in the Personnel Division.
- b. Staple a “voided” check to the Direct Deposit Authorization Form (A photocopy of a check with void written across its face may be substituted for an actual check).
- c. Send the Direct Deposit Authorization Form with the attached voided check to the Finance Division for processing at least twenty-one (21) days before the payday in which the direct deposit is scheduled to begin.

2. Savings accounts:

- a. Complete the Direct Deposit Authorization Form (See attachment). This form will be available in the Personnel Division.
- b. Contact the bank to obtain the transit routing number and account number and note it on the Direct Deposit Authorization Form;
- c. Send the Direct Deposit Authorization Form, the bank’s transit routing number, and the account number to the Finance Division for processing at least twenty-one (21) days before the payday in which the direct deposit is scheduled to begin.

3. It is the employee’s responsibility to provide written notification in the form of a new Direct Deposit Authorization Form to the Finance Division immediately when an employee closes an account or wishes to switch to payment by check. This notification must be made ten (10) days prior to the applicable payday to ensure that the direct deposit will be stopped.

4. The Finance Division will work with the bank and the employee in resolving any problems with the employee’s direct deposit transactions, but it is the ultimate responsibility of the employee to resolve any disputes between the bank and themselves in regard to their accounts.

CITY OF LAGUNA BEACH

DIRECT DEPOSIT AUTHORIZATION

New
 Change
 Cancel

I hereby authorize the City of Laguna Beach to initiate deposits to the financial institutions indicated, and, if necessary, to reverse a deposit for any payroll entry made to my account in error. The financial institutions are authorized to credit and/or correct the amounts to my account. This authority is to remain in full force and effect until either I revoke it by giving **10 days prior written notice** to the Finance Division or upon termination of my employment with the City. I acknowledge that I have read the City's policy on direct deposit and agree to conform to its provisions.

Employee's Name (Print)

Employee's Department

Employee's Signature

Date

<u>NAME OF FINANCIAL INSTITUTION</u> <small>(BANK, SAVINGS, CREDIT UNION) MUST INCLUDE ABA ROUTING # FOR SAVINGS ACCOUNTS</small>	<u>TYPE OF ACCOUNT</u>	<u>BANK ACCOUNT NUMBER</u>	<u>DEPOSIT AMOUNT</u>
<i>Mandatory Account Information</i>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings	# ABA Routing # (Savings Only) #	<input type="checkbox"/> 100% Full Paycheck, or <input type="checkbox"/> Balance
<i>Optional Account Information</i>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings	# ABA Routing # (Savings Only) #	\$ (Fixed Dollar Amount)
<i>Optional Account Information</i>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings	# ABA Routing # (Savings Only) #	\$ (Fixed Dollar Amount)

PLEASE STAPLE A COPY OF YOUR VOIDED CHECK(S) TO THIS FORM

DEPOSIT SLIPS WILL NOT BE ACCEPTED

RETURN THIS FORM TO FINANCE

PURCHASING POLICY

PURPOSE: To establish a uniform policy and procedure for the acquisition of high quality goods and services by the City of Laguna Beach.

GENERAL POLICY:**Section A: General Procedures**

1. The City's Municipal Code, Chapter 2.30 (Purchasing Ordinance) shall guide the purchase of all goods and services. Attachment A is a chart that summarizes the required approvals and the procedures to be followed for various types and amounts of purchases as specified in Section 2.30.040 of the Purchasing Ordinance.
2. The Claim Voucher, Purchase Order and Credit Card purchasing procedures established by the Finance Division, as described in Section B below, shall be followed when purchasing goods and services.
3. When the informal bid procedure is utilized as defined in Sections 2.30.030 and as required in Section 2.30.040 of the Purchasing Ordinance, the purchasing authority shall retain and/or create written documentation of the method of solicitation as well as the amount of the bids received.
4. When practical, items of a similar nature, such as automobiles, furniture, or office supplies, should be grouped together into a single purchase transaction so as to take advantage of the economies of scale and help secure the lowest unit pricing. This will also help foster standardization and interchangeability of equipment and other goods purchased. If the grouping of similar items increases the purchase amount and, thereby, places the purchase into a higher purchase category as defined in Section 2.30.040 of the Purchasing Ordinance, then the required procedures and approvals of the higher category shall apply.
5. When contracting for personal services, the City's Consultant Agreement should be used. However, each department may modify the format to suit its own purpose provided that the basic provisions are left intact. For personal service agreements of less than \$10,000, it is up to a department's discretion as to whether a formal contract will be necessary. A department may wish to use a purchase order for a smaller amount; however, use of an agreement supplied by the consultant is to be avoided whenever possible. Those types of agreements favor the consultant to the detriment of the City. If a purchase order is not satisfactory for the consultant, the City's agreement should be utilized. Obviously, the City's format, as prepared by the City Attorney, is intended to protect the City, especially as regards insurance requirements.

6. Every employee of the City is expressly prohibited from accepting, directly or indirectly, from any person, company or corporation to which any purchase has been or might be awarded, any rebate, gift, money, purchase discount, or anything of value whatsoever.

Section B: Claim Voucher, Purchase Order, and Purchasing Card Procedures

When purchasing goods and services, the department should first consult Section 2.30.030 of the Purchasing Ordinance to determine the proper procedure for soliciting bids and for making an assessment of which vendor is most responsive to the City's needs. Once this is done, the department should then consult Section 2.30.040 of the Purchasing Ordinance to determine what approvals require authorization and proceed with the purchase. When the appropriate approvals are received, the department then places the order for the goods or services using either the Claim Voucher, Purchase Order, or Credit Card Purchasing Processes described below:

1. **Claim Voucher Process:** The department places a written or verbal order with the vendor in whatever form the department believes appropriate. When the goods or services are received, the department submits a request for payment in the form of a Claim Voucher. The submission of a Claim Voucher indicates that the goods and services have been received, and authorizes the Finance Division to issue a check payable to the vendor.
2. **Purchase Order Process:** The department places the order by issuing a Purchase Order to the vendor. When the goods or services are received, the department submits to Finance either a Partial Goods/Services Received Report in the case of partial payments, or the Purchase Order in the case of final payments which also closes out the Purchase Order.

Issuing a Purchase Order Accomplishes Two Things:

- a) It establishes an informal written contract between the City and the vendor; and
- b) It directs the Finance Division to set up an encumbrance for the full amount of the Purchase Order. (A more complete explanation is as follows: When a Purchase Order is issued, Finance subtracts the full amount of the Purchase Order from the requesting Department's budget appropriation, and sets it aside in the Encumbrance Column on the Department's expenditure report. As payments are made against the Purchase Order, the encumbrance column is reduced and the amount of the payment is shown in the Expenditure Column.)

When to Use a Purchase Order:

- a) When delivery of goods or provision of services will be provided over an extended period of time and it is prudent to encumber budget allocations to help keep track of expenditures, and to avoid inadvertently spending the same budget dollars twice.

- b) When it is prudent to create an informal contract between the City and the vendor regarding special terms, conditions, specifications, or a description of what is to be received.
 - c) When it is prudent to make explicit that individuals performing work under a contract are performing as independent contractors and not as employees of the City so as to help preclude future claims as might arise, for example, if a contractor suffers an injury in the course of performing the work and attempts to claim coverage under the City's workers' compensation insurance.
 - d) When a vendor requests a written confirmation for the order before providing the goods or services (i.e., when a vendor wants an informal written contract).
 - e) When good judgment indicates that the more detailed information and additional procedural controls of the purchase order process would be beneficial including the creation of an encumbrance to help keep track of expenditures.
3. **Credit Card Process:** Purchasing Credit Cards ("P-Cards") may be used to purchase items and/or service for immediate use not prohibited by law, this policy, or other policies approved by the City Council. The total purchase with the P-Card will not exceed the limits established for that Card. All other purchasing policies remain in effect and P-Cards should not be used to circumvent them.

Purpose: To establish policies and procedures for procuring goods and/or services using a P-card. The purchasing credit card program is designed to 1) streamline the purchasing and accounts payable process by reducing the paperwork generated by small dollar, frequent transactions; 2) facilitate quick payment to small dollar vendors; 3) provide a method to pay "online" only vendors; and 4) provide reporting mechanisms to ensure compliance with City purchasing policies and avoid abuse.

This policy includes procedures for the following:

- Establishing purchasing limits
- Establishing Allowable/Prohibited Purchases
- Security
- Charge Transaction Declines
- Merchandise Returns
- Report Processing
- Reconciliation
- Payment Processing
- Records Management

Definitions:

- a) **Purchasing Credit Card (P-Card):** The P-Card is a commercial credit card for small dollar purchases of goods and services necessary for official City business. The P-Card is approved by the City Manager and issued by the Finance Division to a full-time employee. All purchasing cards must be approved by the City Manager on an annual basis.
- b) **Purchasing Card Program Administrator:** The Finance Manager, or designee, will serve as a single point of contact between the City of Laguna Beach and the bank for general oversight of the P-Card Program.
- c) **Departmental Purchasing Card Coordinator:** An individual designated by the Department Head who is responsible for administration and control of the departmental implementation of the Purchasing Card Policies and Procedures.
- d) **Purchasing Card Cardholders:** Fulltime, permanent employees that have been designated by the Department Head, and approved by the City Manager, to be issued a P-Card in their name for use under these policies and procedures.
- e) **Bank:** A Bank selected by the City to provide the P-Card Program.

Responsibilities:

- a) It shall be the responsibility of the Finance Division to:
 - i. Develop procedures for the use of P-cards that comply with State Law and purchasing policies of the City of Laguna Beach.
 - ii. Administer the P-Card Program, to include the following responsibilities:
 - a. Serve as primary contact with the Bank for P-Cards.
 - b. Serve as primary contact with the Departmental P-Card Coordinators.
 - c. Approve/process applications for the issuance of P-Cards for users in compliance with the requirements as stated in the policy and per City Manager approval.
 - d. Establish guidelines and criteria for transactions and cumulative dollar limits for P-Cards in compliance with the City of Laguna Beach Purchasing Policy.
 - e. Approve/process changes to Cardholder limits and restrictions as authorized by Department Heads and approved by the City Manager.
 - f. Keep a current list of Cardholders, card numbers and card limits.
 - g. Coordinate training on P-Card usage and purchasing policies and procedures.

- h. Review departmental compliance/submission of approved expense reports with receipt reconciliations.
 - i. Cancel and suspend cards as requested by Department Heads or City Manager. Coordinate any system updates needed to interface with the City's accounting system. Review transactions for verification of small dollar purchases and price agreement opportunities.
 - j. Process General Ledger interface for monthly City P-Card purchases.
 - k. Provide director for vendor questions.
- b) It shall also be the responsibility of the Finance Division to:
- a. Establish General Ledger hierarchy for P-Card purchases.
 - b. Review expense reports and monthly billing statement from the bank to ensure timely payment.
 - c. Review or perform necessary accounting transactions to process all departmental charges and ensure transactions are properly recorded.
 - d. Conduct random audits of P-Card transactions to verify departments are complying with the City of Laguna Beach credit card and purchasing policies.
 - e. Confirm all credit card transactions are included in the "Warrants" report submitted to the City Council.
 - f. Submit a summary transaction expense report to the City Manager monthly.
- c) It is the responsibility of the City Treasurer to receive and issue the P-Cards to the designated employee.
- d) It shall be the responsibility of the Department Heads:
- a. Designate which employees will receive a P-Card and set limits for each Cardholder's account. Cardholder limits will include monthly spending limits, number of transactions per day, number of transactions per billing cycle, and merchant category restrictions. These limits will be based on the Cardholder's purchasing requirements and will not exceed the limits established by P-Card Program.
 - b. Recommend temporary increases to spending limits for one-time purchases allowable under this policy or policies of the City Council. Request should be sent via email to Finance Manager for approval.
 - c. Recommend suspension or cancellation of a card to Finance Manager.

- d. Notify the Finance Manager to cancel card privileges. That includes collecting cards if employee is terminated or changes positions.
 - e. Verify and approve all department P-Card transactions in the bank's online system.
- e) Departmental P-Card Coordinator will be responsible for the following:
- a. Verify that information on Requests for Purchasing Cards is correct and that P-Cards are issued within the guidelines established by P-Card Program Administrator.
 - b. Monitor purchases made by Cardholders.
 - c. Enforce timely compliance of submission requirements; review receipts and expense report reconciliations in the bank's online system for submission to the Finance Manager.
 - d. Code general ledger account numbers to credit card transactions in the bank's online system before submission to Finance for payables (payment) process.
 - e. Review P-Card applications or changes to card controls prior to submission.
 - f. Designate a system to maintain original receipts and reconcile expense reports to receipts for each Cardholder reporting to him/her.
- f) Cardholders will be responsible for the following:
- a. Read and sign a Purchasing Card Cardholder Agreement prior to being issued a P-Card and annually thereafter.
 - b. Assume responsibility for all purchases made with the P-Card, adhering to this policy insuring that no unauthorized purchases are made. Unauthorized purchases could be considered misappropriation of City funds.
 - c. Keep original receipts and update card transactions on a daily basis.
 - d. Immediately report lost or stolen cards to the Bank toll-free number and the P-Card Program Administrator by phone and then notify the Department P-Card Coordinator on Lost/Stolen Form to be forwarded to the Finance Manager.
 - e. Make every reasonable effort to resolve disputed purchases with the vendor.
 - f. Immediately report all unresolved disputed purchases to the Departmental P-Card Coordinator using the Purchasing Card Dispute Form.

General Procedures:

- a) Purchasing Limits – Each Department will establish limits for individual P-Cards and aggregate limits for combined card totals. The maximum amount of a single item purchase will not exceed \$10,000. In all cases, a monthly maximum per card will be established by their Department Head and City Manager.
- b) Purchases Allowed with the Purchasing Card – P-Cards may be used to purchase any item and/or service for immediate use not prohibited by law, this policy, or other policies approved by the City Council. The total purchase with the P-Card will not exceed the limits established for that Card. All other purchasing policies remain in effect and P-Cards should not be used to circumvent them.
- c) Purchases Prohibited with the Purchasing Card:
 - a. Personal expenditures
 - b. Cash advances or refunds
 - c. Entertainment of any kind, including the purchase of alcohol or patronage of drinking establishments.
 - d. Purchases under contracts, unless an emergency exception is granted.
 - e. Separate, sequential, and component purchases or transactions made with the intent to circumvent State Law or City policy.
 - f. Purchases that are split to stay within card transaction limits.
 - g. Transaction amounts greater than Cardholder's transaction limit.
 - h. Other purchases specifically excluded in other City policies or by law.
- d) Security – The Cardholder is responsible for the security of the card. This card should be treated with the same level of care as the Cardholder would use with his/her own personal charge cards.
- e) Supporting Documentation for Card Purchases – All transactions must be supported by receipts or credit slips. In instances where the receipt is lost, Cardholder should make every effort to obtain a copy from the vendor or bank.
- f) Using the Card: A need for an item and/or service is established when it is not readily available through a City contract or payable by check. In making a purchase, the Cardholder must
 - a. Ensure that the item or service purchased is not restricted by City policy.

- b. Retain the purchase receipt for all transactions paid using the P-Card.
- g) Unauthorized Use of the Purchasing Card: Any purchases that are prohibited by this policy or the City purchasing policy will be denied.
 - a. The Finance Manager will investigate all circumstances surrounding alleged misuse of the P-Card and in cases where there is evidence of a procedure or policy violation; refer that information to the appropriate authority for investigations and/or disciplinary action.
 - b. In those cases where there is evidence of negligent use of the P-Card, but no fraudulent acts have been committed, the Cardholder will be required to surrender the P-Card with all further privileges revoked.
 - c. Termination of employment and forfeiture of the P-Card are potential disciplinary actions for improper use of the card.
 - d. Any employee having knowledge of violations to this procedure or any other procedure or policy governing the use of the P-Card must immediately report such activity to the Finance Manager.
 - e. The P-Card may be suspended or terminated if a Purchasing Cardholder is suspected of fraud, theft, or illegal drug use. Should the suspicion prove founded, appropriate action shall be taken in accordance with existing City policies and procedures.
- h) Monthly Reconciliation Process: Department P-Card Coordinators or Cardholders will be responsible for completing the required monthly reconciliation process by the 15th day of the following month.
 - a. At the close of the monthly billing cycle, download the bank statement for each cardholder from the Bank of America Payment Center.
 - b. Review and reconcile each assigned cardholders' invoices/receipts to their respective bank statement.
 - c. Login to the Bank of America Works system, filter the pending transactions for the billing month, and complete the following actions for each transaction:
 - i. Scan and upload the receipt to the transaction
 - ii. Update the description of the transaction
 - iii. Assign the appropriate account number
 - iv. Add comments for Department Head, if needed
 - v. Sign off on transaction to advance process to the Department Head
 - d. Ensure that Department Heads have reviewed and approved all transactions in Works for the monthly billing cycle by the 15th day of the following month.

- i) Reports: A summary transaction expense report will be submitted to the City Manager. A summary report will be included with the “warrants” agenda bill for City Council approval.
- j) Disputed Items: Disputes should be resolved promptly between the Cardholder and the Vendor. Cardholders should raise disputes immediately. As failure to do so will result in an authorized purchase that the department is responsible for paying even though the charge is incorrect. If the dispute cannot be resolved within 10 days, the Cardholder should submit a Dispute Form to the Finance Manager.
- k) Termination Clause: The P-Card is issued to an employee for the City’s convenience and may be suspended or terminated at any time by the City for non-compliance with City policies and procedures. Transfer, resignation, or terminations of employment are grounds for cancellation of the P-Card. The P-Card Program Coordinator should complete the Purchasing Card Return Form and forward the form to the Finance Manager.

Section D: Special Procedures for Procurement for Federally-Funded Projects and Purchases

1. Purpose and Applicability

- a. This Federally-Funded Procurement Policy section (“Federal-Funds Policy”) pertains to Federally-funded projects and purchases, the purpose of which is to ensure compliance with all applicable Federal requirements when Federal money is being expended by the City of Laguna Beach.
- b. To the extent that any provisions of this Federal-Funds Policy are inconsistent with any other City regulations, the provisions of this Federal-Funds Policy shall prevail with respect to Federally-funded procurements. If any provisions of this Federal-Funds Policy becomes inconsistent with Federal requirements, whether due to a change in Federal law or regulations, through judicial precedent, or for any other reason, then the City shall not be required to comply with the inconsistent provision of this Federal-Funds Policy, but shall, instead, refer to and comply with the applicable sections of 2 CFR §200.
- c. The City shall comply with the city purchasing policy when undertaking Federally-funded projects and purchases. The City of Laguna Beach anticipates that the United States Office of Management and Budget will periodically update these guidelines, particularly with regards to the sections of the guidelines that specify dollar amounts that are adjusted for inflation. Therefore, the federal guidelines should be reviewed before undertaking any new projects funded with federal dollars to ensure that the City is adhering to the most up-to-date guidelines.

2. Code of Conduct

- a. In compliance with 2 CFR §200.318(c), the City will follow this Code of Conduct. As representatives of the City, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgement. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside the City. The following Code of Conduct shall govern the performance, behavior and actions of the City, including employees, directors, appointed or elected officials, volunteers, or agents who are engaged in any aspect of Federally funded procurement, including, but not limited to, purchasing goods and services, awarding contracts and grants, and the administration and supervision of contracts:
- i. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
 - ii. The City's employees, directors, appointed or elected officials, volunteers, or agents shall neither solicit nor accept gratuities, favors, gifts, consulting fees, trips, or anything having a monetary value in excess of the gift limitation amount established by the Fair Political Practices Commission from a vendor, potential vendor, family or employees of a vendor, contractor or parties to subcontractors.
 - iii. Violations of the Code of Conduct by employees, directors, appointed or elected officials, volunteers, or agents who are engaged in any aspect of procurement, including, but not limited to, purchasing goods and services, awarding contracts and grants, and the administration and supervision of contracts, could lead to disciplinary measures, up to and including possible termination of employment.

3. Solicitation Procedures

- a. Acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or dividing procurements to obtain a more economical purchase. When appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. (2 CFR §200.318(d)).

- b. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services, the City shall enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. (2 CFR §200.318(e)).
- c. Procuring Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs shall be utilized. (2 CFR §200.318(f)).
- d. Value engineering clauses may be used in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. (2 CFR §200.318(g)).
- e. Contracts shall only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (2 CFR §200.318(h)).
- f. Records will be maintained sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. The City Clerk will be the repository for said records and shall be maintained in accordance with the City's adopted records retention schedule. (2 CFR §200.318(i)).
- g. Time and material type contracts as defined by may be used only after a determination that no other contract is suitable. Time and material type contract means a contract where the cost to the City is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expense, and profit. Each time and material contract will set a ceiling price that the contractor exceeds at its own risk. A higher degree of oversight is required in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls. (2 CFR §200.318(j)).
- h. The City alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the City unless

the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction. (2 CFR §200.318(k)).

4. Competition

- a. In compliance with the policy stated in 2 CFR §200.319, all procurement transactions must be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - i. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - ii. Requiring unnecessary experience and excessive bonding;
 - iii. Noncompetitive pricing practices between firms or between affiliated companies;
 - iv. Noncompetitive contracts to consultants that are on retainer contracts;
 - v. Organizational conflicts of interest;
 - vi. Specifying only a “brand name” product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement; and
 - vii. Any arbitrary action in the procurement process. (2 CFR §200.319(a)).
- b. Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. (2 CFR §200.319(b)).
- c. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the

material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standard to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used as a means to define the performance or other relevant requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. (2 CFR §200.319(c)(1)).

- d. Bids and proposals shall identify all the requirements which the offerors must fulfill and all other factors to be used in evaluation bids or proposals. (2 CFR §200.319(c)(2))

5. **Method of Procurement**

- a. In addition to the City of Laguna Beach Municipal Code's purchasing provisions, and its Administrative Policies Purchasing Policy (Finance Policy 1-9), one of the following methods should be used for purchasing and procurement:

- i. Micro-purchase: Purchases where the aggregate dollar amount does not exceed the higher of \$3,000 or the current limitation set by the Federal Acquisition Regulation at 48 CFR §2.101, where this threshold is periodically adjusted for inflation. (2 CFR §200.320(a); 2 CFR §200.67). To the extent practicable, the City will distribute micro-purchases equitably among qualified suppliers.
- ii. Small purchase: Purchases up to the Simplified Acquisition threshold, which is currently \$150,000. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. (2 CFR §§200.320(b), 200.88; 2 CFR Part 200 Appendix II (A).)
- iii. Sealed bid: Purchases over the Simplified Acquisition threshold, which is currently \$150,000. (2 CFR Part 200 Appendix II (A).) Under this purchase method, formal solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. (2 CFR §200.320(c)).

1. This method is the preferred procurement method for construction contracts, if the following conditions apply:

- a. A complete, adequate, and realistic specification or purchase description is available;

- b. Two or more responsible bidders are willing and able to compete effectively for the business, and,
 - c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.
2. If this method is used, the following requirements shall apply:
- a. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids; (2 CFR §200.320(c)(2)(i)).
 - b. The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond; (2 CFR §200.320(c)(2)(ii)).
 - c. All bids will be publicly opened at the time and place prescribed in the invitation for bids; (2 CFR §200.320(c)(2)(iii)).
 - d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. (2 CFR §200.320(c)(2)(iv)). Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - e. Any or all bids may be rejected if there is a sound documented reason. (2 CFR §200.320(c)(2)(v)).
- b. Competitive proposals: Purchases over the Simplified Acquisition threshold, which is currently \$150,000. (2 CFR Part 200 Appendix II (A).) This procurement method requires formal solicitation, fixed-price or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. (2 CFR §200.320(d)). If this method is used, the following requirements apply:

- i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practicable; (2 CFR §200.320(d)(1)).
 - ii. Proposals must be solicited from an adequate number of qualified sources; (2 CFR §200.320(d)(2)).
 - iii. The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope. Any response that takes exception to any mandatory items in this proposal process may be rejected and not considered; (2 CFR §200.320(d)(3));
 - iv. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; (2 CFR §200.320(d)(4)) and,
 - v. Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort. (2 CFR §200.320(d)(5)).
- c. Noncompetitive proposals: Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:
- i. The item is available only from a single source;
 - ii. The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - iii. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - iv. After solicitation of a number of sources, competition is determined inadequate. (2 CFR §200.320(f)).

6. **Contract Cost and Price**

- a. A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (currently \$150,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.
 - i. Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - ii. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under Subpart E- Cost Principles of Part 200- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
 - iii. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used. (2 CFR §200.323)

7. Federal Awarding Agency or Pass-Through Entity Review

- a. The City shall make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the City desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- b. The City will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - i. Procurement procedures or operations fails to comply with the procurement standards in this part;

- ii. The procurement is expected to exceed the Simplified Acquisition Threshold (\$150,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - iii. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;
 - iv. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - v. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- c. The City is exempt from the pre-procurement review in paragraph 21.b. of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
- d. The City may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
- e. The City may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the City that it is complying with these standards. The City must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review. (2 CFR § 200.324).

8. **Bonding Requirements**

- a. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (\$150,000), the Federal awarding or pass-through entity may accept the bonding policy and requirements of the City provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- b. A bid guarantee from each bidder equivalent to five percent (5%) of the bid price. The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;
- c. A performance bond on the part of the contractor for 100 percent (100%) of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and,
- d. A payment bond on the part of the contractor for 100 percent (100%) of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. (2 CFR §200.325).

9. **Contracting with small and minority business, women's business enterprises, and labor surplus area firms.**

- a. All necessary affirmative steps will be taken to assure that minority business, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps include
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
 - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
 - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
 - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and,
 - vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

10. **Contract Provisions:** In accordance with 2 CFR §200.326, contracts with a Federal funding source must include the following compliance provisions, as applicable:

- a. Equal Employment Opportunity: All contracts, when funded in whole or partly by monies derived from the Federal government (either directly or indirectly), shall contain a provision requiring compliance with Executive Order No. 11246 (Equal Employment Opportunity), as amended by Executive Order No. 11375 (requires nondiscrimination in contracting) and as supplemented in U.S. Department of Labor regulations. (2 CFR pt. 200 Appendix II(C)).
- b. Remedies: Contracts in excess of \$150,000 must contain provisions or conditions that will allow for administrative, contractual or legal remedies in instances when contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate. (2 CFR pt. 200, Appendix II(A)).
- c. Termination: All contracts in excess of \$10,000 must address termination for cause and convenience by the City, including the manner by which it will be effected and the basis for settlement. (2 CFR pt. 200, Appendix II(B)).
- d. Record Retention: Contractors must be required to maintain all requisite records for 3 years after the City makes a final payment, unless a specific exception applies. (2 CFR §200.333). Contracts must contain a provision that the City, the federal grantor agency, the U.S. Comptroller General or any of their duly authorized representatives must have access to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract, for purposes of making audits, examinations, excerpts and transcripts. (2 CFR §200.336).
- e. "Anti-Kickback": Applies to construction or repair contracts in excess of \$2,000. It prohibits kickbacks in construction contracts funded with Federal monies. Contractors and subcontractors or subrecipients shall be prohibited from inducing any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled and suspected or reported violations shall be immediately reported to the Federal awarding agency. (18 USC §874; 2 CFR pt. 200, Appendix II(D), 29 CFR pt. 3).
- f. Davis-Bacon Act: Applies to construction contracts in excess of \$2,000. It requires contracts to pay laborers and mechanics wages not less than the prevailing wage as determined by the Secretary of Labor and must be required to pay wages not less than once a week. Each bid solicitation published by the City must contain the current prevailing wage determination. Any award of the contract must be conditioned on contractor's acceptance of that wage determination and suspected or reported violations of this act shall be immediately reported to the Federal awarding agency. (40 CFR §3141 et seq., 2 CFR pt. 200, Appendix II(D), 29 CFR pt. 5.)

- g. **Contract Work Hours & Safety Standards:** When applicable, all contracts awarded by recipients in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with the Contract Work Hours and Safety Standards Act, 40 USC §§3702, 3704; 2 CFR pt. 200, Appendix II(E)).
- h. **Environmental Law Compliance:** Applies to contracts and sub grants in excess of \$150,000. Contractor shall be required to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC §7606) and the Clean Water Act. (42 USC §1368). Suspected or reported violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). 2 CFR pt. 200, Appendix II(G)).
- i. **Debarment and Suspension:** Contracts funded with Federal grant monies may not be awarded to contractors that have been debarred or suspended from receiving Federal monies pursuant to the System for Award Management (SAM). (2 CFR §180).
- j. **Byrd Anti-Lobbying Amendment:** Contractors that apply or bid for an award of \$100,000 must certify that they will not and have not used Federal funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award. (31 U.S.C. §1352).

**EXHIBIT #1
REQUEST FOR PURCHASING CARD**

TO: Finance Manager

FROM: _____
(Department)

SUBJECT: Request for Purchasing Card

I request the following employee be issued a City of Laguna Beach Purchasing Card for the purpose of making small-dollar purchases in the normal course of authorized City of Laguna Beach business.

Full Name of Employee (print): _____

Employee Signature: _____

Employee Title: _____

Single Item Purchase-Supplies or Material (**Not to Exceed**): _____

Daily Transaction Limit: _____ # of Transactions _____

30-Day Limit _____

Restrictions: _____

Will the card be used for travel related items? (e.g. airline tickets, rental cars, hotels, etc.):

No _____ Yes _____ **Only** for travel related items

REQUESTED BY: _____
Department Head

APPROVED BY: _____
Finance Manager

APPROVED BY: _____
City Manager

**EXHIBIT #2
PURCHASING CARD CARDHOLDER AGREEMENT**

I, _____ hereby agree to comply with the **purchasing card** policy and procedures and the following terms and conditions regarding my use of the card. As a cardholder, I have read and understand the **City of Laguna Beach Purchasing Card Policy and Procedures**.

1. I understand that I am being entrusted with a valuable tool, the purchasing card. I will be making financial commitments on behalf of City of Laguna Beach. I will obtain the best value for the City of Laguna Beach by using the card wisely and with discretion.
2. I agree to use this card for official approved purchases only. I fully understand that misuse or abuse of the card will result in revocation of the card and appropriate disciplinary action which may include termination of my employment. I also agree to attend training on the use of this card as prescribed by Finance Manager.
3. Policy violations include, but are not limited to:
 - a. Expenditures for personal purposes;
 - b. Cash advances or refunds;
 - c. Expenditures for entertainment, including but not limited to the purchase of alcoholic beverages;
 - d. Purchases under contracts, unless an emergency exception is granted;
 - e. Separate, sequential, and component purchases or transactions made with intent to circumvent State Law or City policy;
 - f. Transaction amounts greater than cardholder’s limits;
 - g. Failure to submit proper documentation with each monthly statement, and;
 - h. Allowing the card to be used by someone else
4. I agree to return the card immediately upon request or upon termination of employment (including retirement and resignation). Should I be transferred, qualify for extended leave or undergo an organizational change which causes my duties to no longer necessitate the use of the card, I agree to return it immediately and arrange for issuance of a new card as may be appropriate.
5. If the card is lost or stolen, I agree to immediately notify the Finance Manager both verbally and in writing.

I understand and agree that my use of the purchasing card is subject to the following specific purposes or restrictions:

Employee Signature: _____ Date: _____ Department _____

Department Head: _____ Date: _____ Administrator _____

Transaction Limit: \$ _____ Monthly Limit: \$ _____

Submit to Department Head to include with Request for Purchasing Card

EXHIBIT #3
PURCHASING CARD LOST/STOLEN REPORT

TO: Finance Manager

FROM: _____
(Department)

Card Number: _____

Full Name of Employee (print): _____

Employee Signature: _____

Employee Title: _____

Date of Loss: _____

Date Stolen: _____

Details:

**EXHIBIT #4
CARDHOLDER STATEMENT OF DISPUTED ITEM(S)**

RE: _____

CARDHOLDER NAME: _____ CARD NUMBER: _____

MERCHANT NAME: _____ DISPUTED AMOUNT: \$ _____

I dispute the charge(s) described herein as follows: [Check Appropriate Box(es)]

- I certify that the charge listed above was not made by me nor were the goods or services represented by the above transaction received by me or by a person authorized by me.
- I do not recognize the transaction as listed above. Please inform me of merchant name and description of merchandise purchases.
- Although I did engage in the above transaction, I dispute all or part of the charge in the amount of \$ _____.
- I have contacted the merchant and requested a credit adjustment that I did not receive or was not satisfactory.
- I have been charged twice for the same transaction. Posting dates: _____ and _____.
- A credit slip was listed as a sale on my statement.
- The amount of the sales slip was increased from \$ _____ to \$ _____. Enclosed is my copy of the sales slip prior to alteration.
- I received a price adjustment (credit slip) on the above transaction, and it has not appeared on my statement. Enclosed is a copy of the credit memorandum.
- Non-Acceptance
- Other, please explain completely.
- I am disputing the charge because:

Designated Cardholder Signature: _____

Daytime Phone: _____

Date: _____

Fax Dispute Form to: Finance Manager (949) 497-0771 or send form by email.

**EXHIBIT #5
PURCHASING CARD CHANGE FORM**

TO: Finance Manager

FROM: _____
(Department)

Card Number: _____

Full Name of Employee (print): _____

Employee Signature: _____

Employee Title: _____

Date of Increase: _____

Increased To: _____

Other Requests: _____

Head Department Signature: _____

Reason:

Date Changed: _____

Signature: _____
Approval, Finance Manager

Signature: _____
Approval, City Manager

Copy: Department Head

**EXHIBIT #6
PURCHASING CARD RETURN FORM**

TO: Finance Manager

FROM: _____
(Department)

Card Number: _____

Full Name of Employee (print): _____

Employee Signature: _____

Employee Title: _____

Date Card Returned: _____

Returned To: _____

Signature: _____

Reason:

Action/Date Taken:

Signature: _____
Finance Manager

Copy: Department Head

**EXHIBIT #8
P-CARD MISSING RECEIPT AFFIDAVIT**

I _____, have either not received or have misplaced a P-Card receipt totaling \$ _____. This document will be used in lieu of an invoice or receipt for this transaction.

Vendor: _____ Amount: \$ _____

Date of Purchase: _____ Transaction Number: _____

Item(s) Purchased:

(Include description, quantity and unit price, and business purpose for each item)

What attempts have been made to request a duplicate receipt from the vendor?

(Include names, dates, phone numbers, or emails used in requesting documentation from the vendor.)

I certify that the amounts shown above (and on the attached, if applicable) were purchased and received for City of Laguna Beach. I understand that habitual use of this form instead of submitting actual receipts or invoices will result in suspension or termination of P Card privileges.*

Cardholder (Signature/Date) Cardholder (Printed Name)

Approving Official (Signature/Date) Approving Official (Printed Name)

**Habitual use is defined as more than SIX (6) times in one fiscal year*

Please submit a copy of this form to:
Finance Division Attn: Finance Manager

**EXHIBIT #9
P-CARD REPORTING ABUSE
(Page 1 of 2)**

To: Finance Manager

Reported By: _____ **Phone Number:** _____

Cardholder Name: _____ **Last four digits of card:** _____

Select P-Card Misuse or Non-Compliance (choose one)

1. P-Card Misuse:

Select the area(s) that apply and refer to page 2 for reporting and documentation requirements:

- P-Card used to purchase personal items (intentional or unintentional)
- Purchased items on the P-Card not authorized for purchase by the employee
- Retained a rebate or refund from a vendor, bank or other financial institution for personal use
- Used the P-Card for purchases over \$5,000
- Purchased gift cards, alcoholic beverages, tobacco products or personal items
- Any person, including a Supervisor/ Approving Official who knowingly, intentionally, willfully, wantonly, or recklessly allowed or conspired with the cardholder on any of the actions noted above

2. Non-Compliance to P-Card Manual:

List the area(s) of Non-Compliance that apply and refer to page 2 of this form for reporting and documentation requirements:

1. _____
2. _____

Comments:

_____ **Date:** _____
Signature (Reported By)

**Any incidents of P-Card Misuse as described above must be reported to the Finance Office. This reporting requirement will be handled centrally from the Finance Division. In addition, the Personnel Division will review all cases of alleged employee misuse that have been reported to the Finance Division.*

EXHIBIT #9
P-CARD REPORTING ABUSE
(Page 2 of 2)

For reported cases of P-Card Misuse, attach the following to the P-Card Reporting Form:

1. A memo on letterhead explaining the circumstance of what happened (including a timeline of the incident and if the employee self-reported the incident)
2. A copy of the receipt and/or other supporting documentation.
3. A check made payable to City of Laguna Beach (if the purchase was for personal use/gain).
4. Submit the entire package to Finance Manager.

For reported cases of Non-Compliance to the P-Card Manual, attach the following to the P-Card Reporting Form:

- A memo on letterhead explaining the circumstance of what happened
- A copy of the receipt and/or other supporting documentation.
- Submit the entire package to the Controller's Office, 320 Business Services Building

Note:

Notices of non-compliance will be issued by the Personnel Division for cases of P-Card Misuse and Non-Compliance. All notices of non-compliance will be addressed to the cardholder and copied to the Finance Department and the Department Head. Receipt of notices of non-compliance may result in loss of P-Card and possible disciplinary action, up to and including termination of employment.

ADMINISTRATIVE POLICY 1-9 EXHIBITS

CITY OF LAGUNA BEACH P-CARD "QUICK" REFERENCE SHEET	
Allowable Purchases (Things I CAN buy with a P-Card)	Unallowable Purchases (Things I CANNOT buy with a P-Card)
Advertising; includes employee recruitment announcements and any advertising placed in a publication, magazine or newspaper.	Alcoholic beverages and tobacco
Computers, Servers, and Software for City use.	Cash Advances, Cash Refunds, or "Store Credits" held on account with the vendor
Emergency Equipment rental of less than 30 days (DOES NOT include vehicle rental).	Construction, Infrastructure Repairs or Renovation (NO Labor charges are allowed).
Vehicle repairs & maintenance. All costs must be reported in accordance with fleet management	Entertainment
Equipment under \$5,000.	Firearms or explosives
Equipment under \$10,000 approved by the City Manager	Maintenance/Service agreements (that require a signed contract)
Fuel/Gasoline for motor vehicles	Payments to individuals for services rendered
Gift cards, gift certificates, stored value cards, calling cards, pre-paid cards or similar products (Require Department Head and City Manager Approval)	Professional licenses
Meals, lodging, transportation and travel related expenses for employees, prospective employees and guests performing a service for the City (includes hotel reservations).	Personal purchases (even if you intend to reimburse the City of Laguna Beach)
Registration fees: <ul style="list-style-type: none"> - Food is unallowable UNLESS included as part of the registration fee - Conference registration fees may be paid with a P-Card; however, employees must not request reimbursement for meals included in the conference registration fees. - No memberships or lodging may be paid as part of the registration 	Limo services
Dues and subscriptions required to be paid through internet or web transaction.	Split orders (including items on statewide or agency contracts)
Shuttles and taxi and uber services	
Materials and supplies under \$5,000 and in compliance with the city purchasing policy.	
Meals for City events with City Manager Approval	
Service/Recognition awards - i.e. plaques, certificates, etc...	
Wireless Communication Devices (WCD) – i.e. IPAD's with connectivity, cell phones, Blackberries, iPhones, etc.... with City Manager Approval.	

CAPITAL ASSET POLICY AND PROCEDURES**PURPOSE**

The intended purpose of the City of Laguna Beach Capital asset Policy is to ensure adequate control, appropriate use of and proper reporting of the City's infrastructure assets and capital assets. The policy and the related procedures are intended to establish guidelines for budgeting, purchasing, using, transferring, disposing, depreciation and financial reporting for all assets.

POLICY

It is the policy of the City of Laguna Beach that City assets be properly accounted for and used for appropriate City uses. The Finance Department, with assistance from the Departments will be responsible to ensure capital assets are tagged, whenever feasible, inventoried, and properly accounted for by fund and asset category. It is the responsibility of City Department Heads to ensure that proper budgeting purchasing guidelines are followed, and to ensure that capital assets are adequately controlled and used for appropriate City purposes.

The City of Laguna Beach's Capital Asset Policy has three (2) objective:

1. Accounting and Financial Reporting: To accurately account for City assets in financial reports issued to the City Council and external reporting agencies.
2. Safeguarding: The City has fiduciary responsibility to establish systems and procedures to prevent its assets from loss and or theft.

PROCEDURES**Accounting and Financial Reporting**

In general, all assets, including land, building and improvements, office equipment and machinery, furniture and fixtures, equipment, machinery and tools, automotive equipment, infrastructure, and sewer plant and lines with an original cost in excess of \$5,000 and a useful life of three or more will be subject to capitalization. All costs associated with the purchase or construction shall be considered, including ancillary costs such as freight and transportation charges, site preparation expenditures, installation charges, professional fees, and legal costs directly attributable to asset acquisition.

Specific capitalization requirements are identified below:

- a. The capitalization threshold is applied to *individual units* of fixed assets. For example, ten chairs purchased through a single purchase order each costing \$6,000 will not qualify for capitalization even though the total cost of \$6,000 exceeds the threshold of \$5,000.

- b. Repair costs for infrastructure will generally not be subject to capitalization unless the repair extends the useful life of the asset.
- c. Capital projects will be capitalized as “construction in progress” until the projected completed. Costs to be capitalized include direct costs, such as labor, materials, and transportation and indirect costs such as engineering and construction management.
- d. All computer and computer related equipment would be recorded and controlled as inventory and not depreciated. Constant change in technology, software demands, and system configurations cause this asset class to be obsolete before it reaches its useful life.

Inventory Control Level - Safeguarding

City assets that do not meet the criteria are accounted for as inventory. These assets are accounted for and controlled through the same systems and procedures used to account and control assets subject to capitalization. Department Heads are responsible for safeguarding assets under their control from theft or loss. However, the Finance Department is responsible for establishing and maintaining systems and procedures that enable Department to properly safeguard assets.

The objectives of a physical inventory are to ensure that the fixed assets are recorded in the system physically exists; to detect whether unrecorded or improperly recorded transactions have occurred, and to identify any excess, defective or obsolete assets on hand.

Departments shall notify the Finance Division of all related transactions such as trade-ins, returns, and item disposed of as junk.

The Finance Division will send an Inventory Listing to each department at least once every two years. This list shall be compared to items physical on hand. The operating division in cooperation with Finance shall reconcile any differences between the system and the inventory, and corrections made as necessary.

Donated Assets

Capital assets acquired by gift, donation, or payment of a nominal sum shall be recorded and tagged. This also holds true for assets purchased with grant monies. The operating department that becomes the beneficiary of any such assets shall notify the Finance Division. Donated assets shall be reported at their estimated fair mark value at the time of receipt.

Construction in Progress (CIP)

A CIP asset reflects the cost of construction work undertaken, but not yet completed. For construction in progress assets, no depreciation is recorded until the asset is placed in service. When construction is completed, the asset should be reclassified as building, building improvement, land improvements, equipment, etc., and should be capitalized and depreciated.

Depreciation

Capital assets used in operations are depreciated over their estimated useful lives. Depreciated is computed using the straight-line method. Depreciation is charged as an expense against operations and accumulated depreciation is reported on the respective statement of net position. The ranges of lives used for depreciation for each fixed asset class are as follows:

<u>Description/Assets</u>	<u>Depreciation Life/Years</u>
Storm Drains	40
Beach Stairways	30
Streets	50
Sidewalks	50
Sewer Line Relining	40
Sewer Lines	50
Nuisance Water Diversification Units	30
Buildings and Improvements	30
Office Equipment and Machines	5
Furniture and Fixtures	3 to 8
Equipment, Machinery, and Tools	3 to 8
Automotive Equipment	2 to 20

Disposal/Surplus Property

All assets that have reached the end of their useful life and have a zero (\$0) book value for reporting purposes will be accounted for under the Surplus category. Surplus property, with the approval of the Finance Officer, can be donated to a school or non-profit agency, sold to any public or private person or entity, transferred from one department to another department, recycled or disposed of as junk to a landfill or other appropriate wester removal facility. Surplus property for the purposes of this policy includes furniture, fixtures, machinery, equipment and obsolete computer equipment.

It is the Department's responsibility to appraise the value of surplus properties and fixed assets. City Manager approval will be required for scrapping of surplus items with a value greater than \$1,000. If it is determined that the property sold as a unit has a value less than \$1,000, the property may be disposed of in a manner approved by the City manager. If the appraised value of the surplus properties and the capital assets, either sold as a unit or as a single piece, has a market value of \$5,000 or more, the property must be disposed by advertisement to the general public or auction companies. The City Clerk is authorized to advertise such surplus property for sale to the general public and auction companies. Do not bring the surplus properties/fixed assets to the Finance Division.

ADMINISTRATIVE POLICY MANUAL

CHAPTER ONE FINANCE POLICY 1-10

All items sold, traded-in, scrapped, abandoned or in any way removed from service during the current fiscal year are classified as disposals.

Property should not be transferred, turned-in or disposed of without prior approval of the proper Department H6/22/20ead. The operating departments shall be responsible to initiate transfer/disposition processing. The form "Request to Transfer/Retire Surplus Property" shall be completed by the operating department and submitted to the Finance Division.

The Department then arranges the disposition or transfer of the fixed asset. Each disposal shall be recorded with the date, method, and authorization for such disposition. The Department shall then report the transfer or disposition of the asset to the Finance Division.

FINANCIAL PROCEDURES – UNCLAIMED FUNDS**PURPOSE**

To establish procedures for escheatment and accounting of unclaimed money in accordance with California Government Code Sections 50050 through 50056.

POLICY

Money, that is not the property of the City of Laguna Beach (City), that remains unclaimed for at least three (3) years will become the property of the City if after proper notification the money remains unclaimed. Money becoming property of the City will be transferred to the general fund, unless otherwise restricted.

Unclaimed money items less than fifteen dollars (\$15), or any amount if the owner is unknown, which remain unclaimed for one (1) year will become the property of the City without notification and will be transferred to the general fund, unless otherwise restricted.

AUTHORITY

California Government Code Sections 50050 through 50056

PROCEDURES

Individual checks/deposits equal to or greater than fifteen dollars (\$15):

STALE DATING CHECKS

Payroll and Accounts Payable checks drawn on the City bank accounts that remain outstanding for six months or more that remain outstanding will be considered stale dated and will not be honored by the City's bank if presented for payment.

RECLASSIFYING STALE DATED CHECKS

All checks that remain unclaimed will be transferred to the City's unclaimed property account based on the following criteria:

Accounts payable checks – Six months from the issue date

Payroll checks – Six months from the issue date

These checks will be cancelled, and notification of the cancellation will be sent to the City's bank. Accounting entries will be generated to record the dollar amount of unclaimed check in the liability account – Unclaimed Property.

The payee/check information will be recorded in an unclaimed check spreadsheet maintained by the Finance Division. This list of unclaimed checks will include the individual or business name as

shown on the issued check, the amount of the issued check, the check number, the check issue date, and the original expense account.

The Finance Division will proceed as follows:

1. A stop payment shall be placed with the bank on all stale dated checks;
2. Accounts Payable will void stale dated checks: Debit Cash and Credit original Expenditure account, and;
3. Accounting will post a Journal Entry to record the stale dated check liability, Debit original Expenditure Account and Credit Unclaimed Funds Liability.

CLAIMING FUNDS

An individual or business may file a claim for funds with the City's Finance Division. Claimants will be required to complete a claim form for unclaimed funds, along with supporting documentation. All funds that remain unclaimed based on the timelines will be transferred to the City's General Fund.

Examples of claims and the types of supporting information that may be required include:

- A. Individual Claimant – Claims initiated by the owner of the property.
 - Completed and signed Claim Form for Unclaimed Funds.
 - A copy of the check (if available).
 - Copy of any official form used for identification, such as a driver's license, military identification card, or passport.
 - Proof of reported address associated with the unclaimed check. The following documents are acceptable: paystub, tax return, mortgage, telephone or utility bill, bank or credit card statement.

- B. Business Claimant – The claim must be made by an officer or official claiming on behalf of the business or corporation, partnership, professional association, on profit organization, government entity, or private organization.
 - Completed and signed Claim Form for Unclaimed Funds.
 - A copy of the check (if available).
 - Copy of any official form used for identification, such as a driver's license, military identification card, or passport.
 - Federal tax identification number
 - Business card of the authorized officer or official.

- Proof of business's reported address associated with the unclaimed check, such as tax return documents, a mortgage, rent, telephone, or utility bill, business license, or a bank statement.

If a company or business has dissolved or changed names additional information may be requested to process the claim.

- C. Heir or Trustee of Deceased Property Owner – Claims initiated by the authorized lawful heir or trustee of the deceased payee's claim.
- Completed and signed Claim Form for Unclaimed Funds.
 - Death certificate of the deceased owner or owners of the property.
 - Copy of any official form used for identification, such as a driver's license, military identification card, or passport.
 - Proof of reported address associated with the unclaimed property. The following documents are acceptable: Pay stub, tax return document, mortgage, telephone, or utility bill, bank or credit card statement.

All claims made by heirs or trustees of a deceased payee are subject to review.

The City of Laguna Beach retains the right to reject any claim in which entitlement has not been established to the City's satisfaction.

If a claim is approved, the check will be reissued, and the original check will be removed from the unclaimed check listing.

TRANSFER OF CHECKS TO THE GENERAL FUND

On an annual basis, the unclaimed check list will be reviewed to determine which checks can be transferred to the City's General Fund, as determined by Government Code Sections 50050 through 50056. The Finance Division will then publish a notice identifying all such money in a local newspaper of general circulation once a week for two successive weeks. The notice shall state the payee name, fund in which it is held, the amount of money, and that the money will become City property forty-five (45) days after the first publication of the notice. Proof of publication must be retained in the unclaimed funds binder.

- Checks under \$15
Checks for less than \$15 that remain unclaimed for a period of at least one year will become the property of the City and will be transferred to the City's General Fund.
- Checks \$15 and Greater
Checks that are greater than \$15 and have remained outstanding for more than three years will be published once a week for two consecutive weeks in a newspaper of general circulation stating the payee, the amount, and the fund in which the money is held.

The notice will also contain the specific date the money will become the property of the City. This date shall not be less than 45 days nor more than 60 days after the first publication.

If there are not claims for the check by the date identified in the notice, a list of unclaimed checks and dollar amounts will be submitted to City Council for approval and transfer to the City's General Fund.

All approved funds will be transferred following the issuance of a resolution.

DEBT MANAGEMENT POLICY**PURPOSE**

The purpose of this Debt Management Policy (“Policy”) is to establish guidelines and parameters for the effective governance, management, and administration of the debt of the City of Laguna Beach (“City”). This Policy is intended to comply with California Government Code Section 8855(i), and any successor statute, and shall govern all debt that is contemplated or incurred by the City.

The City hereby recognizes that a fiscally prudent Policy is required to:

- Maintain the City’s sound financial position;
- Ensure the City has the flexibility to respond to changes in future service priorities, revenue levels, and operating expenses;
- Protect the City’s creditworthiness;
- Ensure that all debt is structured to protect both current and future taxpayers, ratepayers, and constituents of the City; and
- Ensure that the City’s debt is consistent with the City’s planning goals, objectives, capital improvement program, and/or budget.

The main objectives of this Debt Policy are to establish conditions for the use of debt:

- To ensure that debt capacity and affordability are adequately considered;
- To minimize the City’s interest and issuance costs;
- To maintain the highest possible credit rating;
- To provide complete financial disclosure and reporting; and
- To maintain financial flexibility for the City.

BACKGROUND

The City is committed to fiscal sustainability by employing long-term financial planning efforts, maintaining appropriate reserve levels, and employing prudent practices in governance, management, budget administration, and financial reporting.

Debt levels and their related annual costs are important long-term obligations that must be managed within available resources. A disciplined, thoughtful approach to debt management includes policies that provide guidelines for the City to manage its debt consistent with available and reasonably anticipated resources. Therefore, the objective of this Policy is to provide written guidelines concerning the amount and type of debt that may be issued by the City and the ongoing management of debt obligations.

This Policy is intended to make all relevant information readily available to decision-makers and the public to improve the quality of decisions, provide justification for the structure of debt issuances, identify policy goals, and demonstrate a commitment to long-term financial planning, including a multi-year capital plan. Adherence to this Policy signals to rating agencies and the capital markets that the City is well managed and able to meet its obligations in a timely manner.

POLICY GOALS RELATED TO PLANNING GOALS AND OBJECTIVES

The City is committed to long-term financial planning, maintaining appropriate reserve levels, and employing prudent practices in governance, management, and budget administration.

It is a policy goal of the City to protect taxpayers, ratepayers (if applicable), and constituents by utilizing conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable), the lowest practical borrowing costs, and the most flexible borrowing terms.

The City shall comply with applicable state and federal laws as they pertain to debt and the procedures for levying and imposing related taxes, assessments, rates, or charges.

A Disclosure Officer shall be designated for each debt issuance. The Director of Administrative Services or other position designated by the City Manager is the designated Disclosure Officer for debt issued by the City of Laguna Beach. The City Treasurer or other position designated by the City Manager is the designated Disclosure Officer for the debt issued by Assessment Districts that is not a direct obligation of the City.

CONDITIONS AND PURPOSES OF DEBT ISSUANCE**1. Acceptable Conditions for the Use of Debt**

Debt could be considered to finance projects if:

- a) It distributes costs of the asset over its useful life so that benefits more closely match costs for both current and future residents.
- b) It is the most cost-effective funding means available to the City, taking into account cash flow needs, maintenance of prudent reserves, and other funding alternatives.
- c) It is fiscally prudent and meets the guidelines of this Policy and the City's Municipal Code.

Any consideration of debt financing shall consider financial alternatives, including pay-as-you-go funding, proceeds derived from development or redevelopment of existing land and capital assets owned by the City, and use of existing or future cash reserves, or any combination thereof.

2. Purposes for Which Debt May Be Issued

The City may consider financing for the acquisition, substantial refurbishment, replacement or expansion of physical assets, including land improvements. The primary purpose of debt would be to finance one or more of the following:

- a) Acquisition and or improvement of land, right-of-way, leaseholds or long-term easements.
- b) Acquisition of equipment or a capital asset with a useful life of three (3) or more years.
- c) Construction or reconstruction of a facility.

- d) The undergrounding of utility poles.
- e) Refunding, refinancing, or restructuring debt, subject to refunding objectives and parameters discussed herein.
- f) Although not the primary purpose of the financing effort, project reimbursable costs, which include project planning, design, engineering and other preconstruction efforts; project-associated furniture, fixtures and equipment; and capitalized interest, original issue discount, underwriter's discount, and other costs of issuance.
- g) Interim or cash flow financing, such as tax, revenue or bond anticipation notes.

3. Prohibited Uses of Debt

Prohibited uses of debt include the following:

- a) Financing of operating costs, except as provided above.
- b) Borrowing to fund budgetary deficits.
- c) Debt issued for periods exceeding the useful life of the asset or projects to be financed.

4. Approval Process for the Issuance of Debt

Any issuance of debt, either through a public sale of securities, private placement or direct purchase, is subject to the formal approval of the City Council as a non-consent item on a City Council agenda. As part of the City Council approval, a formal resolution authorizing the issuance of a specific form of debt shall be required as part of the authorizing documents. The resolution shall include, at a minimum, the following:

- a) The specific purpose for which the debt is being incurred;
- b) The maximum principal amount to be borrowed;
- c) The maximum term, which will be no greater than the useful life of the project(s), equipment, or capital asset, whichever is applicable and longer;
- d) The maximum interest rate or true interest cost;
- e) The maximum annual debt service;
- f) Call provisions, including specifically identifying any deviation from Subsection (9) below;
- g) Estimated costs of issuance;
- h) Maximum underwriter's discount; and
- i) A list of all consultants hired for the issuance including, at a minimum, bond counsel, disclosure counsel (in the case of public sale), municipal advisor and underwriter(s).

In addition to the authorizing resolution, the City Council shall be provided copies of the various financing documents, including indentures, purchase agreements, and preliminary official statements (in the case of public sale).

STRUCTURE OF DEBT (FIXED RATE)

1. Term of Debt – Unless financially beneficial to do otherwise, debt shall be structured with the goal of spreading payments for the project, equipment, or capital asset over its useful life so that benefits more closely match costs for both current and future residents. The duration of borrowings by the City shall not exceed the useful life of the project, equipment, or capital asset it finances. The standard term of long-term borrowing is typically fifteen to thirty years.
2. Pace of Debt Payment – Accelerated repayment schedules reduce debt burden faster and reduce total borrowing costs. Debt repayment shall be amortized through the most financially advantageous debt structure and, if applicable, to match the City’s projected cash flow to the anticipated debt service payments, to the extent possible. “Backloading” of debt service should be considered only when one or more of the following occur:
 - a) Natural disasters or extraordinary or unanticipated external factors make payments on the debt in early years impractical; or
 - b) The benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present; or
 - c) Such structuring is beneficial to the City’s aggregate overall debt payment schedule or achieves measurable interest savings; or
 - d) Such structuring will allow debt service to more closely match the revenues pledged to repay the debt.
3. Level Debt Service - To the extent practical, bonds will be amortized on a level debt service basis, and revenue bonds will be amortized on a level debt service basis. Revenue bonds may also be amortized such that debt service is proportional to the forecasted available pledged revenues, when practical, and in order to achieve the lowest rates possible. Bond repayments should not increase on an annual basis in excess of two percent (2%) without a dedicated and supporting revenue-funding stream.
4. Serial Bonds, Term Bonds, and Capital Appreciation Bonds - For each issuance, the City shall select serial bonds or term bonds, or both. On the occasions where circumstances warrant, Capital Appreciation Bonds (“CAB”) may be used. The decision to use term, serial, or CAB bonds shall be based on market conditions.
5. Reserve Funds - The City shall strive to maintain a fund balance in the General Fund or other designated reserve at a level equal to or greater than the maximum annual debt service of existing obligations.
6. Capitalized Interest - Subject to applicable law, capitalized interest may be considered to the extent that the City wishes to defer the beginning of debt service to match available revenues with debt service. However, the City shall seek to minimize the use of capitalized interest, which defers debt service by increasing the size of a debt issue to fund interest.

7. Discount Bonds - While discount and deep discount bonds may reduce the interest cost of the bonds below that of par or premium bonds, they should be used in limited situations.
8. Premium Bonds - Premium bonds may provide for a lower overall interest cost compared to par or discount bonds. An analysis should be prepared comparing the yield to maturity and yield to call of the premium bond structure compared to alternative couponing. This comparison should be done on maturity-by-maturity basis. The value of the call option of the higher coupon with respect to the future ability to refund should be reviewed as well.
9. Call Provisions - In general, the City's debt obligations should include an optional redemption feature at par that arises not later than ten (10) years after the issuance of the debt. However, if market conditions exist where a call option at par arising later than ten (10) years after issuance of debt, or a "make-whole" call, would benefit the City, the authorizing bond resolution must explicitly provide staff the authorization to negotiate these options. The City Council should set parameters that guide staff's negotiations. It is the City's intent to maximize prepayment flexibility on all bond issues. Shorter call provisions may be considered on a case-by-case basis.

TYPES OF DEBT

In order to maximize the financial options available to benefit the public, it is the policy of the City to allow for the consideration of issuing all generally accepted types of debt, including, but not exclusive to, the following:

1. General Fund-Supported Debt - General Fund Supported Debt generally include Certificates of Participation ("COPs") and Lease Revenue Bonds ("LRBs"), which are lease obligations that are secured by a lease-back arrangement between the City and another related public entity. The general operating revenues of the City are pledged to pay the lease payments, which are, in turn, used to pay debt service on the LRBs or COPs. These obligations do not constitute indebtedness under the state constitutional debt limitation and, therefore, are not subject to voter approval.
Payments to be made under valid leases are payable only in the year in which use and occupancy of the leased property is available, and lease payments may not be accelerated. Lease financing requires the fair market rental value of the leased property to be equal to or greater than the required debt service or lease payment schedule. The City as lessee is obligated to place in its Annual Budget the rental payments that are due and payable during each fiscal year the City has use of the leased property.
The City should strive to maintain its net General Fund-backed debt service at or less than ten percent (10%) of annually budgeted General Fund revenue. This ratio is defined as the City's annual debt service requirements on COPs and LRBs compared to total General Fund Revenues. This ratio, which pertains to only General Fund-backed debt, is often referred to as "lease burden."

2. Revenue Bonds - Long-term obligations payable solely from specific pledged sources, in general, are not subject to a legal debt limitation. Examples of such long-term obligations include those which achieve the financing or refinancing of projects provided by the issuance of debt instruments that are payable from restricted revenues or user fees (Enterprise Revenues) and revenues generated from a project. In determining the affordability of proposed revenue bonds, the City shall perform an analysis comparing projected annual net revenues from pledged sources to estimated annual debt service on revenue bonds. The City should strive to maintain a debt service coverage ratio of at least 125% using historical and/or projected net revenues to cover annual debt service for bonds. The City may require a revenue rate increase or reduce operating costs so that revenues cover both operations and debt service costs and create debt service reserve funds to maintain the required coverage ratio.
3. General Obligation (GO) Bonds - General Obligation Bonds are suitable for use in the construction or acquisition of improvements to real property that benefit the public at large. Examples of projects include libraries, parks, and public safety facilities. All GO bonds shall be authorized by the requisite number of voters in order to pass.
4. Joint Powers Authority (JPA) Revenue Bonds: The City may obtain financing through the issuance of debt by a joint exercise of powers agency with such debt payable from amounts paid by the City under a lease, installment sale agreement, or contract of indebtedness. Capital leases may be used to purchase buildings, equipment, furniture and fixtures. The term of any capital lease shall not exceed the useful life of the asset leased. Revenue bonds may be issued by the City or other entity that are secured by a City capital lease. Short-term borrowing may be utilized for interim financing or for other purposes as described below. The City will determine and utilize the least costly method for short-term borrowing subject to the following policies:
 - a) Bond Anticipation Notes (BANs) may be issued for capital related cash purposes to reduce the debt service during the construction period of a project or to provide interim financing for a project. The BANs shall not mature more than 5 years from the date of issuance.
 - b) Lines of Credit shall be considered as an alternative to other short-term borrowing options.
 - c) Other Short-Term Debt may be used when such instruments provide an interest rate advantage or as interim financing.
5. Loans - The City is authorized to enter into loans, installment payment obligations, or other similar funding structures secured by a prudent source, or sources, of repayment.
7. Special Districts Financing - The Special Districts primarily consist of 1915 Act Assessment Districts ("Assessment Districts") and in the future may also include 1982 Mello-Roos Act Community Facilities Districts ("CFDs"). The City may consider requests for Special District formation and debt issuance when such requests address a public need or provide a public

8. benefit. Each application shall be considered on a case-by-case basis as long as the City assumes no obligation under, or in connection with, such debt issuance.

Neither the Finance Division nor the City Treasurer shall recommend a financing if it is determined that the financing could be indirectly detrimental to the financial standing of the City or such financing would otherwise not be in the best interests of the City.

The City may from time to time find that other forms of debt that would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy. To maintain a predictable debt service burden, the City will give preference in the future to debt that carries a fixed interest rate. An alternative to the use of fixed rate debt is variable rate debt.

The City may choose in the future to issue securities that pay a rate of interest that varies according to a pre-determined formula or results from a periodic remarketing of securities. When making the determination to issue bonds in a variable rate mode in the future, consideration will be given in regards to the useful life of the project or facility being financed or the term of the project requiring the funding, market conditions, credit risk and third party risk analysis, cost benefit of employing interest rate CAPS, and the overall debt portfolio structure when issuing variable rate debt for any purpose.

REFUNDING GUIDELINES

The designated Disclosure Officer shall monitor at least annually all outstanding City debt obligations for potential refinancing opportunities for debt obligations or disclosure responsibilities within his/her purview and should consider refinancing of outstanding debt to achieve annual savings. Any refinancing should not result in any increase to the weighted average life of the refinanced debt.

Under any savings scenario, the net present value assessment shall factor in all costs, including the total cost of issuance, escrow, and foregone interest earnings of any contributed funds on hand. Any potential refinancing shall additionally consider whether an alternative refinancing opportunity with higher savings can be reasonably expected in the future. When refinancing debt, it shall be the policy goal of the City to realize, whenever possible, and subject to any overriding non-financial policy considerations, minimum net present value debt service savings equal to or greater than 3.0% of the refunded principal amount.

Consideration of this method of refinancing shall place greater emphasis on determining whether an alternative refinancing opportunity with higher savings is reasonably expected in the future.

RELATIONSHIP OF DEBT TO CAPITAL IMPROVEMENT PROGRAM AND BUDGET

The City has established a Capital Improvement Program for replacing aging physical infrastructure. The City strives to maintain a level funding plan that will minimize the peaks and

valleys in General Fund support levels and allows the funding of projects over time. The City will consider utilizing debt obligations only after giving due consideration to all available funding sources, including but not limited to available cash reserves, other strategic savings programs, available current revenues, potential future revenue sources, existing and potential grants, and all

other financial sources legally available to be used for such purposes. When and if deemed an appropriate alternative, the City may issue debt for the purposes stated in this Policy.

The City shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. To the extent practicable in these circumstances, the City will avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

The City shall coordinate its debt issuances with the goals of its Capital Improvement Program and the Sewer Capital Improvement Program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the City's public purposes.

The City shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its General Fund.

INTERNAL CONTROL POLICIES

When issuing debt, in addition to complying with the terms of this Policy, the designated Disclosure Officer shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds for debt issuances or disclosure responsibilities within his/her purview.

The designated Disclosure Officer will periodically review the requirements of and will remain in compliance with the following:

- a) Any continuing disclosure undertakings under SEC Rule 15c2-12;
- b) Any federal tax compliance requirements, including without limitation arbitrage and rebate compliance, related to any prior bond issues; and
- c) The City's investment policies as they relate to the investment of bond proceeds.

Proceeds of debt will be held by the City or a third-party trustee.

COMMUNICATION, ADMINISTRATION AND REPORTING, AND INTERNAL CONTROL PROCEDURES

1. Rating Agency Relations and Annual or Ongoing Surveillance - The City Manager (or his or her written designee) shall be responsible for maintaining the City's relationships with Standard & Poor's Ratings Services, Fitch Ratings and Moody's Investors Service. The City is committed

to maintaining or improving its existing rating levels. In addition to general communication, the City Manager (or his or her written designee) shall:

- a) Ensure the rating agencies are provided updated financial information of the City as it becomes publicly available;
 - b) If necessary, communicate with credit analysts at each agency at least once each year, or as may be requested by the agencies; and
 - c) Prior to a proposed new City debt issuance, schedule meetings or conference calls with agency analysts and provide a thorough update on the City's financial position, including the impacts of the proposed debt issuance.
2. Council Communication - The City Manager (or his or her written designee) should report feedback from rating agencies to the City Council, when and if available, regarding the City's financial strengths and weaknesses and recommendations for addressing any weaknesses as they pertain to maintaining the City's existing credit ratings.
3. Debt Issue Record-Keeping - A copy of all debt-related records shall be retained at the City's offices. At minimum, these records shall include all official statements, bond legal documents/transcripts, resolutions, trustee statements, leases, and title reports for each City financing (to the extent available).
4. Compliance - When issuing debt, in addition to complying with the terms of this Policy, the City shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and the investment of bond proceeds in accordance with applicable bond indentures and City Administrative Procedures (AP-009), concerning tax compliance with tax exempt bonds and Taxable Bonds. Without limiting the generality of the foregoing, the City shall periodically review the requirements of and shall remain in compliance with the following:
- a) Continuing Disclosure – The designated Disclosure Officer shall comply with federal securities law, including any continuing disclosure undertakings entered into in accordance with Securities and Exchange Commission Rule 15c2-12 for debt obligations or disclosure responsibilities within his/her purview. The designated Disclosure Officer shall file the City's annual financial statements and other financial and operating data for the benefit of its bondholders within 270 days of the close of the fiscal year, or as required in any such agreement for any debt issue for debt obligations or disclosure responsibilities within his/her purview. The designated Disclosure Officer shall maintain a log or file evidencing that all continuing disclosure filings have been timely made for debt obligations or disclosure responsibilities within his/her purview.
 - b) Arbitrage Rebate – The use of bond proceeds and their investments shall be monitored by the designated Disclosure Officer with all Internal Revenue Code Arbitrage Rebate Requirements for debt obligations within his/her purview. The designated Disclosure Officer shall ensure that all bond proceeds and investments are tracked in a manner that

- facilitates accurate calculation; and, if a rebate payment is due, such payment is made in a timely manner for debt obligations within his/her purview.
- c) Annual Reporting – California Government Code Section 8855(k), or any successor statute, and the annual reporting requirements therein.
 - d) Other Compliance - Other compliance requirements imposed by regulatory bodies.
5. Proceeds Administration - Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will disburse such proceeds to or upon the order of the City upon the submission of one or more written requisitions by the City Manager (or his or her written designee), or (b) by the City, to be held and accounted for in a separate fund or account, the expenditure of which will be carefully documented by the City. On a quarterly basis, the designated Disclosure Officer shall monitor the proceeds and the disposition of unexpended proceeds for debt issuances within his/her purview.

CREDIT RATINGS

The City shall consider published ratings agency guidelines regarding best financial practices and guidelines for structuring its capital funding and debt strategies to maintain the highest possible credit ratings consistent with its current operating and capital needs.

LEGAL DEBT LIMIT

The Government Code provides a legal debt limit of fifteen percent (15%) of the gross assessed valuation for general obligation debt. While this limit defines the absolute maximum legal debt limit for the City, it is not an effective indicator of the City's affordable debt capacity.

AFFORDABILITY

Prior to the issuance of debt to finance a project, the City shall carefully consider the overall long-term affordability of the proposed debt issuance. The City shall not assume more debt without conducting an objective analysis of the City's ability to assume and support additional debt service payments. The City shall consider its long-term revenue and expenditure trends, the impact on operational flexibility, and the overall debt burden on the taxpayers. The evaluation process shall include a review of generally accepted measures of affordability and shall strive to achieve and or maintain debt levels consistent with its current operating and capital needs.

PROFESSIONAL ASSISTANCE

The City may utilize the services of independent municipal advisors and bond counsel on all debt financings. The City Manager (or his or her written designee) shall have the authority to periodically select service providers as necessary to meet legal requirements and minimize net City debt costs. Such services, depending on the type of financing, may include municipal advisory, underwriting, trustee, bond counsel, disclosure counsel, verification agent, escrow agent, arbitrage consulting, continuing disclosure consulting, and special tax consulting. The goal in selecting service

providers, whether through a competitive process or when appropriate, a sole-source selection, is to achieve an appropriate balance of service and cost.

AMENDMENT AND WAIVERS OF DEBT POLICY

- a) This Policy shall be reviewed and amended from time to time as appropriate, subject to City Council approval.
- b) There will be circumstances from time to time when strict adherence to a provision of this Policy is not possible or not in the best interest of the City.
- c) If the City staff has determined that a waiver of one or more provisions of this Policy should be considered by the City Council, it shall prepare an analysis for the City Council describing the rationale for the waiver and the impact of the waiver on the proposed debt issuance and on taxpayers, if applicable.
- d) Upon a majority vote of the City Council, one or more provisions of this Policy may be waived for a debt financing,
- e) The failure of a debt financing to comply with one or more provisions of this Policy shall in no way affect the validity of any debt issued by the City in accordance with applicable law.

CONTINUING DISCLOSURE COMPLIANCE

The City shall remain in compliance with SEC Rule 15c2-12 by filing annual financial statements and other financial and operating data for the benefit of its bondholders as required in any such agreement for any debt issue and by filing notices of the enumerated events contained in SEC Rule 15c2-12. The City shall maintain a log or file evidencing that all continuing disclosure filings have been made within the time limits set forth in SEC Rule 15c2-12.

Upon the requirement of entering into a continuing disclosure obligation, effective on or after February 27, 2019, the City Manager, the Director of Administrative Services, the City Treasurer, or other senior staff, or other executive positions within the City, as relevant and appropriate, shall provide written notice to the designated Disclosure Officer of receipt by the City of any default, event of acceleration, termination event, modification of terms (only if material or may reflect financial difficulties), or other similar events (collectively, a "Potentially Reportable Event") under any agreement or obligation to which the City is a party and which may be a "financial obligation" as discussed below. Such written notice should be provided to the designated Disclosure Officer as soon as the City Manager or other senior staff is placed on written notice by City staff, consultants, or external parties of such event or receives written notice of such event so that the designated Disclosure Officer can determine, with the assistance of disclosure counsel, whether notice of such Potentially Reportable Event is required to be filed on EMMA pursuant to the disclosure requirements of SEC Rule 15c2-12. If filing on EMMA is required, the filing is due within 10 business days of such Potentially Reportable Event to comply with the continuing disclosure undertaking for the various debt obligations of the City.

The designated Disclosure Officer, or other senior staff or other executive positions within the City, as applicable, will report to the City Manager (or his or her written designee) the execution by the

City of any agreement or other obligation which might constitute a “financial obligation” for purposes of SEC Rule 15c2-12 and which is entered into on or after February 27, 2019. Amendments to existing City agreements or obligations with “financial obligation” which relate to

covenants, events of default, remedies, priority rights, or other similar terms should be reported to the designated Disclosure Officer as soon as the City Manager, City Attorney, the Director of Administrative Services, or such other senior staff is placed on written notice by City staff, consultants, or external parties of such event or receives a written notice of such amendment requests. Notice to the designated Disclosure Officer is necessary so that he/she can determine, with the assistance of disclosure counsel, whether such agreement or other obligation constitutes a material “financial obligation” for purposes of SEC Rule 15c2-12. If such agreement or other obligation is determined to be a material “financial obligation” or a material amendment to a “financial obligation” described above, notice thereof would be required to be filed on EMMA within 10 business days of execution or incurrence. The types of agreements or other obligations that could constitute “financial obligations” and which could need to be reported on EMMA include:

- a) Bank loans or other obligations which are privately placed;
- b) State or federal loans;
- c) Commercial paper or other short-term indebtedness for which no offering document has been filed on EMMA;
- d) Letters of credit, surety policies or other credit enhancement with respect to the City’s publicly offered debt;
- e) Letters of credit, including letters of credit that are provided to third parties to secure the City’s obligation to pay or perform (an example of this is a standby letter of credit delivered to secure the City’s obligations for performance under a mitigation agreement);
- f) Capital leases for property, facilities, fleet or equipment; and
- g) Agreements which guarantee the payment or performance obligations of a third party (regardless of whether the agreements constitute guarantees under California law).

Types of agreements which could be a “financial obligation” under SEC Rule 15c2-12 include:

- a) Payment agreements that obligate the City to pay a share of another public agency’s debt service (for example, an agreement with a joint powers agency whereby the City agrees to pay a share of the joint powers agency’s bonds, notes or other obligations); and
- b) Service contracts with a public agency or a private party pursuant to which the City is obligated to pay a share of such public agency or private party’s debt service obligation (for example, certain types of public-private partnership (“P3”) arrangements).

Types of agreements that may be a “financial obligation” subject to SEC Rule 15c2-12 include:

- a) Any agreement the payments under which are not characterized as an operation and maintenance expenses for accounting purposes if such agreement could be characterized as the borrowing of money.

The designated Disclosure Officer shall continue to work with the City Attorney and disclosure counsel to refine the definition of financial obligation going forward based on future SEC or MSRB guidance for debt obligations or disclosure responsibilities within his/her purview.

GLOSSARY

Arbitrage. The difference between the interest paid on the tax-exempt securities and the interest earned by investing the security proceeds in higher-yielding taxable securities. IRS regulations govern arbitrage on the proceeds from issuance of municipal securities.

Bond Anticipation Notes (BANs). Notes which are paid from the proceeds of the issuance of long-term bonds. Typically issued for capital projects.

Call Provisions. The terms of the bond giving the issuer the right to redeem all or a portion of a bond prior to its stated date of maturity at a specific price, usually at or above par.

Capitalized Interest. A portion of the proceeds of a bond issue which is set aside to pay interest on the same bond issue for a specific period of time. Interest is commonly capitalized for the construction period of the project.

Capital Lease. A lease obligation that has met the criteria to be categorized as a capital lease as opposed to an operating lease under generally accepted accounting principles. Capital leases are common in certain types of financing transactions involving the use of revenue bonds as opposed to general obligation bonds.

Competitive Sale. A sale/auction of securities by an issuer in which underwriters or syndicates of underwriters submit sealed bids to purchase the securities.

Continuing Disclosure. The principle that accurate and complete information material to the transaction which potential investors would be likely to consider material in making investment decisions with respect to the securities be made available on an ongoing basis.

Debt. Any obligations of the City for the payment of money issued pursuant to the City of Laguna Beach Debt Policy.

Debt Service Reserve Fund. The fund in which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements.

Escrow. A fund established to hold moneys pledged and to be used to pay debt service on an outstanding issue.

General Obligation Bonds. Bonds issued by the City secured by the City's pledge of its full faith and credit and unlimited taxing power.

Pay-As-You-Go. An issuer elects to finance a project with existing cash flow as opposed to issuing debt obligations.

Present Value. The current value of a future cash flow.

Private Placement. The original placement of an issue with one or more investors as opposed to being publicly offered or sold.

Rebate. A requirement imposed by Tax Reform Act of 1986 whereby the issuer of tax-exempt bonds must pay the IRS an amount equal to its profit earned from investment of tax-exempt bond proceeds at rates exceeding the tax-exempt borrowing rate. The tax-exempt borrowing rate (or "bond yield") is calculated pursuant to the IRS code together with all income earned on the accumulated profit pending payment.

Refunding. A transaction in which the City refinances an outstanding issue by issuing new (refunding) bonds and using the proceeds to immediately retire the old (refunded) bonds.

Revenue Bonds. Bonds issued by the City secured by a specific revenue pledge of rates, rents or fees.

General Fund -Supported Debt. Debt that is expected to be repaid from the general fund tax revenues of the City. This includes general obligation bonds, appropriation-supported bonds, capital leases and in certain circumstances moral obligation bonds. For the purpose of this Debt Policy, net tax-supported debt includes general obligation debt for the City and School Board, certain bonded capital leases, and any moral obligation bonds for which the City has deposited funds to a debt service reserve fund as requested to replenish such reserve fund.

Underwriter. A dealer that purchases new issues of municipal securities from the Issuer and resells them to investors.

Underwriter's Discount. The difference between the price at which bonds are bought by the Underwriter from the Issuer and the price at which they are reoffered to investors.

GENERAL GUIDELINES FOR PCI COMPLIANCE**PURPOSE**

This policy document provides information to ensure City of Laguna Beach complies with the Payment Card Industry Data Security Standard (PCI DSS). The purpose of the PCI DSS is to protect cardholder data. This document and additional supporting documents represent City of Laguna Beach's procedures to prevent loss or disclosure of customer information including credit card numbers. Any failures to protect customer information may result in financial loss for customers, suspension of credit card processing privileges, fines, and damage to the reputation of the City. The Policy's purpose is to educate all entities in the City's payment environment and to enforce the PCI DSS Policies contained herein. Questions regarding this policy should be directed to the City of Laguna Beach PCI Compliance Office.

GENERAL POLICY**Scope/Applicability**

City of Laguna Beach Payment Card Procedures applies to all employees, third-party vendors, systems and networks involved with the transmission, storage, or processing of payment card data (including systems that can impact the security of payment card data). Any business on behalf of the City, is subject to this policy as well as administrative and technical policies located in the City Administrative Policy. Payment card data includes primary account numbers (PAN), cardholder name, expiration date, service code, and sensitive authentication data.

PCI DSS

The PCI DSS is a mandated set of requirements agreed upon by the five major credit card companies: VISA, MasterCard, Discover, American Express and JCB. These security requirements apply to all transactions surrounding the payment card industry and the merchants/organizations that accept these cards as forms of payment. Further details about PCI can be found at the PCI Security Standards Council Web site (<https://www.pcisecuritystandards.org>)

In order to accept credit card payments, City of Laguna Beach must prove and maintain compliance with the Payment Card Industry Data Security Standards. The City of Laguna Beach Payment Card Policy and additional supporting documents provides the requirements for processing, transmitting, storage and disposal of cardholder data of payment card transactions, to reduce the institutional risk associated with the administration of credit card payments by City departments and to ensure proper internal control and compliance with the Payment Card Industry Data Security Standard (PCI-DSS).

Authority

City of Laguna Beach requires all departments that accept payment card payments to do so only in compliance with payment card industry standards and in accordance with the following procedures. PCI Compliance is an ongoing process, not a one-time event. The PCI DSS emphasizes "Business as Usual" (BAU); performing continuous compliance activities in an ongoing manner 24 hours a day,

7 days a week, 365 days a year. Individuals found to have violated this policy, whether intentionally or unintentionally, may be subject to disciplinary action, termination and could limit a department's payment card acceptance privileges which can be found in the "Sanctions" section of this policy.

Management

This policy was approved by the City, in February 2019. The City may modify this policy from time to time. This policy is distributed to City of Laguna Beach employees that accept payment card data.

This management includes completion of annual responsibilities in January of every year. These responsibilities are:

1. Test Incident Response Plan.
2. Complete PCI and Security Training.
3. Obtain Staff Acknowledgement of Policy and Procedures.
4. Complete SAQ's.

Responsibility

City of Laguna Beach is committed to complying with the Payment Card Industry Data Security Standards.

City of Laguna Beach requires:

- City of Laguna Beach employees must follow the City's PCI DSS administrative and technical policies.
- Any department accepting payment card data, either at the City or through a Service Provider, must designate an individual to serve as a Merchant Department Responsible Person (MDRP) who will have primary authority and responsibility for payment acceptance.
- All City of Laguna Beach departments accepting payment cards and department designated to accept payments cards will be trained annually on this City of Laguna Beach PCI Policy.
- City of Laguna Beach will perform a background check on potential personnel who will handle payment card data prior to hire to minimize the risk of attacks from internal sources. This check is completed by City of Laguna Beach Human Resources Department.
- Any City of Laguna Beach department accepting payment cards will utilize only dedicated, PCI Compliance approved equipment to process card payments.
- Any City of Laguna Beach department accepting payment cards will never store cardholder data.
- Ensure that all credit card transactions are reviewed and reconciled to daily and monthly merchant reports.
- All payment devices that process credit cards must be stored in a secure location with limited access when not in use. Access to devices that are not deployed are kept in Finance Vault with access limited to employees of the Administrative Services Department.
- If necessary, the City of Laguna Beach will employ up to date security measures in firewall configuration, network administration, and other areas that could affect our PCI Compliance.

- However, all devices that process credit cards do not transmit credit card data over the City's network.
- The Director of Administrative Services must approve any device that processes credit cards over the City network prior to deployment.

PCI DSS Policy

Merchant Department Responsible Person (MDRP)

Any department accepting payment card and/or electronic payments on behalf of City of Laguna Beach for services ("Merchant Department") must designate an individual within that department who will have primary responsibility for e-commerce, payment card transaction processing and third party Service Providers accepting payment cards on behalf of City of Laguna Beach. This individual will be referred to in the remainder of this policy statement as the Merchant Department Responsible Person or "MDRP".

Each Department must have a MDRP. It is the responsibility of the MDRP and the MDRP's direct supervisor to ensure this role is filled.

MDRP Responsibilities include, but are not limited to, the following:

- Ensure employees of the City, with access to or whom can affect the security of payment card data, review the City of Laguna Beach PCI Policy.
- Ensure employees that will have access to more than one payment card at a time, include a background check prior to hire.
- Ensure only dedicated, approved hardware/software is utilized to process card payments. Payment solutions such as Paypal, Venmo, Square or other method which requires funds to flow through personal bank accounts are prohibited.
- Be aware of all payment processes and practices within their department. All changes to processes and practices must be reviewed and approved by all the Finance Division.
- The Finance Division will ensure that all payment card transactions are reviewed and reconciled to daily merchant reports.
- Ensure all Point of Sales (POS) devices, including cellular based stand-alone swipe terminals and point of sale systems, are maintained under a state of consistent control and supervision.
- Ensure Point of Sale devices/terminals (cash registers, stand-alone swipe terminals etc.) are physically secured.

For Merchant Account Requests, the MDRP must follow the processes noted in the Process Set-Up Outlines (Appendix 1).

Authorization

- Limit access to system components and cardholder data to only those individuals whose job requires such access.
- Sufficient controls are in place to identify individuals entering and exiting

- Each Department must maintain a current list of employees and review annually to ensure that the list reflects the most current access needed and granted.

Credit Card Acceptance and Handling

- In the course of doing business at City of Laguna Beach it may be necessary for a department or other unit to accept payment cards. The opening of a new merchant account for the purpose of accepting and processing of payment cards is done on a case by case basis and must be approved by the Finance Officer. Any fees associated with the acceptance of payment cards in that unit, will be charged to the unit (including but not limited to; infrastructure, security and management, i.e. firewall, switch, network cables).
- See Transmitting for acceptable methods of payment card acceptance.
- Interested departments should contact the Finance Officer to begin the process of accepting credit cards. Steps include:
 - Contact the Finance Officer.
 - Review the t Set-up Processes (Appendix 1).
 - Read the City of Laguna Beach PCI Policy.
- All payment card transactions must be reviewed daily (business days) and reconciled to daily merchant reports. Daily reconciliation reports are to be sent to the Finance Division. Failure to reconcile payment card transactions in a timely manner is cause for the payment card processing ability to be suspended.

Transmitting

- Employees must be discreet and use common sense when handling cardholder data.
- Payment cards may be accepted in the follow manner:
 - In person (card present).
 - Direct telephone contact (telephone order); the constituent on the telephone should verify the payment card information twice, agents of the City should not read the payment card data back to constituent.
 - Through a PCI DSS compliant system that is entirely hosted by a PCI DSS compliant third-party organization (e-commerce) and approved by the Finance Officer.
 - Physical mail.
- Cardholder data must not be accepted or sent via end user messaging technologies; email, text message, SMS, chat etc. Advise any potential clients that attempting to transit cardholder data over email, or any other user messaging technology will not be processed. Then educate him/her on the appropriate methods of conveying a credit card payment. See above for appropriate acceptance methods.
- Cardholder data must not be accepted or sent via fax. If a fax is received with cardholder data, immediately shred in a shredder. Notify the Finance Officer with the name, date, location the cardholder data was received. Follow up with the constituent and advise this method of transmitting cardholder data is not secure. Advise the constituent we cannot

process the payment and educate him/her on the appropriate methods of conveying a credit card payment. See above for appropriate acceptance methods.

- All equipment used to collect payment card data must be secured against unauthorized use or tampering.

Processing

- Cardholder Data received for manual processing (mail, hand delivered) must be processed in a credit card merchant account the same day it is received if possible; but absolutely no later than 1 business day (excluding calendar and fiscal year end periods). Cardholder data in written form is redacted immediately following authorization in the payment gateway. Acceptable forms of redaction are shredded, incinerate, or pulp hardcopy materials so that cardholder data cannot be reconstructed.
- Refunds must be processed using the same credit card for the transaction. A different card may not be used.
- Physical security controls must be in place to prevent unauthorized individuals from gaining access to the buildings, rooms, or cabinets that store equipment that process credit cards or unprocessed parking permits applications that contain card holder data (parking permit applications are typically processed with 24 hours of receipt by mail. Parking permits by mail are received May and June of every even year. Depending on the volume received, some applications may not be processed until the following day).
- Mask the Primary Account Number (PAN) when displayed (the first six and last four digits are the maximum number of digits to be displayed), such that only personnel with a legitimate business need can see the full PAN.

Storage

- City of Laguna Beach does not store authorized cardholder data (media), in hardcopy or electronic form.
- City of Laguna Beach does not store Sensitive Authentication Data; including the primary account number (PAN), expiration date and service code (CVV).
- Cardholder data that is collected but has not yet been processed (pending authorization in payment gateway), in addition to any USPS mail that hasn't been opened, must be stored in a secure location (locked safe, locked file cabinet), see Processing above. Only authorized staff shall have access to the keys/combination.
- Cardholder data may not be stored on any portable devices including but not limited to USB flash drives, cellular phones, personal digital assistants and laptop computers.
- Cardholder data may not be stored in logs (for example, transaction, history, debugging, error), history files, trace files or database contents.

Disposal

- Cardholder data must be disposed of in a certain manner that renders all data unrecoverable. This includes hard copy (paper) documents and any electronic media including computers, hard drives, magnetic tapes and USB storage devices.
- The approved methods of disposal for hardcopy media are:

- Shredding
- Incineration
- The approved method of disposal, rendered unrecoverable, for electronic media:
- Secure wipe program
- In accordance with industry-accepted standards for secure deletion
- Physically destroying the media until it is rendered unrecoverable

Physical Security and Skimming Prevention of Payment Card Processing Devices

City of Laguna Beach will maintain an up-to-date inventory of all devices that capture payment card data. City of Laguna Beach will protect card present processing devices from tampering or substitution in adherence to the below requirements:

The Finance Division will conduct the following:

- Maintain a list of all devices that capture payment card data, for which the list is to include the following:
 - Make, model, serial number (or other method of unique identification) and location of device.
- Ensure that the list of devices is updated when devices are added, relocated, decommissioned.
 - Physically secure all devices that capture payment card data.
 - Portable payment card processing devices must be stored securely in a locked area when not in use.
- Cashiers must perform a daily visual inspection of devices that capture payment card data
- A quarterly physical inspection must be performed, documented and retained.

Security Awareness Program

In accordance with City of Laguna Beach PCI training plan:

All employees with physical and logical access to City of Laguna Beach's environment, must be trained on their role in protecting the City from threats to help safeguard City of Laguna Beach's finances and operations.

- Upon hire and at least annually, all users connected to City of Laguna Beach's cardholder data environment (in any way), are required to read the City of Laguna Beach PCI Policy.
- Verification for of reading the City of Laguna Beach PCI Policy, must be kept by the Human Resources.

Security Breach

An 'incident' is defined as a suspected or confirmed 'data compromise'. A 'data compromise' is any situation where there has been unauthorized access to a system or network where prohibited, confidential or restricted data is collected, processed, stored or transmitted; payment card data is

prohibited data. A 'data compromise' can also involve the suspected or confirmed loss or theft of any material or records that contain cardholder data.

In the event of a breach or suspected breach of security, the department must immediately execute each of the relevant steps detailed below:

- The MDRP or any individual suspecting a security breach must immediately notify the Finance Officer at pcicompliance@laguabeachcity.net, of an actual breach or suspected breach of payment card information. Email should be used for the initial notification and include a telephone number for the Finance Officer.
- Notify the MDRP and the department head of the unit experiencing the suspected breach.
- The MDRP or any individual suspecting a security breach involving e-commerce also must immediately ensure that the following steps, where relevant, are taken to contain and limit the exposure of the breach:
 - Prevent any further access to or alteration of the compromised system(s). (i.e., do not log on at all to the machine and/or change passwords)
 - Do not switch off the compromised machine; instead, isolate the compromised system(s) from the network by unplugging the network connection cable.
 - Preserve logs and electronic evidence.
- Document every action you take from the point of suspected breach forward, preserving any logs or electronic evidence available. Include in the documentation:
 - Date and time
 - Action taken
 - Location
 - Person performing action
 - Person performing documentation
 - All personnel involved

Service Provider Management

Service Providers (third parties) are contractually required to adhere to the PCI DSS requirements. Due diligence must be exercised before engaging with any service providers that may affect or have a relationship or function associated with City of Laguna Beach's cardholder data environment. The written agreement shall include an acknowledgement by the service providers of their responsibility for securing cardholder data and breach liability language, which will be evaluated by Human Resources.

Note: This also includes companies that provide services that control or could impact the security of cardholder data. Examples include managed service providers that provide managed firewalls, IDS and other services as well as hosting providers and other entities.

- The PCI Compliance Office must obtain the appropriate PCI Compliance documentation, from Service Providers, on an annual basis prior to expiration date of the current documentation.
- Service Providers must provide either an SAQD-Service Provider AOC or an On-Site Assessment AOC for Service Providers. AOC's must note specific requirements Service Provider is attesting to.
- The Finance Officer will maintain a collective, current and accurate list of Service Providers with the following information:
 - Service Provider Name
 - Service being provided (description)
 - PCI Validation Required
 - Validation Date
 - Expiration Date
 - Assessor
 - Functional Area

Third Party Processor Procedures

When deciding on a third-party processor make sure to include the PCI office. New processors must be approved through the Finance Officer before they can be used on behalf of City of Laguna Beach. Ensure contracts include language that states that the service provider or third-party vendor is PCI complaint and will protect all cardholder data. In addition, the contract must be approved through the Risk Manager. Third-party processors must have a completed and current Attestation of Compliance form on file with City of Laguna Beach. Annually, audit the PCI compliance status of all service providers and third-party vendors. A lapse in PCI compliance should result in the termination of the relationship.

PCI Compliance Duties

The Administrative Service Department is responsible for duties enforcing and maintaining PCI security at City of Laguna Beach. These responsibilities include but are not limited to the following:

- Perform Quarterly Physical Inspections, on payment card processing devices, as noted in the section on Physical Security and Skimming Prevention. Systems not in use must be secured in a locked facility and regularly inventoried. Retain inspection log for a minimum of one year.
- Ensure all Point of Sale (POS) devices have updated patches and antivirus with up to date logging. Retain logging and audit trail history for a minimum of one year.
- Verify and collect PCI DSS Compliance Certificates or PA-DSS Validation Certificate (POS systems) on all service providers within the relevant Merchant Department on an annual basis.
- Validate compliance for the merchant department on an annual basis.
- Complete the Self-Assessment Questionnaire (SAQ).

FAQ's

1. What do I do if someone emails me credit card information?

Email should not be used to transmit payment card or personal payment information, nor should it be accepted as a method to supply such information. Rollins email is secured against sending or receiving cardholder data.

2. How long should I hold onto card holder data?

Cardholder data should not be retained any longer than a documented business need; after which, it must be deleted or destroyed immediately following the needed use. A regular schedule of deleting or destroying data should be established in the merchant department to ensure that no cardholder data is kept beyond the time needed.

Definitions

Term	Definition
Payment Card Industry Data Security Standards (PCI DSS)	The security requirements defined by the Payment Card Industry Security Standards Council and the 5 major Payment card Brands: <ul style="list-style-type: none"> • Visa, MasterCard, and Discover,
Cardholder	Someone who owns and benefits from the use of a membership card, particularly a payment card.
Card Holder Data (CHD)	Those elements of payment card information that are required to be protected. These elements include Primary Account Number (PAN), Cardholder Name, Expiration Date and the Service Code.
Primary Account Number (PAN)	Number code of 14 or 16 digits embossed on a bank or payment card and encoded in the card's magnetic strip. PAN identifies the issuer of the card and the account and includes a check digit as an authentication device.
Cardholder Name	The name of the Cardholder to whom the card has been issued.
Expiration Date	The date on which a card expires and is no longer valid. The expiration date is embossed, encoded or printed on the card.

Service Code	The service code that permits where the card is used and for what.
Sensitive Authentication Data	Additional elements of payment card information that are also required to be protected but never stored. These include Magnetic Stripe (i.e., track) data, CAV2, CVC2, CID, or CVV2 data and PIN/PIN block.
Magnetic Stripe (i.e., track) data	Data encoded in the magnetic stripe or equivalent data on a chip used for authorization during a card-present transaction. Entities may not retain full magnetic-stripe data after transaction authorization.
CAV2, CVC2, CID, or CVV2 data	The three- or four-digit value printed on or to the right of the signature panel or on the face of a payment card used to verify card- not-present transactions.
PIN/PIN block	Personal Identification Number entered by cardholder during a card- present transaction, and/or encrypted PIN block present within the transaction message.
Disposal	<p>CHD must be disposed of in a certain manner that renders all data un- recoverable. This includes paper documents and any electronic media including computers, hard drives, magnetic tapes, USB storage devices, (Before disposal or repurposing, computer drives should be sanitized in accordance with the (Institution's) Electronic Data Disposal Policy). The approved disposal methods are:</p> <ul style="list-style-type: none"> • Incineration, approved shredding or disposal
Merchant Department	Any department or unit (can be a group of departments or a subset of a department) which has been approved by the (institution) to accept payment cards and has been assigned a Merchant identification number.

Merchant Department Responsible Person (MDRP)	An individual within the department who has primary authority and responsibility within that department for payment card transactions.
Database	A structured electronic format for organizing and maintaining information that is accessible in various ways. Simple examples of databases are tables or spreadsheets.

Appendix 1 - New Payment Card Merchants and Renewal Survey**Purpose**

To be completed by Departments that would like to accept payment cards (Visa, Master Card, American Express, Discover cards and debit cards) as a form of payment for goods and/or services, receipt of donations, non-tuition courses, conferences, seminars, tickets and other approved City of Laguna Beach related products. We currently do not accept American Express.

Please read Payment Card Handling Policy and Payment Card Procedures prior to completing this application to make sure that your Department will be able to comply with all the requirements listed in the City of Laguna Beach Policy.

Application must be submitted to PCI Compliance Office. Once the application has been approved, please allow at least two weeks for electronic terminals and four weeks for web-based setup prior to the desired "live" date. The information provided on this application will be used to create an "Information Profile" that will be submitted to our bank, American Express and Discover Business Services to request merchant numbers. For assistance or questions regarding this form, please contact the Finance Office at pcicompliance@lagunabeachcity.net or call 949-497-0319.

Best Practices for Offices Accepting Payments Cards

We understand that complying with the PCI DSS may be difficult and confusing for some departments. If you have identified a business need that requires you accept credit card payments, we recommend that you review this set of high-level best practices before you complete this application.

1. If you don't need it, don't store it!
 - Offices should not retain cardholder data (CHD) "just because." If you keep the transaction number and date, you can always ask the acquiring bank for the CHD if you need it.
 - This includes paper and forms. Once the transaction has been processed, destroy the CHD on the form. This may require a redesign of the form to move the CHD to the bottom where it can be properly removed and cross-cut shredded.
2. Proper destruction
 - All forms or paper with CHD should be shredded in a shredder.
 - Third-party shredding services may be used, providing the bins that they provide are secure and cannot be removed from the area.
3. Online Payment Card Systems
 - Many departments employ the use of third-party payment systems to outsource card processing to an online process. Many times it is considered good customer service to take phone calls, emails or some other form of communication to process a credit card transaction.
 - It is not recommended to act as the customer and input their data for them.

- When it is necessary to provide this service: transactions should be conducted on a separate (isolated) payment terminal.
4. Maintain clean desk policy
 - CHD should not be left out on desks or in open areas when not needed. Even if leaving the desk for a short period, staff should keep material in a folder and lock the folder in the desk when they leave temporarily. All CHD should be destroyed once the transaction has been processed.
 5. Electronic storage of CHD
 - Do not copy or type CHD into spreadsheets or documents on general use workstations even for temporary use. Even if you don't save the document, an image or file of the data is stored on the hard drive.
 6. Never email Credit Card information
 - Staff should never use email as a manner of transmitting Cardholder data
 - Should a customer email their credit card information:
 - Reply to the sender, deleting the credit card information from the reply and inform them that "for their protection and the protection of City of Laguna Beach, policies dictate that credit card information shall not be accepted via email. Please use one of our accepted methods of processing your information: (in- person, online, fax, form, etc)."
 7. Do not allow unauthorized persons unaccompanied access to areas where credit card data is stored or processed.
 - This includes other City of Laguna Beach staff. As an example, maintenance and janitorial staff should not be permitted in secure areas unaccompanied. This sometimes requires a change in service times.
 8. Document Desk Procedures
 - To ensure continuity when office personnel are out, have all individuals' document daily procedures for their role in the handling of confidential data. Include such items as receipt and processing procedures, disposition and destruction of CHD. Storage and transfer of forms within the office.

1. DEPARTMENT INFORMATION:

DEPARTMENT NAME:

MERCHANT (LOCATION) NAME:

Note: The merchant (location) name will appear on your customer's monthly statements and on the bank statements sent to the Controller's Office

INTERNET ADDRESS:

MERCHANT (LOCATION) ADDRESS:

Note: Merchant address must include Building & Room number. Statements will be mailed to this address.

2. PRIMARY CONTACT INFORMATION:

CONTACT NAME: MAIN TELEPHONE #:

CONTACT TITLE: ALT. TELEPHONE #:

EMAIL ADDRESS: FAX NUMBER:

Note: Primary contact will be responsible for the overall process of accepting payment cards at this location and must be a full-time employee. (Work Study employees are not allowed).

3. MERCHANT INFORMATION:

GIVE A BRIEF DESCRIPTION OF YOUR PAYMENT CARD BUSINESS:

(What is the main purpose of this merchant account? For example, registration fees, tuition for non-credit courses, tickets for events)

DATE SUBMITTED: DESIRED "LIVE" DATE:

TRANSACTION TYPE TO BE ACCEPTED (Mark with an X):

Note: Debit cards will be processed the same as credit cards.

VISA
 MASTERCARD DISCOVER

ESTIMATED ANNUAL CREDIT CARD VOLUME:

Total Annual Dollar Amount: \$
Average Amount per Transaction: \$
Annual Number of transactions:

PROCESSING TYPES (Check the types of system currently being used or will be used):

POS Terminals
 Internet (Online)
 Other If Other, describe in detail:

Current Third Party Vendor, if applicable:

CHARGEBACK INFORMATION:

Mail "Chargebacks" to (Provide name, title, and address including building and room #)

CONTACT NAME: _____

CONTACT TITLE: _____

ADDRESS: _____

Note: Chargebacks are created when a customer disputes a charge. If action is not taken by the merchant within the time frame indicated on the letter, the {INSTITUTION NAME} will be charged by the payment card company. A journal entry must be made by the merchant to record such chargeback. If assistance with Chargebacks is needed, please call {ACCOUNTING OR CONTROLLER'S OFFICE CONTACT}.

IF PROCESSING USING A POINT OF SALE (POS) ELECTRONIC TERMINAL, PLEASE PROVIDE:

MODEL	FIRMWARE/SOFTWARE VER.	SERIAL NUMBER

IF PROCESSING OVER THE INTERNET, PLEASE PROVIDE:

CONTACT NAME: _____ TELEPHONE #: _____

CONTACT TITLE: _____ EMAIL ADDRESS: _____

FOR PROCESSING JOURNALS, PLEASE PROVIDE:

CONTACT NAME: _____ TELEPHONE #: _____

CONTACT TITLE: _____ EMAIL ADDRESS: _____

FOR PROCESSING CHARGEBACKS, PLEASE PROVIDE:

CONTACT NAME: _____ TELEPHONE #: _____

CONTACT TITLE: _____ EMAIL ADDRESS: _____

DEPARTMENT ACCEPTS PAYMENT CARDS (Check all that apply):

- () IN PERSON
- () BY PHONE
- () BY MAIL
- () ON LINE PAYMENT VIA APPROVED INTERNET PROCESSOR _____
- () ON LINE PAYMENT VIA OTHER, NAME: _____

4. PROCESSING INFORMATION

Have you, or your employees, received training on how to operate an electronic terminal?

YES () NO () If NO, please explain

Do you, or your employees, have written instructions on how operate an electronic terminal?

YES () NO () If NO, please explain

Do you shred documents that contain sensitive payment card information immediately after the transaction is processed?

YES () NO () If NO, please explain

Are payment card numbers truncated on the receipt?

YES () NO () If NO, please explain

Is the electronic terminal kept in a secured and restricted area, away from public access?

YES () NO () If NO, please explain

Is a "unique code" assigned to each person with access to payment card processing and is this code not shared with another person?

YES () NO () If NO, please explain

Is the electronic terminal connected to an analog line?

YES () NO () If NO, please explain

If accepting payment card information by fax, is the fax machine in a secured area and are the faxed documents destroyed immediately after the transaction is processed?

YES () NO () If NO, please explain

Are the City of Laguna Beach "Payment Card Processing Procedures" being followed by employees involved in payment card handling?

YES () NO () If NO, please explain

Do you educate employees on practices for accepting and processing payment cards and closing out batches?

YES () NO () If NO, please explain

Do you, or your employees, audit transactions and settle batches daily?
 YES () NO () If NO, please explain

Do you have a back-up to process transactions daily in your absence?
 YES () NO () If NO, please explain

Do you, or your employees, take every measure possible to prevent duplicate entries?
 YES () NO () If NO, please explain

Do you have background check documentation on file?
 YES () NO () If NO, please explain

Do you require employees to acknowledge, at least annually, that they have read and understood the City of Laguna Beach policies and procedures on payment card processing by completing the Employee Statement of Understanding (link)?
 YES () NO () If NO, please explain

Do you have the ability to process payment cards if normal modes of processing are down?
 YES () NO () If NO, please explain

Do you limit the number of employees who process payment cards to appropriate employees based on their job duties?
 YES () NO () If NO, please explain

Do you keep the Finance Officer aware of any changes in your payment card program?
 YES () NO () If NO, please explain

Is access to payment cardholder information restricted to users on a need to know basis?
 YES () NO () If NO, please explain

When an employee leaves the Department, is his/her access to payment card processing immediately revoked?
 YES () NO () If NO, please explain

Do you prohibit storage of cardholder data and other sensitive information electronically or otherwise?
 YES () NO () If NO, please explain

Do you prohibit storage of the full contents of any track from the magnetic stripe (on the back of the card) in a database, log files, or point of sale products?
 YES () NO () If NO, please explain

Do you prohibit storage of the card validation code (3 digit value printed on the signature panel of a card) in a database, log files, or point of sale products?

YES () NO () If NO, please explain

Do you update the "Privacy Policy" to reflect changes and keep it current?

YES () NO () If NO, please explain

Do you update the "Refund Policy" to reflect changes and keep it current?

YES () NO () If NO, please explain

5. TECHNICAL INFORMATION:

Is transmission of cardholder data and other sensitive information across public networks encrypted using SSL or other industry acceptable methods?

YES () NO () If NO, please explain

Is there an anti-virus scanner installed on all servers and all workstations and is the virus scanner regularly updated?

YES () NO () If NO, please explain

6. THIRD PARTY PROCESSORS OR GATEWAYS INFORMATION:

If you are not using a 3rd Party Processor or Gateway, please go to PART 6.

Do you have a written agreement with an acknowledgment that indicates that the service provider (vendor) is responsible for the security of cardholder data?

YES () NO () If NO, please explain

Has the written agreement been reviewed and approved Risk Manager?

YES () NO () If NO, please explain

Has the written agreement been reviewed and approved by Information Technology?

YES () NO () If NO, please explain

Has the service provider (vendor) supplied you with a certificate of Payment Card Industry Data Security Standards (PCI DSS) compliance?

YES () NO () If NO, please explain

Do you request a certificate of PCI DSS compliance annually from the service provider (vendor)?

YES () NO () If NO, please explain

Are development, testing, and production systems updated with the latest security-related patches released by the vendor?

YES () NO () If NO, please explain

Appendix 2 - Payment Card Procedures

Any department accepting payment cards on behalf of City of Laguna Beach for services should designate a full-time employee, known as the MDRP, within that department who will have primary authority and responsibility for payment card and/or e-commerce transaction processing within that department. This individual will be responsible for the department complying with the security measures established by the payment card industry and City of Laguna Beach policies. In addition, they are responsible to ensure any employee who processes transactions takes the employee PCI training/acknowledgement and, if applicable, have the appropriate background check completed before any access is granted to the employee.

Departments may only use the services of vendors which have been approved by the Administrative Services Department to process payment card transactions regardless of whether the transaction is point of sale (POS), mail/telephone order or internet based.

Department Procedures

Each department that handles credit and debit card information must this policy. General Payment Card Procedures. The City's policy will be reviewed annually.

Do...

- Verify that your payment card terminals comply with the PCI personal identification number (PIN) entry device (PED) security requirements.
- Verify that your payment applications comply with the Payment Application Data Security Standard (PA-DSS).
- Ensure that third parties who process your customers' payment cards comply with PCI DSS, PED and/or PA-DSS as applicable.

Do not...

- Store sensitive authentication data contained in the payment card's storage chip or full magnetic stripe, including the printed 3-4 digit card validation code on the front or back of the payment card, after authorization.
- Have PED terminals print out personally identifiable payment card data; printouts should be truncated or masked.
- Store any payment card data in payment card terminals or other unprotected endpoint devices, such as PCs, laptops or smart phones.
- Permit any unauthorized people to access stored cardholder data

Payment Card Procedures (In-Person/Mail Order/Telephone)**Receiving in-person payment from a customer:**

- Only approved staff should be handling credit card transactions.
- Card Handling Guidelines:
 - Review Card Security

- Is the Card valid? The card may not be used after the last day of the expiration month embossed on the card.
- Only the actual card/account holder should be using the card.
- Does the customer's signature on the charge form match the signature on the back of the card? Compare the signatures and make sure that the signed name is not misspelled or otherwise obviously different.
- Does the signature panel on the card look normal? Check to be sure that it has not been taped over, mutilated, erased, or painted over. Obvious physical alterations to the card could indicate a compromised card.
- Does the account number on the front of the card match the number on the back of the card and the terminal receipt display? If the numbers do not match, or if they are covered or chipped away, this could indicate an altered card.
- Does the name on the customer receipt match the embossed name on the front of the card? If the name is different, this could indicate an altered card.
- Risks of Keyed Transactions
 - Manually keying in the Card account information to get an authorization carries a higher risk of fraud since many of the built-in Card security features cannot be accessed. If the magnetic stripe on the back of the Card is unreadable, or if you choose to process transactions manually, follow these steps:
 - Key the transaction and expiration date into the terminal for Authorization approval.
 - Ask the cardholder to sign the paper receipt and compare the signature.
 - Report Suspected Card Fraud
 - If you suspect card fraud report it to your bank using their established procedures.
- Receipt Guidelines:
 - Retain the signed merchant copy of the swipe machine generated receipt, the cardholder's copy should be returned to the cardholder.
 - Registration form with some verification of type of payment and date is forwarded to individual managing the event or class, etc. (use a reference point to locate the original merchant receipt if credit is later issued)
 - Place merchant copy of payment card receipt in envelope until the end of the day batch process has been run.
 - Reference **the Finance Department's Cash Receipting** for a basic guide on processing a cash transaction.
- Oversight of the credit card machine during business hours:
 - Periodically check the machine (verify stickers have not been removed and re-affixed, same model, etc) to determine if it has been tampered with or exchanged. Report any tampering as a security breach, see below.
 - Keep the machine in a location not easily accessible to the public,

- Keep the machine in a locked area when not in use or after hours,
- Machines that are deemed NOT tamper-proof are disconnected and lock in a safe area when not in use or after hours.

Receiving payment information from a customer through the mail:

- Retrieve mail from secure mailbox.
- Form with payment card information handed over to individual responsible for key entering CC data (attach cover sheet with date, count and initials of mail clerk).
- Key enter card information as prompted through P2PE device.
- Obtain two copies of swipe machine generated receipt.
- The payment card information is removed and shredded or disposed in another approved method after the transaction has been processed.
- The customer copy is faxed/mailed/emailed back to the customer.
- The form with some verification of type of payment and date is forwarded to individual department.
- Place merchant copy of payment card receipt in secure location until the end of the day batch process has been run.

Batching out process at end of day:

- Follow the bank's procedure to settle transactions at the end of the workday.
- Staple the settlement sheet in front of the sales receipts and
- Store in a secure location (safe) until morning or
- Submit cash transmittal form along with receipts to Finance Division.

Appendix 3 – POS Tampering Checklist

Tamper Prevention Inspections for Payment Card Terminals

Department:	
Location:	
MDRP:	
MDRP Signature:	
Date:	

These checklists should accompany every POS and Payment Express terminal in use. All terminals should be inspected for tampering weekly by following the items listed below. If any employee has suspect or questions about tampering on a POS register or Payment Express terminal, please contact your MDRP or picompliance@rollins.edu.

<i>Terminal</i>	<i>Terminal</i>
<i>Serial Number of</i>	
<i>Location of</i>	
<i>Number of Cords connected to</i>	
<i>Payment Express Serial</i>	
<i>Location of Payment</i>	
<i>Number of Cords connected to Payment</i>	
<i>Express</i>	
<i># of Cameras in</i>	

<i>Tampering Checklist</i>	<i>Yes/No</i>
<i>Is the terminal in its usual location?</i>	
<i>Do the serial numbers match those listed above?</i>	
<i>Are there any changes in number of cords?</i>	
<i>Are cords/connectors loose or broken?</i>	
<i>Has any personnel tried to change/tamper the terminal?</i>	
<i>Is the Payment Express connected to the terminal?</i>	
<i>Have any new devices around the terminal?</i>	
<i>Does the terminal have any marks or scratches (especially near seams and display screens)?</i>	
<i>Are there any new cameras in the location?</i>	

FRAUD, WASTE, AND ABUSE**PURPOSE:**

The City's Fraud, Waste, and Abuse Reporting policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud, waste and abuse against the City of Laguna Beach (City). It is the intent of the City to promote consistent organizational behavior by providing guidelines and assigning responsibilities for the development of controls and conduct of investigations.

STATEMENT OF POLICY:

The City offers a Fraud, Waste and Abuse Hotline (Fraud Hotline) with a primary objective is to provide a means for City employees, residents and other interested complainants to confidentially report (1) an activity or conduct in which he/she suspects instances of fraud, waste, or abuse and (2) violations of certain federal or state laws and regulations relating to fraud, waste, and abuse as it is defined in California Government Code 53087.6(f) (2).

SCOPE OF POLICY:

This policy applies to any irregularity, or suspected irregularity, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the City. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City.

POLICY:

Management is responsible for the detection and prevention of fraud, waste, and abuse. California Government Code 53087.6 (f) (2) defines the terms, "fraud, waste or abuse" as follows:

- Any activity by a local agency or employee that is undertaken in the performance of the employee's official duties, including activities deemed to be outside the scope of his or her employment, that:
 - In violation of any local, state, or federal law or regulation relating to:
 - Fraud
 - Corruption,
 - Malfeasance,
 - Bribery,
 - Theft of government property,
 - Fraudulent claims,

ADMINISTRATIVE POLICY

CHAPTER ONE FINANCE POLICY 1-14

- Coercion,
- Conversion
- Malicious prosecution,
- Misuse of government property, or
- Willful omission to perform the duty
- Is economically wasteful, or
- Involves gross misconduct

Each member of the executive and management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alerts for any indication of irregularity. Any irregularity that is detected or suspected must be reported immediately to the person designates as the Director of Administrative Services, who may coordinate investigations with the appropriate entities and personnel. Some of these important improprieties may be defined as follows:

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Violation	Definition	Description/Complaint Code
Fraud	A known misrepresentation of the truth or misstatement of fact to induce another to act to the City's detriment	Fraud, Accounting/auditing Irregularities
Theft of government property	Unauthorized taking in to one's possession of property owned by the City	Theft of Cash
Fraudulent Claims	A misrepresentation of facts in a claim to receive compensation	Fraudulent Insurance Claims
Conversion	The wrongful possession of or interference with the City's property as if it was one's own	Theft of Cash, Goods and Services
misuse of government property	Misuse of City's property	Waste
Corruption	The impairment of a public official's duties by bribery	Release of Proprietary Information
Malfeasance	Wrongdoing	Conflict of Interest Theft of Time Unauthorized Discounts Wage and Hour Issues Customer Relations Policy Issues Safety Issues and Sanitation Product Quality Concerns
Bribery	The corrupt	Kickbacks, Improper Loans to City Officials
Coercion	Compulsion by physical force or threat of physical force; threat of taking or withholding official action or causing an official to take or withhold an action	Retaliation Against Whistleblowers
Malicious prosecutions	Intentionally (and maliciously) instituting and pursuing (or causing to be instituted or pursued) a legal action that is brought without probable cause and dismissed in favor of the victim that caused damages	Abuse
Willful omission to perform duty	Intentional neglect to take action required by law or contract	Abuse

Complaints received that allege certain Labor-Management Issues e.g. Discrimination, Sexual Harassment, Substance Abuse, and Workplace Violence/Threats are not included in the statutory definition of fraud, waste, or abuse and are not in the purview of this policy. However, these complaints are forwarded to the appropriate management function for review and action.

INVESTIGATION AND RESPONSIBILITY

The Director of Administrative Services has the primary responsibility for the investigation of all suspected acts as defined in the policy. If the investigation substantiates that inappropriate activities have occurred, the Director of Administrative Services will issue a report to appropriate designated personnel and, if appropriate, to the City Council in accordance with the Brown Act.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and the City Manager, as will final decisions on the disposition of the case except to the extent that the initiation of litigation may require approval by the City Council.

CONFIDENTIALITY

The Director of Administrative Services treats all information received confidentially. Any employee who suspects inappropriate activity shall notify the Human Resources/Risk Manager immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected act (see REPORTING PROCEDURE section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City from potential civil liability. Public disclosure shall be made only in accordance with applicable law.

AUTHORIZATION FOR INVESTIGATION SUSPECTED FRAUD, WASTE, AND ABUSE

The Director of Administrative Services, or authorized representative, will have access to, and authority to examine any and all records, documents, systems and files of the City and/or other property of any City department, office or agency. It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the Director of Administrative Services or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with the Director of Administrative Services, or authorized representative, and to make full disclosure of all pertinent information. The Director of Administrative Services shall also be permitted access to any and all records, documents, systems and files of any City vendor or contractor as allowed by City agreements and contracts.

REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

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Any employee, or another interested complainant, who discovers or suspects fraudulent activity will have several options to report. Reporting can occur by:

- Contacting the Director of Administrative Services – either in person, by mail, or by a direct phone call;
- Hotline Reporting – Calling the City reporting system at (949) 715-0854

The following information is necessary to begin and continue processing a complaint/concern:

- The alleged misconduct involves a City of Laguna Beach employee, a contractor, or a vendor doing business with the City of Laguna Beach.
- Name of individual(s) involved.
- Specific information regarding the alleged misconduct
- Circumstances surrounding how the alleged misconduct occurred.
- Where or in what department the alleged misconduct occurred.
- When the alleged misconduct occurred.
- The conduct should meet the statutory definition of fraud, waste, and abuse found at California Government Code 53087.6(f)(2)

During the initial review of complainant report(s), the Director of Administrative Services will hold in confidence information disclosed through the Fraud Hotline, including the identity of the caller disclosing the information and the parties identified by the caller as allowed under CA Government Code §53087.6.

The complainant may remain anonymous to the extent allowed by law. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Director of Administrative Services or the City Attorney: No information concerning the status of an investigation will be given out. The proper response to any inquiry is: "There is no information to report at this time." No reference should be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific fraud reference when referring to any report.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the City Attorney or Director of Administrative Services

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DISCIPLINE:

Once the investigation provides firm indicators through probative evidence that an employee might be subject to disciplinary action by his/her department for the subject matter of the investigation, the Director of Administrative Services will work with the City Attorney, Director of Finance and Administrative Services (Human Resource Director), department director and/or City Manager to ensure a disciplinary process in accordance to the City's Personnel Rules and any other applicable law, rule, or regulation.

ADMINISTRATION:

The Director of Administrative Services is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed periodically and revised as needed. The Director of Administrative Services may develop any other policies or procedures as necessary to implement this Administrative Policy.

MANAGEMENT OF VENDOR ACCOUNTS
POLICY AND PROCEDURES**PURPOSE**

To establish citywide guidelines and uniform procedures and related internal controls for the management of vendor accounts of the City of Laguna Beach.

POLICY

The City of Laguna Beach promotes effective controls to ensure the protection of City assets, accurate financial reporting, and efficient use of City resources. The primary objective of this policy is to ensure that vendor records are created and updated correctly, and that payment of invoices are made to the appropriate vendor accounts. Additionally, this policy will promote fiscal responsibility and build positive relationship with City vendors by ensuring access to their funds when payment is due.

PROCEDURES**Creating A New Vendor Record**

When the City starts a relationship with a vendor, a master vendor record must be established and maintained in the City's financial system. A vendor record must be created to process any payments to a vendor. To create a new vendor record, a Vendor Information form (Attachment A) and W-9 must be submitted to the Finance Division that provides the business name, taxpayer identification number, address, phone number, contact name, and email address. The vendor's W-9 will be verified by the Finance Division using the IRS Taxpayer Identification Number (TIN) Matching tool available on the IRS's website to ensure the TIN is legitimate. The City will maintain only (1) master vendor record for each legal entity based on the vendor's taxpayer identification number.

Updating A Vendor Record

When a vendor requests changes to their vendor record, they must submit to the City an updated W-9 with the requested changes. Changes of address, additional remits, modifications to business name, phone number, etc. must be documented in a manner to prove authority and legitimacy of changes by the business. A Vendor Data Validation form (Attachment B) must be used to document these changes. To maintain segregation of duties, the staff member updating the information in the City's financial system should not be the same person who conducts the due diligence on the Vendor Data Validation form. All payments to the vendor will be paused once a request is submitted to update their vendor information and will resume once the changes are approved.

The Administrative Services Director or Finance Manager must approve any final changes by signing off on the Vendor Data Validation form. Additionally, staff is directed not to give out any vendor

information unless the appropriate steps in the Vendor Data Validation form is completed. Staff members are highly encouraged to use telephones, fax, mail, and other forms of correspondence rather than email to address issues with vendors.

Establishing an Electronic Funds Transfers (EFT) Agreement

To promote security of vendor banking information, it is required that all vendors communicate directly with the Finance Division to complete an EFT Authorization Agreement (Attachment C). Upon request, an EFT Authorization Agreement will be mailed to the vendor with the mailing address in the vendor record within 48 hours. The vendor will be required to come in-person to the Finance Division to submit the EFT Authorization Agreement and provide identification. Staff will make a copy of ID to have on file with the EFT Authorization Agreement. The vendor must provide a copy of a voided check or a statement from their bank to verify the account and routing number.

To validate the legitimacy of the EFT request, staff must complete a Data Validation Form as a secondary form of verification to ensure that the form was dropped off by the vendor. If the vendor is requesting their banking information be updated, they must fill out a new EFT Authorization Agreement with both the new and old banking information and the payment amount of their last invoice submitted to the City. A Data Validation Form must also be completed for any changes or stop requests to the vendor account.

The Administrative Services Director or Finance Manager must approve both the EFT Authorization Agreement and the Vendor Data Validation form before updating the vendor's record with the banking information.



City of Laguna Beach
Vendor Information Form

Please fill this form out for each new vendor record request

Finance
Division

Vendor Contact Information

Contact:

*First Name: _____ *Last Name: _____

*Email: _____

*Phone #: _____

Comments: _____

Vendor Remittance Information

Company Name: _____

Mailing Address:

Street: _____

City: _____ State: _____ Zip Code: _____

Attachments

Required Attachment(s): (Check box as confirmation) Click on the  icon in the left margin to attach file

Vendor W-9 attached W-9 Form can be found at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

Submission Instructions:

1. Ensure that all required fields are complete.
2. Attach the scanned image of the completed W-9, using the attachment icon in the left margin
3. Submit this for to the Finance Division.

Vendor Data Validation Form

To change or update vendor data, the Finance Division will require documentation of how the data was validated before making the change. This form is required for any change to a vendor's name, address, phone number, contact person, and banking information. A W-9 will be required for any changes to a vendor's profile.

Vendor Name: _____ Vendor #: _____

Change Request: _____

Requester Name: _____

Source of Request: _____

Company contacted at phone #: _____

Source of Phone Verification: Internet Search _____ Website: _____
(check one)

Vendor Record _____

Other (specify): _____

Spoke to (Name): _____

Title: _____

Office Location: _____

Phone # including extension
(if transferred) _____

Other Notes/Comments : _____

City Employee Name: _____

Date: _____ Department/Division: _____

Finance Approval to Update Changes: _____

Administrative Services Director/Designee Signature



CITY OF LAGUNA BEACH

AUTHORIZATION AGREEMENT FOR DIRECT BILL PAYMENT (EFT)

Please type or print clearly in ink:

SELECT ACTION REQUESTED New Change Stop

Business Name: _____

Address: _____ City/State/Zip: _____

I/we hereby authorize the City of Laguna Beach's Finance Department (hereinafter called City) to make the appropriate changes to my/our account described below (only checking accounts):

MUST ATTACH A PRE-PRINTED VOIDED CHECK OR A VOIDED CHECK COPY

New Bank (Financial Institution) Name: _____

New Bank Address: _____ City: _____ State: _____ Zip: _____

New Bank Checking Account Number: _____

New Bank Routing Number: _____

(Complete the following section only if you are changing your bank information)

Old Bank (Financial Institution) Name: _____

Old Bank Address: _____ City: _____ State: _____ Zip: _____

Old Bank Checking Account Number: _____

Old Bank Routing Number: _____

Last Invoice # and Payment Amount _____

The authority will require two processing cycles to take effect and will remain in effect until the City received written notification from the business of its termination in such time and manner as to afford the City and Depository 30 days to act on it.

Authorized Signature: _____ Title: _____ Date: _____

Contact Person: _____ Telephone Number: _____

Email Address: _____

For Office Use Only:
Vendor No: _____
Finance Approval: _____

Return this form to:
City of Laguna Beach
Attn: Finance Department
505 Forest Avenue
Laguna Beach, CA 92651
Or Fax to 949-497-0771

**PROCEDURES FOR FEDERALLY-FUNDED
PROJECTS – ALLOWABLE COSTS****PURPOSE**

To ensure compliance with allowable costs/cost principles for Federally-funded projects, which are contained in the Uniform Guidance Compliance Supplement, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

POLICY

1. All grant expenditures will be in compliance with the Uniform Guidance, State law, City of Laguna Beach Government policy, and the provisions of the grant award agreement will also be considered in determining allowability. Grant funds will only be used for expenditures that are considered reasonable and necessary for the administration of the program in accordance with Subpart E—Cost Principles.
2. Grant expenditures will be approved by the department head or designee when the bill or invoice is received. The terms and conditions of the Federal Award will be considered when approving. The approval will be evidenced by an electronic approval in the finance software, or original manual signature if processed manually. Accounts payable disbursements will not be processed for payment until all necessary approvals have been obtained.
3. Payroll costs will be documented in accordance with the Uniform Guidance. Specifically, compensation for personal services will be handled as set out in §200.430 and compensation for fringe benefits will follow §200.431 of the Uniform Guidance.
4. An indirect cost rate will only be charged to the grant to the extent that it was specifically approved through the grant budget/agreement.

PROCEDURES

- Department management reviews applicable award agreements or contracts for specific allowable activity requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the awarding agency and is provided to the City Manager for approval of the grant award. Final approved grant award is provided to the Finance Division for review, tracking purposes, and to create required budget amendments, as needed.
- Department grant supervisors review and approve invoices, cost allocations, personnel costs (timesheets), fringe benefits, and indirect charges for allowability, adherence to cost principles, accuracy, and completeness.

- Departments are responsible for continuous monitoring of the financial status of grants, including funds expended, remaining funding available, payments received, grants receivable balances, budget to actual analyses, advance payment balances, and any matching funds provided. On a monthly basis, the grant supervisor reviews the budget vs. actual report investigating unusual or unexpected variances, documents results of follow-up work performed, and notifies the Finance Division of any discrepancies identified.
- Line-item budget amendments and journal entries to transfer costs from one project to another are reviewed for appropriateness and approved by the Accounting Supervisor.
- Departments are responsible for all required compliance reporting of grants, including any performance and financial reports. Department grant supervisors comply with all reporting requirements and submit reports by the due dates.
- Reimbursement requests are prepared by the requesting department. Department grant supervisors ensure all reimbursement requests are prepared after expenditures are incurred, are allowable per the grant program guidelines, and are within the grant budget. A copy of each reimbursement claim is provided to the Finance Division for review and monitoring of revenue reimbursement.

NJURY AND ILLNESS PREVENTION PROGRAM

PURPOSE: General Industry Safety Orders Section 3203 requires all employers to develop and implement an effective Injury and Illness Prevention Program (IIPP). Specific elements of a safety program are required to be included in our program. Currently, violations of any Cal-OSHA regulations may result in citations with a monetary penalty.

GENERAL POLICY AND PROVISIONS:**1.0 Safety Program Responsibilities**

The Safety Program Administrator is responsible for the Injury and Illness Prevention Program. The Human Resources/Risk Manager is designated as the City's Safety Program Administrator. In the event an interim administrator of the program is necessary, this policy will not be updated until a permanent appointment is made. Under the City's Safety Program, all levels in the organization have a responsibility for safety. All managers, supervisors and lead personnel are responsible for implementing and maintaining the IIPP in their work areas and for answering employee questions about the Program. A copy of this IIPP is available on the City's employee Public (P:) drive, on the City's website and upon request.

1.1 Employee safety responsibilities include:

- Becoming familiar and complying with the Code of Safe Practices (See Appendix A) and specific work procedures or rules as they apply to his/her work activity.
- Attending training sessions as scheduled.
- Reporting all injuries and near-miss incidents.
- Reporting unsafe conditions to his/her supervisor.

1.2 Supervisory safety responsibilities include:

- Becoming familiar and complying with the Code of Safe Practices and specific work procedures or rules as they apply to his/her area of authority.
- Attending training sessions as scheduled.
- Ensuring that employees and sub-contractors under his/her direction are aware of and comply with the Code of Safe Practices, and specific work procedures or rules as they apply.

- Disciplining per the City's disciplinary action policy for violations of the Code of Safe Practices, and specific work procedures or rules as they apply.
- Investigating accidents and near miss-incidents in a timely manner, including documenting all aspects of the incident, identifying the cause, and implementing the corrective actions to prevent reoccurrence.
- Correcting in a timely manner any unsafe conditions or work practices observed during a site safety inspection.

1.3 Managerial safety responsibilities include:

- Becoming familiar and complying with the Code of Safe Practices and specific work procedures or rules as they apply to his/her area of authority.
- Attending training sessions as scheduled.
- Ensuring that employees and contractors are aware of and comply with the IIPP, Code of Safe Practices, and specific work procedures or rules and Cal-OSHA regulations.
- Disciplining employees per the City's disciplinary action policy for violations of the Code of Safe Practices, and specific work procedures or rules as they apply.
- Reviewing accident investigations in a timely manner, ensuring that all aspects of the incident are documented and implementing corrective actions to prevent reoccurrence.
- Correcting in a timely manner any unsafe conditions or work practices observed during a site safety inspection.
- The Department Head will designate employees within his/her Department to act as Department/Division Safety Representatives.

1.4 Safety Program Administrator responsibilities include:

- Developing, distributing, and updating the policies and procedures related to safety.
- Ensuring safety training has been conducted.
- Conducting audits of City safety programs to evaluate compliance with Cal-OSHA requirements.
- Reporting to City Management regarding safety compliance status, new or upcoming regulations and other safety issues that require their attention.

- Assisting in reviewing new chemicals and/or equipment as required.

1.5 Department/Division Safety Representative

Division Safety Representatives may be either appointed by a Department Head or selected on a volunteer basis.

- Conducting Site Safety Inspections.
- Conducting and documenting safety meetings and training with employees, and/or ensuring that they are being conducted and documented.
- Assisting in investigating accidents and near-miss accidents, including documenting all aspects of the incident, identifying the cause, and implementing the corrective actions to try and prevent reoccurrence.

2.0 Safety Program Communication

2.1 Initial Training

All employees will have this program reviewed with them. The program will be reviewed as an element of the new hire orientation.

2.2 Safety Meetings

The Division Safety Coordinator or his/her designee will ensure that safety meetings are being held. Meetings will include information on the following subjects as applicable:

- Review of Code of Safe Practices, policies, or procedures.
- On the Job or Off the Job safety information.
- Feedback from employees on hazards, safety suggestions or concerns.
- Review of previous accidents causes and corrective actions.
- Recognition for compliance, good safety performance or attitude.

Attendance at the safety meeting is considered a part of all employees' job responsibilities. All meetings should be documented with the date, safety topic, discussion items, video title and employee attendance signature included. The Department/Division Safety Coordinator will retain completed safety meeting documentation forms.

Safety meetings will be conducted at a minimum as follows:

Administrative Services – Biannually
Community Development – Biannually
Cultural Arts – Biannually
Water Quality – Monthly
Public Works – Monthly
Police – As part of their daily briefing
Fire – As part of their daily briefing / regular training sessions
Marine Safety Department- Monthly

2.3 Employee Suggestions

Employees will be afforded an opportunity to make safety suggestions and or express their concerns. This opportunity will be by means of an employee safety suggestion program. Employee suggestions may be made anonymously but, in any case, no employee shall be disciplined, demoted or otherwise discriminated against for making a suggestion. Responses to suggestions will be documented on the suggestion form and the employee making the suggestion will be notified as to the outcome. Anonymous suggestions will be considered as seriously as non-anonymous suggestions; responses shall also be documented on the suggestion form and posted for all employees to review. Suggestions may be made to the Department/Division Safety Coordinator, Safety Program Administrator, Supervisors or Managers at any time.

2.4 Written Communications

A regular area where written safety communications will be posted shall be established. Postings will contain information on: off the job or on-the-job safety topics, changes in safety procedures, accident causes, employee safety suggestions or other information as appropriate.

3.0 Safety Program Compliance

3.1 Disciplinary Action

Non-compliance and or willful violation of the Code of Safe Practices and specific work procedures or rules will result in disciplinary action and or termination. Disciplinary action will be administered and documented in accordance with the City's policies and procedures and any collective bargaining agreements, if applicable.

3.2 Accountability Program

Central to maintaining safety program compliance is establishing accountability for safety. The city has identified specific safety activities for which managers and supervisors are responsible. These activities include conducting safety meetings and observation audits, accident investigations, attendance at training sessions and accident rate performance. Performance in these and

additional safety activities will be maintained and included for discussion and appropriate action including the annual performance appraisal review.

4.0 Identification, Evaluation and Prevention of Occupational Safety and Health Hazards

4.1 Site Safety Inspections

The Department/Division Safety Representative will conduct regular, formal, documented site safety inspections. This inspection may be documented on the Site Inspection Form (in appendix). The inspection will include an evaluation of work areas, fire extinguishers and other specific Cal-OSHA requirements.

Corrections of unsafe conditions will be documented on the inspection form and the form shall be maintained on file.

It will be the responsibility of the Department/Division Manager to:

- Monitor progress on corrected actions that remain to be completed and conduct follow-up surveys to verify completed corrective actions as required.
- Inform City Management of any serious finding or incomplete corrective action that may pose a serious injury risk to employees or the public or the environment in general.

4.2 Hazard Information

Information as to job or site hazards may be extracted from accident investigations and site safety inspections / audits. This information may be used to improve training programs, safety meetings, etc.

4.3 Equipment Inspections

Material handling equipment such as forklifts, hoists or other equipment will be inspected and maintained per the legal requirements. It will be the responsibility of the employee using the equipment to ensure these inspections are conducted and documented.

4.4 Chemical / Equipment / Procedure review and approval

Chemicals, equipment, and procedures not currently in use or operation may be reviewed and approved by the Supervisor prior to their being purchased and or implemented. Replacement in kind is not considered as a "new" chemical / equipment / procedure.

5.0 Accident Investigation

5.1 Reporting

Employees will report all accidents, industrial injuries or illnesses or incidents that could have resulted in an injury, illness, or property damage (near miss incidents) to their supervisor immediately. In the event that the supervisor is unavailable, accidents or injuries shall be reported to the Division Manager or the Department Head.

For injuries or illnesses requiring immediate medical attention, call 9-1-1. For all other injuries, follow the steps outlined in City of Laguna Beach Administrative Policy 2-7, Job Related Illnesses/Injuries.

5.2 Investigation

After ensuring the injured employee has received appropriate medical treatment, the supervisor and/or designee shall conduct an accident investigation. The investigation shall include the factual details surrounding the event (who, what, when, where, witnesses, etc.), the probable cause of the event and corrective actions to prevent a reoccurrence of the incident. The investigation shall be documented on the City's Accident Report Form. The supervisor will forward the completed report to the Division Manager for review and concurrence. A copy of the Accident Investigation and Notice of Injury shall be sent to the Personnel Division.

The Division Manager will review the report and follow-up with the supervisor to ensure that the corrective actions have been implemented.

6.0 Correcting Unsafe or Unhealthy Conditions

Methods of correcting unsafe or unhealthy conditions will vary depending upon the degree of hazard and control of the work site. Minor hazardous situations, such as housekeeping, storage or other items shall be corrected without additional documentation. Hazardous conditions of a more serious nature will require a work order / request, or work to be stopped or the equipment tagged and taken out of service until the proper corrective action can be taken. Hazards of an imminent nature will require emergency notifications and evacuation.

Emergency Evacuation:

Should an emergency situation arise which creates an imminent hazard, which cannot be immediately abated, all employees will be evacuated from the facility to a safe location until the situation is corrected. The evacuation will be carried out per the site's evacuation procedures.

7.0 Safety Training

7.1 New Hire Orientation

All employees will receive a New Hire Orientation.

The New Hire Orientation may include copies of:
Code of Safe Practices
Injury / Incident Reporting
Employee Access to Medical / Exposure Information
Hazard Communication and Chemical Safety
Review of the Illness and Injury Prevention Program

The new employee will be trained as necessary on:

Specific Chemicals and Handling Procedures used as part of the job
Use of Equipment as Required

Employees who transfer to a new job with different hazards will receive training in that new job prior to being exposed to that hazard.

Additional specialized training will be conducted, as necessary. This may include:

Forklift / Manlift Operator Certification
Respiratory Refresher and Fit Test
Confined Space Entry
Hearing Conservation
Ergonomics

Police Department Personnel shall be P.O.S.T. certified as required.

Fire Department Personnel shall be trained per the State Fire Marshal Requirements.

Marine Safety Department Personnel shall be trained per the United States Lifesaving Association Requirements and County G.M.S. Requirements.

7.2 Supervisor Training

Supervisors will attend scheduled training sessions designed to familiarize them with the safety and health hazards to which their employees are exposed and to assist them in implementing the Safety Program.

8.0 Safety Program Recordkeeping

The Safety Program Administrator shall maintain records that may include:

Accident Reports
OSHA Log

Department/Division Safety Coordinators may maintain the records for:

Site Inspections
Accident Reports

Employee Training Records
Completed Safety Meetings

9.0 Documentation

9.1 Training documentation

Training documentation may include the employee's name, training date, type of training, instructor's name, and an outline of what was presented. This documentation will be maintained for at least 3 years.

Records of surveys may include the date of the survey, area surveyed, survey findings and who conducted the survey. These records will be maintained for three years.

Copies of insurance company surveys and all other records will be maintained for three years.

Medical and exposure records will be maintained per legal requirements.

APPENDIX A

Code of Safe Practices

EMPLOYEE SAFETY RESPONSIBILITIES

I. GUIDELINES AND RESPONSIBILITIES

It is the responsibility of each and every employee to obey all safety rules and to use all required safety equipment. Listed below are some general safety rules that each worker should follow:

- A. Good housekeeping must be practiced at all times in the work area. Clean up all waste and eliminate any dangers in the work area.
- B. Suitable clothing and footwear must be worn at all times. Personal protection equipment (hardhats, respirators, and eye protection) will be worn whenever needed.
- C. All employees will participate in a safety meeting conducted by their supervisor on a regular basis and minutes of the meetings documented on a Safety Meetings report.
- D. Anyone under the influence of intoxicating liquor or drugs, which might impair motor skills and judgment, shall not be allowed in the workplace and are subject to termination.
- E. Horseplay, scuffling, and other acts, which tend to have an adverse influence on safety or well being of other employees is prohibited.
- F. Work shall be well planned and supervised to prevent injuries in the handling of materials and in working with equipment.
- G. No one shall be permitted to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might expose the employee or others to injury.
- H. Employees should check to see that all guards and other protective devices are in proper places and adjusted and shall report deficiencies promptly to their supervisor.
- I. Employees shall not handle or tamper with any electrical equipment, machinery, air, or water lines in a manner not within the scope of their duties, unless they have received instructions from an authorized source.
- J. All injuries should be reported to the supervisor so that arrangements can be made for medical or first aid treatment.
- K. When lifting cartons or heavy objects, use the large muscles of the leg instead of the smaller muscles of the back.
- L. Do not throw things, especially material and equipment. Dispose of all waste properly and carefully.
- M. Do not wear shoes with thin or torn soles.

- N. All workers should learn the hazards of their job by discussing them in detail with their supervisor.
- O. When job conditions change, so do the hazards; therefore, each worker should anticipate new hazards and plan their avoidance.
- P. All new hazards should be brought to the attention of the supervisor.
- Q. Each worker should develop a daily routine of checking his/her job area for any potential hazards or deficiencies.
- R. All defective tools should be brought to the attention of the supervisor.
- S. Each employee should provide suggestions concerning safety to his or her supervisor.
- T. All employees should familiarize themselves with the location of first aid equipment.
- U. Use a ladder when required. Do not use the top two-(2) rungs. Do not climb on other objects to reach heights.
- V. All emergency equipment such as fire extinguishers and fire alarms must be properly identified and maintained.
- W. Know the location of fire and safety exits. All Exit doors must be kept clear of obstacles.
- X. Each employee is expected to be responsible for his/her own safety and at the same time to exercise care in avoiding injury to his/her fellow workers.
- Y. Be sure that all tools are maintained in a good state of repair.
- Z. No employee should use chemicals without fully understanding their toxic properties and without the knowledge required to work with these chemicals safely.

MANAGERIAL & SUPERVISORY SAFETY RESPONSIBILITIES

II. GUIDELINES AND RESPONSIBILITIES

All Managers and Supervisors are responsible for ensuring that all employees under their supervision observe all safety rules and procedures.

- A. Give sincere, active, and constant support to all safety activities and procedures.
- B. Instill safety awareness in each employee.
- C. Be responsible for familiarizing employees with the hazards of the job to which they are assigned and instruct their personnel in the safe methods of performing the job.

- D. Ensure that each employee is provided with the needed safety equipment and protective devices.
- E. Take prompt corrective action whenever unsafe conditions or acts are noted.
- F. Periodically review the work practices of subordinate employees to ensure they continue to work in a safe manner.
- G. Make regular safety appraisals of their assigned area.
- H. Investigate and find the cause of accidents and take corrective action to prevent recurrences.
- I. Be responsible for the enforcement of safety rules among employees.
- J. At the end of each workday, inspect work areas for proper housekeeping or other hazards.

APPENDIX B

Safety Related Forms

Office Worksite – Safety Inspection Checklist

Division _____ Location _____
 Inspector(s) _____ Date _____

Instructions: For each item below, indicate with a check mark <u>OK</u> or <u>Finding Noted</u> . <i>Indicate NA if not applicable</i> (Use the attached Action Form to record a description of any finding noted and the recommended action)				
#	Item to be checked	OK	*Finding Noted	Date Corrected
A. General Work Area				
1.	Flooring in good condition (no openings, cuts, folds, or wrinkles).			
2.	Emergency telephone numbers are posted.			
3.	The first aid kit is in a visible location and everyone knows where it is.			
4.	Exits are clearly marked and not blocked.			
5.	Worksites are clean, sanitary, and orderly.			
6.	Shelves and file cabinets over five feet in height are attached to adjacent walls or each other.			
7.	Heavy objects are not stored on top of tall cabinets or shelves/ or not secured			
8.	Elevators are regularly inspected, and the current permit is posted.			
B. Housekeeping Hazards				
1.	Aisles and hallways are kept unblocked, well lit, clean, and open during working hours.			
2.	Storage and janitorial closets are organized and free of debris.			
3.	Electric cords and phone cables are secured to prevent tripping hazards			
C. Electrical Hazard				
1.	Power strips are not plugged in to another power strip.			
2.	Electrical switches, cover plates, and outlets are in good condition.			
3.	Lighting fixtures are in good condition and working.			
4.	Circuit breaker panels accessible and labeled: 36 inches clearance in front/ not covered.			
5.	Surge protectors equipped with automatic circuit breaker and cords plugged directly into a wall outlet.			
D. Fire Hazard				
1.	Fire extinguishers are mounted and are kept clear at all times.			
2.	Inspections of fire extinguishers are performed and documented.			
3.	Fire doors kept shut, not propped open			
4.	Emergency lighting is operable.			
E. Miscellaneous				
1.				
2.				
3.				

Facility Worksite – Safety Inspection Checklist

Division _____ **Location** _____
Inspector(s) _____ **Date** _____

Instructions: For each item below, indicate with a check mark <u>OK</u> or <u>Finding Noted</u> . <i>Indicate NA if not applicable</i> (Use the attached Action Form to record a description of any finding noted and the recommended action)				
#	Item to be checked	OK	*Finding Noted	Date Corrected
A. General Work Area				
1.	Flooring in good condition (no openings, cuts, folds, or wrinkles).			
2.	Emergency telephone numbers are posted.			
3.	The first aid kit is in a visible location and everyone knows where it is.			
4.	Exits are clearly marked and not blocked.			
5.	Worksites are clean, sanitary, and orderly.			
6.	Shelves and file cabinets over five feet in height are attached to adjacent walls or each other.			
7.	Heavy objects are not stored on top of tall cabinets or shelves/ or not secured.			
8.	Elevators are regularly inspected, and the current permit is posted.			
9.	Eye wash stations/showers are in good working condition.			
B. Housekeeping Hazards				
1.	Aisles and hallways are kept unblocked, well lit, clean, and open during working hours.			
2.	Storage and janitorial closets are organized and free of debris.			
3.	Electric cords and phone cables are secured to prevent tripping hazards.			
C. Electrical Hazard				
1.	Power strips are not plugged in to another power strip.			
2.	Electrical switches, cover plates, and outlets are in good condition.			
3.	Lighting fixtures are in good condition and working.			
4.	Circuit breaker panels accessible and labeled: 36 inches clearance in front/ not covered.			
5.	Surge protectors equipped with automatic circuit breaker and cords plugged directly into a wall outlet.			
D. Fire Hazard				
1.	Fire extinguishers are mounted and are kept clear at all times.			
2.	Inspections of fire extinguishers are performed and documented.			
3.	Fire doors kept shut, not propped open.			
4.	Emergency lighting is operable.			
E. Personal Protective Equipment (PPE)				
1.	PPE is provided where there is potential for injury.			
2.	PPE is worn when required.			
3.	PPE maintained in a sanitary condition.			

#	Item to be checked	OK	*Finding Noted	Date Corrected
F. Machine Operations and Guarding				
1.	All moving machine parts are properly guarded.			
2.	Clearance is sufficient around machinery for safe operations, service & material handling.			
3.	Electrical power to each machine can be locked out for maintenance, repair, or security.			
G. Hand Tools & Equipment				
1.	Tools and equipment are in good condition.			
2.	Tools are stored in a dry, secure location.			
3.	Tool cutting edges are kept sharp.			
4.	Hand protection is utilized when using cutting tools.			
H. Storage & Handling of Materials				
1.	Compressed gas cylinders are stored upright, secured from falling, with valve caps in place.			
2.	Materials stored overhead are secure from falling.			
3.	Hand trucks, pallet jacks and other material handling equipment is properly maintained.			
I. Ladders				
1.	Ladders are maintained in good condition.			
2.	Ladders are stored properly when not in use (hanging up and/or secured out of the way).			
J. Chemicals				
1.	All chemical boxes, bottles, bags, tanks, etc., are properly labeled.			
2.	Chemicals stored on shelving are secured.			
K. Miscellaneous				
1.				
2.				
3.				
4.				
5.				

EMPLOYEE SAFETY SUGGESTION

DATE: _____ FROM: _____
(OPTIONAL)

EQUIPMENT NEEDING REPAIR OR SUGGESTION: _____

DATE RECIEVED: _____ RECEIVED BY: _____

OUTCOME OF SUGGESTION: _____

EMPLOYEES WILL NOT BE DISCIPLINED OR OTHERWISE DISCRIMINATED AGAINST
FOR MAKING RECOMMENDATIONS. ANONYMOUS SUGGESTIONS WILL BE
CONSIDERED AS SERIOUSLY AS SUGGESTIONS WITH NAMES.

NONDISCRIMINATION**PURPOSE**

The purpose of this policy is to formally establish the City's strong commitment to prohibiting and preventing discrimination on the basis of an individual's protected classification in accordance with federal, state and local laws, and to encourage participation of traditionally under-represented groups in employment at all organizational levels, and to provide a procedure for investigating and resolving complaints of discrimination.

GENERAL POLICY

The City has a zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law to violate this Policy. A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Violation of this Policy shall constitute grounds for disciplinary action up to and including termination.

It is City policy to prohibit discrimination by City employees on the basis of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status, or any other basis protected by law.

It is also a violation of this Policy to discriminate against an employee for filing a workers' compensation claim.

Recruitment, Selection, Development, and Promotion: Further, it is City policy to develop and maintain a personnel system of recruitment, selection, development and promotion which does not include artificial barriers to employment or advancement and otherwise complies with federal and state law regarding equal opportunity employment.

The City shall develop and maintain recruitment and selection procedures which are job-specific and success predictive and which encourage the participation of traditionally under-represented groups, e.g., women and minorities, in employment at all organizational levels consistent with state and federal law. The City's Personnel Rules shall be reviewed and revised as necessary to ensure job relatedness and to eliminate ethnic, gender, or any other unwarranted bias that could negatively impact any protected classification.

Reasonable Accommodation: Any employee who requires reasonable accommodation should speak with the Personnel Services Manager or supervisor. Absent undue hardship or direct threats to the health and safety of employee(s) or others, the City provides employment-related reasonable accommodations to:

- a. qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;

- b. employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;
- c. employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work;
- d. employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

Policy Coverage: This Administrative Policy provides for procedures for processing and investigating discrimination complaints. This Policy covers applicants and employees, regardless of rank or title.

Retaliation: Retaliation against an individual for filing a complaint of discrimination is prohibited. Retaliation occurs when adverse action is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse action" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

The City maintains a set of procedures whereby individuals may report allegations of alleged employment discrimination. The City policy includes a procedure for investigation and disposition of such complaints. The City hopes individuals will avail themselves of these procedures when appropriate. However, an individual also has the option to report harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on City bulletin boards for office locations and telephone numbers.

PROVISIONS FOR HANDLING CLAIMS OF DISCRIMINATION

1. Applicants and employees, regardless of rank or title, who believe they have been discriminated against may make a verbal or written complaint to their immediate supervisor, any supervisor or manager within or outside of the department, the department head, or Personnel Services/Risk Manager.

Any supervisor or management employee with knowledge of a complaint of discrimination shall immediately notify the Personnel Services/Risk Manager.

2. All claims of discrimination shall be investigated promptly in accordance with state and federal law. The investigation may include interviews of the complainant, individuals alleged to have engaged in discriminatory conduct, and any other person believed to have relevant knowledge of the circumstances contained in the complaint.

3. Upon completion of the investigation, the Personnel Services/Risk Manager and/or his or her designee shall review all the information gathered to determine whether the alleged conduct constitutes discrimination in violation of this policy, giving consideration to all factual material and the totality of circumstances, including the nature of the alleged discriminatory conduct the context in which the alleged conduct occurred, and whether the alleged conduct is a result of a bona fide occupational qualification for which no less discriminatory means of satisfying the qualification exists.
4. The Personnel Services/Risk Manager and/or his or her designee shall report the results of the investigation and a determination of whether discrimination occurred to the City Manager and shall recommend any actions necessary to rectify any damages caused by the discriminatory conduct.
5. The complainant(s) shall be advised when the investigation has concluded and whether any policy violations were found.
6. If a violation of this policy is found to have occurred, the City Manager shall direct that effective remedial and/or disciplinary action be taken. This action shall be commensurate with the severity of the offense and shall take into account any documented prior violation by the subject employee as well as any prior discipline of the employee.
7. The City Manager shall direct that reasonable steps be taken to protect the victim of the discriminatory conduct, and other potential victims, from further discrimination as well as from retaliation and shall direct that reasonable steps be taken to protect the victim, witnesses, and any individuals who filed a complaint and/or participated in the investigatory process from retaliation.
8. This Administrative Policy shall be made available to any party desiring information regarding discrimination claims. All employees shall receive a copy of this Policy with an acknowledgment form for the employee to sign and return when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.
9. The Personnel Services Manager shall maintain records of all complaints, investigations, and appeals filed under this policy for at least three (3) years.

NONDISCRIMINATION POLICY

I have received, read and understand the City's Nondiscrimination Policy and understand that the City will actively monitor and report any forms of discrimination activity to my supervisor. I understand that any violation of the City's Nondiscrimination policy may lead to disciplinary action up to and including termination.

Date: _____

Name (print): _____

Signature: _____

DISCIPLINARY ACTIONS**PURPOSE**

The purpose of the Policy is to clarify the procedures for disciplinary actions against Regular Employees as provide in Personnel Rule 4.3, Pre-disciplinary Procedures and Discipline, Personnel Rule 1.6, Rules of Appeal to the Personnel Board, and Section 2.24.050 of the Municipal Code, Duties of the Personnel Board.

This Policy also includes procedures required by the Skelly decision which affords Regular Employees the right to due process in any action which materially impacts their employment. While this Policy applies only to the Regular Employees, paragraphs 8 through 11 do address temporary and probationary employees.

POLICY

The power to administer disciplinary actions is vested in the City Manager and in those employees to whom the power to make appointments has been delegated by the City Manager. The department head is designated as the appointing authority for all members of his or her department. Disciplinary actions against department heads shall be administered by the City Manager.

Any discharge, demotion, pay reduction, or suspension of a Regular Employee shall be administered by the appointing authority in accordance with Personnel Rule 4.3. Proposed disciplinary actions shall be discussed with the Personnel Services Manager prior to the action, and the action shall not be considered final until a Personnel Action Form has been signed by the City Manager. The authority to impose lesser discipline may be delegated to supervisory personnel.

PROCEDURE

1. The following disciplinary actions may be imposed for violations of the City's Work Rules (Attachment A), department work rules and regulations, Personnel Rules, or Administrative Policies: (a) counseling, including referral to the Employee Assistance Program; (b) training; (c) verbal reprimand; (d) written reprimand; (e) suspension or surrender of accrued vacation time; (f) reduction in pay; (g) demotion; and (h) discharge. (Examples of the notice or other documentation required for each type of disciplinary action are included as Attachments B through F).
2. A disciplinary action should follow progressive steps if the discipline is to bear a relationship to the infraction and serve to modify behavior as follows:
 - (a) the single occurrence of a minor or moderate infraction should receive minor discipline, e.g., verbal reprimand counseling memo;

- (b) a repeat of the same minor or moderate infraction, or the single occurrence of a more serious infraction, should receive more severe discipline, e.g., written reprimand, suspension; and
 - (c) The single occurrence of a very serious infraction, or repeat occurrences of the same moderately serious infraction should receive the most severe discipline, e.g., lengthy suspension, pay reduction, demotion, discharge.
3. The following factors should be considered when determining disciplinary actions:
- (a) the seriousness and nature of the infraction;
 - (b) whether or not the employee has had previous disciplinary problems;
 - (c) the employee's employment history and past performance;
 - (d) any extenuating circumstances;
 - (e) whether or not performance standards, work rules, and the consequences of violations were clearly communicated to the employee;
 - (f) disciplinary actions against employees who have committed similar infractions;
 - (g) the impact of a particular disciplinary action on other employees;
 - (h) whether or not the preponderance of evidence will support the disciplinary action if the decision is appealed; and
 - (i) Whether or not progressive disciplinary actions were taken.
4. Prior to imposing discipline, the appointing authority or supervisor administering the disciplinary action may cause an investigation to be conducted. The scope of the investigation shall depend on the nature and seriousness of the alleged offense. Any such investigation of a sworn Police Department employee shall be conducted pursuant to Government Code Section 3300-3311.
- The appointing authority may assign the employee to temporary leave with pay pursuant to Personnel Rule 4.3.5 pending the conclusion of an investigation. Such assignments require completion of a Personnel Action Form and approval by the City Manager.
5. Employees shall be notified of intent to discipline and shall be provided an opportunity to respond prior to the action. The type of notice depends on the nature of the proposed discipline. For counseling and verbal reprimand, notice and opportunity to respond are implicit in the action. Written reprimands shall be discussed with the employee, and

he/she shall be provided with an opportunity for rebuttal. A written rebuttal to a written reprimand shall be placed in the employee's personnel file along with the written reprimand.

Suspension, pay reduction, demotion, and discharge are subject to pre-disciplinary procedures as outlined in Personnel Rule 4.3. These procedures require the following:

- (a) written notice to the employee of the proposed disciplinary action, including the reasons for the laws which are alleged to have been violated;
 - (b) an opportunity for the employee to review any documents or materials upon which the proposed action is based;
 - (c) an opportunity for the employee to respond, either verbally or in writing, within five days of receipt of the notice of intent; and
 - (d) The employee's right to representation during pre-disciplinary procedures.
6. Any suspension, pay reduction, demotion, or discharge may be appealed to the Personnel board, in accordance with Personnel Rule 1.6
 7. Pursuant to Municipal Code Chapter 1.06, any action to contest or review an administrative decision of the City must be filed in court not later than the ninetieth day following the date on which the decision becomes final.

Notice of this 90 day limit on the right to review or appeal a decision should be included in any written communication advising the employee of the decision rendered. A sample notification clause is as follows:

"Pursuant to Chapter 1.06 of the Laguna Beach Municipal Code, any action to contest or review this decision must be filed with a court of competent jurisdiction not later than the ninetieth day following the date on which the decision becomes final. "
 8. This Administrative Policy is not intended to apply to temporary employees, first-time probationary employees, or permanent employees who have been demoted and are serving a subsequent probationary period.
 9. Counseling, reprimands, or suspensions against temporary employees shall be carried out as they would for permanent employees.
 10. The failure of a temporary employee to meet job standards, or the violation of a specific rule or policy by a temporary employee, shall be fully documented and discussed with the employee. Discussion may occur in conjunction with a regular performance evaluation, a special evaluation, or as the result of a specific incident.

11. For probationary employees, the reason for termination on the Personnel Action Form shall be failure to meet job standards during probation, rather than citing any specific incident. (See Attachment G for probationary employees.)

Attachment A
WORK RULES AND DISCIPLINE

In order to maintain an orderly and safe place to work, the following work rules have been established. These rules are not meant to be exhaustive, but are a general outline of behavior or actions which are not acceptable for employees of the City of Laguna Beach. They are published to insure that all employees are aware of these rules and realize that willful violation of these rules may result in disciplinary action.

An individual department may have work rules and regulations specific to its own operation. These rules shall be in writing and shall be available to all employees of the department.

Supervisors have the primary responsibility of communicating and interpreting these rules. If you have questions regarding them, you should consult your supervisor for clarification. The nature of disciplinary action taken depends on the severity of the offense, the nature of the offense, and the circumstances surrounding the offense. All of these must be considered by the supervisor when determining when and if disciplinary action should be taken.

In addition, regular (non-probationary) employees are entitled to a pre-disciplinary hearing as described in Section 4.3 of the Personnel Rules.

No employee shall engage in, encourage, or assist in any of the following activities or behaviors:

1. Any falsification or misrepresentation of information in connection with the preparation of City records, documents or correspondence, including an application for employment.
2. Falsifying one's own time sheet or the time sheet of another employee.
3. Disclosing information known to be confidential in nature.
4. Stealing, willfully damaging, abusing or destroying City property or the property or equipment of another employee or the public.
5. Removing City property from City premises without authorization.
6. Recklessly driving or illegally operating a City vehicle.
7. Using City property, City equipment or City vehicles without authorization.
8. Using City telephones for personal reasons, except on a very limited basis and for which the City is reimbursed for its cost.
9. Possessing or using illegal drugs on City premises or while on duty.*

10. Using unauthorized or illegal firearms or unauthorized possession, conveyance or storing of explosives or other dangerous weapons on City premises.
11. Consuming intoxicating beverages while on duty* or while in City uniform. Exceptions may be made in the event of a City-sponsored function at which such beverages may be served.
12. Being at work under the influence of intoxicants to the extent that it affects job performance or safety of others.
13. Exhibiting indecent or morally offensive behavior while on duty*.
14. Fighting, coercing, interfering with or threatening injury to other employees, the public or supervisors.
15. Demonstrating careless, reckless or unsafe conduct, endangering oneself, fellow employees, the public or City or private property.
16. Interacting discourteously with the public, fellow employees or supervisors.
17. Unauthorized sleeping while on duty.*
18. Deliberately delaying or restricting services or work efforts, or inciting others to do the same.
19. Selling, soliciting or distributing literature or goods on City premises or while on duty without permission.
20. Posting unauthorized material on City bulletin boards or removing or defacing notices thereon without permission. **
21. Leaving a regularly assigned work location without a supervisor's knowledge and permission except to take usual breaks and lunch periods, and to perform assigned work duties.
22. Failing to observe scheduling rules regarding assigned work days, starting and quitting times, breaks, and lunch periods established by a supervisor.
23. Misusing time on the job.
24. Demonstrating unauthorized tardiness or excessive absenteeism.

25. Displaying insubordination, including refusal to perform work as directed by a supervisor, except in such cases where the activity directed or the equipment involved is unsafe.
26. Performing work in an unsatisfactory, negligent or incompetent manner.
27. Political campaigning of any kind on City premises, while on duty, or while in a City uniform or using one's official City title or position in connection with political campaign literature or activities.
 - * On-duty time is considered to be the hours of each working day during which employees are expected to be performing their duties, excluding lunch periods.
 - ** City bulletin boards are considered to be those bulletin boards located on City premises in facilities furnished and maintained by the City.

Attachment B
SAMPLE COUNSELING INTERVIEW MEMORANDUM

(Used to clarify verbal agreements and possible behavior changes between a supervisor and employee. This report does not go into the employee's personnel file.)

TO: Employee Name
FROM: Supervisor Name
SUBJECT: Conference of (DATE)

This is to summarize our conference of the above date.

- A. During the conference, the following items were discussed.
1. *Use the shortest possible description but be specific and complete. These may later become "charges".*
 - 2.
- B. During the conference, you stated the following:
1. *This paragraph is optional. Use it only if the employee makes statements significant to the issue. Do not use it to provide the employee with a written alibi.*
 - 2.
- C. During the conference, I offered you the following assistance and guidance:
1. *Be as specific as possible as to the assistance offered. Include the names of publications given to the employee, opportunities to visit other locations to observe the work of others, names of individuals who will provide guidance or information to the employee, etc.*
 - 2.
- D. During the conference, you were directed to: *(use when necessary)*
- 1.
 - 2.

If this is not an accurate summary of our conference, please notify me in writing by ____.* If I do not hear from you, I shall assume the above to be an accurate summary of our conference.

* *Be sure to give at least five working days for a response.*

Attachment C

SAMPLE MEMO CONFIRMING VERBAL REPRIMAND

*Used to provide both supervisor and employee with a permanent record of a specific violation.
This does not become a part of the employee's permanent personnel file.*

TO: Employee Name

FROM: Supervisor Name

SUBJECT: Confirmation of Verbal Reprimand

This memo will confirm our conversation of (date), during which you received a verbal reprimand for (state the offense in a brief and concise manner.).

Note: Provide background information of the specific incident(s); state what you discussed with the employee and what the employee has agreed to do to correct the situation. If time limits have been agreed to for certain actions, make sure they are included.

Make sure you state what the possible negative consequences are if the action is not corrected.

Attachment D
SAMPLE WRITTEN REPRIMAND

To make a permanent record of a specific violation or behavior which has resulted in a disciplinary procedure. A copy of the written reprimand is forwarded to the Personnel Division for retention in the employee's permanent personnel file. The original memo should go to the employee and the supervisor should retain a copy for his/her files.

TO: Employee Name
FROM: Supervisor Name
SUBJECT: Written Reprimand

Start out by stating in a brief and concise manner the events that have led up to the written reprimand.

As you will recall, on _____, I talked you regarding _____. We again discussed this on _____.

Be sure to include specific situations with dates and times.

As a result of the above situation(s), this memo shall serve as a written reprimand, a copy of which will be placed in your permanent personnel file.

Identify the specific expectations you have for the employee to change.

Depending on the nature of the situation, you may want to use one of the following where appropriate:

Further actions of this nature could result in further disciplinary action, up to and including dismissal.

OR

Failure to correct this situation by (date) could result in further disciplinary action up to and including dismissal.

Should you wish to discuss this situation further, please arrange a meeting with me.

Cc: Personnel File

Attachment E

SAMPLE OF NOTICE OF INTENT TO TERMINATE (OR SUSPEND OR DEMOTE)

To inform employee of intended disciplinary action prior to taking such action.

TO: Employee Name

FROM: Name of Disciplinary Authority

SUBJECT: Notice of Intention to Terminate (or Suspend, or Demote)

This is to advise you that I am proposing that you be terminated (or suspended, or demoted) from your job as (job title).

The action is proposed on the following grounds: (List all applicable rules or ordinance numbers. If the proposed discipline takes into consideration past discipline under the theory of progressive discipline, this should be stated.)

A. Current Violation(s)

1. On (date) you violated (cite specific Personnel Rule, Work Rule or Department Policy violated) by (set forth clearly and specifically all of the details, dates, places, and events relating to this specific violation.)
2. (Use the format above to state any other violations for which this disciplinary action is being proposed.)

B. Past Violation(s)

1. On (date) you were (suspended for ___ days, given a written reprimand, comment on an evaluation form, given a verbal reprimand, etc., for violation of city policy or rule by briefly cite behavior which constituted a violation).
2. (Use the format above to state any other past discipline or evaluations which are related or which are being considered as part of the process of progressive discipline.)

Copies of all documents, your personnel file and other materials which support the proposed action are available in the Personnel Division for your review upon request during regular office hours. You have the right to respond to me either verbally or in writing. Your response will be considered before final action is taken. A meeting has been set at (time), on (date), in (location) for this purpose. You may be represented by an officer of the (Recognized Employee Group) at this meeting.

Your signature below acknowledges receipt of this notice.

Date: _____

Employee: _____

Attachment F

SAMPLE NOTICE OF TERMINATION (OR SUSPENSION OR DEMOTION)

To inform employee of disciplinary action finalized after the Skelly meeting.

TO: Employee Name

FROM: Name of Disciplinary Authority

SUBJECT: Notice of Termination (or Suspension or Demotion)

After carefully considering your verbal (written) response on (date) to the Notice of Intent to Terminate (or Suspend or Demote) letter dated (date), I have decided that it is appropriate to proceed with the action of terminating (or suspending or demoting) you from your job as (job title) effective at the end of your regular work shift on (date).

This action is based on the following listed grounds: *List all applicable rules or ordinance numbers; essentially, you may duplicate the provisions of the Notice of Intent Letter.*

The above grounds are based on the following acts or omissions: *Set forth clearly and specifically the details, dates, places and events which gave rise to the action; essentially, you may duplicate the provisions of the Notice of Intent Letter.*

This action is being taken because the following prior disciplinary actions proved ineffective: *List all previous verbal reprimands, written reprimands and suspensions relevant to this disciplinary action; essentially, you may duplicate the provisions of the Notice of Intent Letter.*

Pursuant to Personnel Rule 1.6, you have seven (7) days to file your written appeal, if you wish to appeal this matter to the Personnel Board.

cc: Personnel File

Attachment G

SAMPLE NOTICE OF TERMINATION OF PROBATIONARY EMPLOYEE

Used to inform probationary employee of termination.

A copy of the notice is to be forwarded to the Personnel Division for retention in the employee's permanent personnel file. The original memo should go to the employee and you should retain a copy for your files.

TO: Employee Name

FROM: Supervisor or Manager Name

SUBJECT: Notice of Termination of Probationary Employee

Pursuant to Personnel Rule 4.1, this is to inform you that you are terminated from the position of (job title) with the (department) of the City of Laguna Beach, effective at (time) on (date) because of your failure to satisfactorily complete your probationary period.

cc: Personnel File

PERSONNEL ACTION FORMS

PURPOSE: The purpose of this policy is to provide guidance in completing the City's Personnel Action Form ("PAF"). A PAF shall be initiated whenever an employee begins or ends employment, or changes job classification, department, salary, or when any other change in the employee's status takes place, e.g., beginning or ending a leave of absence, disability leave, part-time status, light duty, disciplinary actions, etc. The PAF also documents the recommendation/approval of various officials in accordance with the Personnel Rules.

Each section of the Personnel Action Form is discussed below.

GENERAL POLICY:

General Information: The upper portion of the PAF identifies accounts and provides information to Personnel and Finance for the computation of employee benefits.

1. Enter the name of the employee (last name first) and the employee's current address.
2. Enter the effective date of the action in the space provided in the upper right hand corner and the last four digits of the employee's Social Security number in the space directly below it.
3. Fill in the employee's present and/or proposed classification (job title); pay range number (from the appropriate salary resolution); step in the range; the monthly base salary or hourly amount (note "hourly" if applicable); and the department number and salary account number to which the employee's salary will be charged.
4. Check the appropriate title designating the group under which the employee is represented.
5. Check the appropriate description of the employee's status.

Additional Compensation: As noted above, the "Amount" section under "Present" and "Proposed" should reflect **base pay only**. The following categories explain, by pay code, any adjustments to the base pay that will be added, continued, or discontinued for the particular action.

- 01 Assignment Pay – Used to document the additional percentage of base pay granted to employees receiving assignment pay.
- 02 Holiday Pay Fire – Used to document the additional hours allotted for holidays to sworn Fire Department personnel who work on a shift basis (see Personnel Rule 7.2.3).
- 03 Uniform/Clothing Pay – Used to document the additional dollar amount paid to eligible personnel for uniforms.

- 04 Management Deferred Compensation – Used to document the percentage amount of deferred compensation granted to management personnel who qualify for this benefit.
- 10 Acting Pay – Used to document the additional percentage of pay granted to those employees who are working out of their job classification (see Personnel Rule 8.13).
- 14 Paramedic Pay- Used to document the additional percentage of pay granted to those employees who are receiving paramedic pay.

Exceptional Performance Pay Off – Used to document additional amount of lump sum award granted to those employees at the top of their range in accordance with the provisions of the Performance Pay Plan (see Administrative Policy 2-11). An evaluation and a justification form must be attached to the PAF.

Educational Incentive Pay – Used to document the additional percentage of pay granted to those employees who may be eligible for an educational bonus of 2.5% for an AA degree, or a bonus of 5% for a BA or BS degree.

Other – Used to document any other additional compensation not covered above. Specify the additional compensation as a percentage of base pay or dollar amount. If further explanation is needed, it should be provided under the “Reason for Action” section.

ACTIONS

Check the appropriate “Action”. Briefly specify the reasons for the action in the space provided or attach supporting documents, such as performance reviews, explanatory memos or forms, or similar documentation.

Appointment – When appointing an employee to fill an existing position, note whom the employee is replacing under “Reason for Action”. If the appointment is being made to fill a new position, indicate that fact under “Reason for Action” and note that the position was created with the adoption of the current fiscal year’s budget.

Transfer – In addition to the general information, this action should be checked if the employee is transferring from one account number (division) to another, e.g., from Parks to Streets Division, from Patrol to Investigation, etc.

Reinstatement – In addition to the general information, this action should be checked to document the re-appointment of a probationary or regular employee when that employee has previously resigned in good standing. The reinstatement must be made within 24 months of the employees’ resignation and must be made to a position in the same or comparable class (See Personnel Rule 2.13 and 8.9).

Promotion – In addition to the general information, this action should be checked to document the appointment of an employee to a classification with a higher pay range following an examination

process through which the employee has qualified for such an appointment. Indicate under "Reason for action" whom the person is replacing, or, if filling a new position, indicate "Vacancy" (See Personnel Rule 2.11 and 8.7).

Stop Leave Accruals – Leave accruals must be discontinued one pay period after an employee begins a Non-Paid Leave of Absence. A PAF is submitted indicating this action by checking "Stop Leave Accruals." The effective date is the first day of the pay period following the non-paid leave action.

Probation Extended – Used to defer permanent status at the employee's one-year mark. State length of deferment under "Reason for Action" and attach an evaluation form justifying the extension of probation.

Resignation – In addition to the general information, attach a copy of the employee's letter of resignation, if available, and, specify the reason for resignation in the "Reason for Action" section.

Termination – A termination is an action taken by the City to separate an employee. It can be non-disciplinary or disciplinary in nature. An example of a non-disciplinary termination is the termination of a temporary lifeguard at the end of the summer season. An employee may also be terminated for cause. The latter is a disciplinary action and requires that pre-disciplinary procedures be followed prior to the effective date of the action when a non-probationary employee is involved. A copy of the written notification to the employee must be attached to the PAF (See Personnel Rules 1.6, 4.3 and Administrative Policy 2-3).

Salary Change – Salary changes most commonly occur in the form of merit step increases. Actions of this sort must be accompanied by a performance evaluation.

Other forms of salary changes may involve the addition of assignment pay, i.e., , acting pay, early step advancement (with attached evaluation and justification form), or a Performance Pay award (See Administrative Policy 2-11). These salary changes should be briefly explained under "Reason for Action."

The effective date for any change in salary must be the beginning of a pay period. Retroactive pay changes will not be implemented without the City Manager's authorization.

Other – Other actions could be suspensions, lay-offs, demotions, leave with pay pending disciplinary procedures, modified duty as the result of an injury, change to hourly part-time status, etc. In each case, specific information should be provided under "Reason for Action".

A notation of a change in anniversary date should also be included in the "Reasons for Action" section under the following circumstances: (1) when the PAF is documenting the reclassification or promotion of an employee and the consequent change in salary is 4% or more (See Personnel Rules 8.7 and 8.12); and (2) when the PAF is documenting an unpaid leave of absence of more than 14 days.

LEAVES

Injured on Duty – This term indicates the status of an employee who is off work due to a job-related injury or illness and who is receiving disability benefits either through Workers' Compensation or Labor Code Section 4850. Section 4850 pertains to sworn Police, Fire and regular marine safety lifeguard employees, only.

Unpaid Leave – Prior to taking a leave of absence, an employee must submit a written request to his or her Department Head for approval. The request shall specify the reasons for requesting the leave of absence and the dates involved. If the Department Head approves the request, a copy shall be attached to the PAF. All accrued leave must be exhausted before an Unpaid Leave of Absence will be granted (see Administrative Policy 2-15).

Other Leaves – A PAF is required to document the beginning and ending dates of leaves to which the employee may be entitled under California and federal law. For example, a PAF is required to document leaves taken under the Family and Medical Leave Act, whether or not portions of the leave are covered financially by sick time accrual or vacation time accrual.

Return to Work – A follow-up action form should be submitted to document an employee's return from all Unpaid or Injured on Duty leaves. The effective date of action is the employee's first day back at work. State "Return from _____ Leave" in the "Reason for Action" section.

Administrative Leave Granted – To be used for Management employees only and in conjunction with new appointments or yearly salary increases. The number of days is set by the City Manager.

Auto Allowance – To be used for Management employees only to set forth the monthly amount of any auto allowance.

EFFECTIVE DATE OF LAST RANGE OR STEP ADJUSTMENT: This section is used to document the date the employee last received a range or step adjustment.

SIGNATURES

Route the completed form to the appropriate parties for signature. The signatures on the form represent the following:

Employee Signature – Acknowledges awareness of the action. Not needed when the employee's signature appears on the accompanying evaluation form.

Department Head Signature – Acknowledges action and recommends approval. This signature is required on all actions.

Personnel Signature – Approves as to procedure and recommends such actions as appointments, reinstatements, promotions, transfers, disciplinary actions, etc. This signature is also required on all actions.

City Manager Signature – Approves personnel actions. The City Manager will personally sign the following types of PAFs:

1. Appointments to all permanent full-time positions;
2. Resignations or terminations of management employees;
3. Disciplinary actions affecting any employee;
4. Salary changes for management employees;
5. Performance pay and educational incentive pay awards;
6. Any other actions affecting regular employees

CITY OF LAGUNA BEACH PERSONNEL ACTION FORM

EMPLOYEE'S: LAST NAME FIRST MIDDLE			EFFECTIVE DATE OF ACTION:		
ADDRESS:			SOCIAL SECURITY NO. XXX-XX-		
CLASSIFICATION TITLE PRESENT:	RANGE	STEP	AMOUNT	DEPT.	ACCOUNT NO.
PROPOSED:					
EMPLOYEE CATEGORY: (CHECK ONE) <input type="checkbox"/> MANAGEMENT <input type="checkbox"/> POLICE <input type="checkbox"/> FIRE <input type="checkbox"/> MISCELLANEOUS <input type="checkbox"/> LIFEGUARD EMPLOYEE STATUS: (CHECK ONE) <input type="checkbox"/> REGULAR FULL TIME <input type="checkbox"/> REGULAR PART TIME <input type="checkbox"/> OTHER: <div style="text-align: right;">(SPECIFY)</div>					

ADDITIONAL COMPENSATION	PRESENT	PROPOSED	ACTIONS: (Please mark appropriate action or compensation)			
01 ASSIGNMENT PAY	%	%	<input type="checkbox"/>	APPOINTMENT	<input type="checkbox"/>	PROBATION EXTENDED
02 HOLIDAY PAY FIRE	%	%	<input type="checkbox"/>	TRANSFER	<input type="checkbox"/>	RESIGNATION
03 UNIFORM/CLOTHING PAY	\$	\$	<input type="checkbox"/>	REINSTATEMENT	<input type="checkbox"/>	TERMINATION
04 MGMT. DEFERRED COMP	%	%	<input type="checkbox"/>	PROMOTION	<input type="checkbox"/>	SALARY CHANGE
10 ACTING PAY	%	%	<input type="checkbox"/>	STOP LEAVE ACCRUALS	<input type="checkbox"/>	OTHER (EXPLAIN)*
14 PARAMEDIC PAY	%	%	<input type="checkbox"/>	INJURED ON DUTY	<input type="checkbox"/>	RETURN TO WORK
<input type="checkbox"/> EXCEPT. PERF. PAY OFF \$	%	%	<input type="checkbox"/>	UNPAID LEAVE		
<input type="checkbox"/> EDUC. INCEN. (2.5 -5%)	%	%	<input type="checkbox"/>	ADMIN. LEAVE GRANTED		DAYS (add to vac. bank)
<input type="checkbox"/> OTHER	% \$	% \$	<input type="checkbox"/>	AUTO ALLOWANCE	\$	AMOUNT

Effective Date of Last Range or Step Adjustment:

REASON FOR ACTION: *

EMPLOYEE SIGNATURE

RECOMMENDED

APPROVED

DEPARTMENT HEAD

DATE

CITY MANAGER

DATE

PERSONNEL

- Personnel
 Payroll
 Department
 Employee

DRUG-FREE WORKPLACE

PURPOSE To maintain a drug-free workplace.

GENERAL POLICY

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City's intent and obligation to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on City premises, or in City vehicles, or while conducting City business off City premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City recognizes drug dependency as an illness and major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Employee Assistance Program and health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

PROVISIONS

Employees must, as a condition of employment, 1) abide by the terms of the above policy; and, 2) notify the employer, within five calendar days, if he or she is convicted of a criminal drug violation in the workplace. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

BEREAVEMENT LEAVE

PURPOSE: The purpose of this policy is to clarify the language contained in Personnel Rule 7.4 regarding Bereavement Leave

PROVISIONS: In Rule 7.4, pertaining to Bereavement Leave, “immediate family” of the employee, the employee’s spouse or domestic partner shall be construed to mean:

- father
- mother
- step-parents
- brother
- sister
- step-siblings
- wife
- husband
- spouse
- child
- step-child
- grandmother
- grandfather
- any relative of the employee or the employee’s spouse or domestic partner residing in the employee’s household for two or more years.

JOB RELATED ILLNESSES/INJURIES**PURPOSE:**

The purpose of this policy is to provide instructions and procedures pertaining to the handling of on-the-job illnesses or injuries.

Definitions

1. On-the-Job Illness/Injury - is an injury/illness which has occurred or is suspected to have occurred in connection with the performance of job duties.
2. Supervisor's First Report of Injury/Illness - is the form (copy attached) to be completed by the injured or ill employee's supervisor and submitted to the Personnel Division with all available signatures, within 24 hours of the incident.
3. Employee's Claim for Workers' Compensation Benefits - is the form (copy attached) mandated by the State of California (DWC-1), which informs injured employees of their Workers' Compensation benefits and initiates the access to benefits.

GENERAL POLICY:

1. It is the employee's responsibility (or any witness, if employee is unable) to report injuries or illnesses to his/her supervisor immediately,
2. It is the supervisor's responsibility to immediately complete the First Report of Injury/Illness and give the employee the Employee's claim form for Workers' Compensation benefits. In the case of an injury or illness requiring treatment, both forms must be completed. Per OSHA regulations, these forms must be completed within 24 hours of the employee's reporting of their occupational injury or illness. In either case, the appropriate form, or forms, must then be forwarded to the department head.
3. It is the department head's responsibility to submit the completed reports to Personnel within the prescribed time limit or as soon as possible thereafter when incidents occur during hours outside of normal business hours.
4. The supervisor shall verbally notify Personnel of all injuries/illnesses requiring treatment beyond on-the-spot first aid.
5. The City of Laguna Beach will direct an employee to undergo medical evaluation:
 - (A) when an employee reports a new injury/illness requiring medical treatment beyond on-the-spot first aid.

- (B) when an employee has been placed on total, temporary disability by his/her personal physician due to a work-related injury or illness and is off work due to the injury;
- (C) when a public safety employee claims time off under Labor Code Section 4850, either for a new injury/illness or an aggravation of a previous injury; and
- (D) when a return to modified duty or full duty may be appropriate.

When one of the above occurs, the injured employee should be directed to report to Personnel for an authorization form for a medical evaluation, and then report to the designated health care provider's office immediately. In an emergency situation, 9-1-1 should be called and the injured or ill employee should immediately report to the emergency room at Mission Hospital Laguna Beach, the closest medical facility, or to a facility chosen by paramedics based on EMS protocols.

6. The City of Laguna Beach, in partnership with its claims administrator, Admisure provides necessary medical treatment and temporary disability payments to its ill or injured workers. In compliance with Labor Code Sections 3552 and 4600, employees may designate a personal/family physician in advance of incurring a work-related injury or illness.

PROVISIONS:

- A. Instructions for completing the Supervisor's First Report of Injury/Illness:
 1. Complete all sections as clearly as possible. The object is to document as completely as possible how the incident occurred, what treatment was provided, and whether or not the employee lost work time.
 2. Under the treatment section indicate the status of treatment offered, refused or given, and whether a claim form was given to the employee.
 - A. "First Aid Only" means that no complete work day was lost due to the injury/illness after the date of injury/illness, regardless of where or by whom the employee was treated, and treatment rendered at the time of the injury or illness did not exceed, by definition, treatment indicated as First Aid by OSHA.
 - B. "Emergency Room" means that the employee was treated at a hospital emergency room, but not admitted as an in-patient. Indicate whether emergency transport was necessary is required.

- C. "Went to Doctor" means that the employee was sent or went to a physician for treatment.
 - D. "Hospitalized" means that the employee was admitted as an in-patient to a hospital.
3. It is important to accurately answer the questions with regard to the employee's work status, off work, returned to work, and whether at light or full duty if the information is known. Accurate information regarding lost working days is critical as temporary disability payments are calculated based upon this information. Temporary disability payments are made only for whole days lost.
 4. The "SAFETY CONSIDERATION" section provides information to the Safety Committee to help in accident prevention. It is not meant to establish guilt or liability, but is simply the recommendation of the supervisor on how to prevent future occurrences through training or work site improvement.
 5. As many signatures as can be obtained in a timely manner must appear on the report. If the employee is incapacitated or otherwise unavailable, indicate this fact on the report.
- B. Instructions for Completing Employee's Claim for Workers' Compensation Benefits (DWC1) (sample attached).
1. Upon notice of an employee's injury or illness requiring treatment beyond first aid, the supervisor shall provide the employee the claim form. The employee completes the top portion to the best of his or her knowledge.
 2. The Supervisor completes the lower portion of the form entitled "Employer."
 3. The fourth copy is given to the employee. The employee may choose to keep a copy prior to the Supervisor's completion of the "Employer" portion. If this is the case, the supervisor completes the "Employer" section and provides the second copy to the employee.
 4. Within 24 hours of the injury incident, return remaining copies of the completed form to Personnel with the Supervisor's Report of Injury.
- C. Follow-up
1. When the report is received in Personnel, copies are sent to the City's claims adjuster. The claims adjuster will make a determination as to whether the injury is work-related, and issue checks for temporary disability and pay medical bills as appropriate.

2. If the employee is off work for one day or more after the date of injury, the Personnel Division must be informed of the date he/she returns to work. A non-sworn employee may use accrued leave time if off work following the injury/illness. In accordance with Personnel Rule 7.3.3, the use of accumulated sick and vacation leave may supplement temporary disability payments during lost work time. A doctor's note is required which certifies that the time off was medically indicated by the physician.

If the employee returns to work then takes time off sporadically because of the injury/illness, the time must be reported to the Personnel Division so that the City's claims administrator may be advised. A doctor's note certifying the need for the time off should be requested by the supervisor.

3. If the employee does not return to work following injury/illness, a Personal Action Form must be completed to document the Injured on Duty (IOD) status of the employee. This action form is not necessary if the employee does not lose any work days.

If the employee uses all accrued leave time while off work due to an injury, he/she will then receive temporary disability payments only; there will be no other form of compensation for employees who have no accrued sick leave or vacation time.

When employees receive temporary disability benefits only and use no accrued vacation or sick leave, or exhaust their leaves, leave accruals will stop until the employee returns to work.

Safety employees who cannot work due to an injury or illness shall be placed on salary continuance pay in accordance with Labor Code 4850. The department shall process a Personnel Action Form to place the employee on 4850 pay. Upon return to full or modified duty, a Personnel Action Form shall be completed by the department removing the employee from salary continuance.

4. If an injured employee is released to return to work on a modified schedule for fewer hours per week than the standard work week, the modified schedule must be approved by the department. A Personnel Action Form must then be submitted documenting this schedule, and a doctor's release, including any work restrictions, must be attached to the Personnel Action Form. A Light Duty Policy Statement will be completed outlining the terms of the light duty assignment and documenting the restrictions assigned by the employee's treating physician.
5. No employee on injured-on-duty status is to be permitted to work, except to conduct official business with supervisors or City staff, until a doctor's release has

been obtained by the employee. The release must specify full or modified duty and, if modified duty is indicated, when full duty status can be resumed.

It is the policy of the City to encourage return to work on modified duty whenever medically feasible.

6. If it becomes apparent from medical reports that an employee will not be able to return to work because of a disability, the City may file for a disability retirement on behalf of the employee.

Safety members who are determined to be disabled have the right to appeal such a decision within thirty days of notification of same to the City of Laguna Beach, Attention City Manager, and the Board of Administration of the Public Employee's Retirement System. Such appeal shall be conducted by an Administrative Law Judge of the Office of Administrative Hearings pursuant to Government Code Section 21025.

As provided for in Municipal Code Chapter 1.06, any legal appeal of, or request for review of, an administrative decision of the City must be filed in court not later than the ninetieth day following the date on which the decision becomes final. This time limit applies to a decision to apply for disability retirement for an employee who, because of disability, can no longer perform any work which the City can reasonably provide. Notice of the 90-day time limit on the right to request review of a decision should be included in any letter or other written communication advising the employee or applicant of the decision rendered. A sample notification clause is as follows:

"Pursuant to Chapter 1.06 of the Laguna Beach Municipal Code, any action to contest or review this decision must be filed with a court of competent jurisdiction not later than the ninetieth day following the date on which the decision becomes final."

SUPERVISOR'S FIRST REPORT OF INJURY / ILLNESS

CITY OF LAGUNA BEACH, 505 Forest Avenue, Laguna Beach, CA 92651

Instructions: Supervisor, please complete this form **WITHIN 24 HOURS** of the injury/illness and forward to Personnel.

EMPLOYEE INFORMATION

NAME OF INJURED EMPLOYEE	DATE OF INJURY	TIME OF DAY
DEPARTMENT/DIVISION:	WHERE DID THE INJURY OCCUR:	
JOB TITLE	WAS INJURY/ILLNESS REPORTED IN A TIMELY FASHION? IF NOT, WHY?	
WAS INJURY/ILLNESS CAUSED WHILE EMPLOYEE WAS PERFORMING THEIR REGULAR DUTIES? <input type="checkbox"/> Yes <input type="checkbox"/> No		
WITNESSES TO THE INJURY:		
EMPLOYEE'S WORK SCHEDULE? (I.E. 4/10, 9/80)	TIME EMPLOYEE BEGAN WORK?	
<u>NATURE OF INJURY/ILLNESS (check all that apply):</u> <input type="checkbox"/> Scrape <input type="checkbox"/> Burn <input type="checkbox"/> Fracture <input type="checkbox"/> Cold Weather-Related Problem <input type="checkbox"/> Cut <input type="checkbox"/> Sprain/Strain <input type="checkbox"/> Skin Problem <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Puncture <input type="checkbox"/> Foreign Body <input type="checkbox"/> Chemical Related Problem <input type="checkbox"/> Respiratory Problem <input type="checkbox"/> Bruise <input type="checkbox"/> Poisoning <input type="checkbox"/> Heat Related Problem <input type="checkbox"/> Other (Describe) _____ <input type="checkbox"/> Exposure _____(Specify Substance)		
<u>BODY PART INJURED (Indicate Left and/or Right):</u> <input type="checkbox"/> Head <input type="checkbox"/> Upper Back <input type="checkbox"/> Finger (Which?) <input type="checkbox"/> Ankle <input type="checkbox"/> Face <input type="checkbox"/> Lower Back <input type="checkbox"/> Upper Leg <input type="checkbox"/> Foot <input type="checkbox"/> Eye <input type="checkbox"/> Arm <input type="checkbox"/> Lower Leg <input type="checkbox"/> Toe (Which?) <input type="checkbox"/> Neck <input type="checkbox"/> Lungs <input type="checkbox"/> Wrist <input type="checkbox"/> Knee <input type="checkbox"/> Other (Describe)_____		

INJURY OR ILLNESS

WHAT WAS THE EMPLOYEE DOING WHEN INJURED? Please specify the person, object or substance that injured the employee:
IF ILLNESS, DESCRIBE NOTICEABLE SYMPTOMS:

HOW DID THE ACCIDENT OR INJURY OCCUR? (What happened and how did it happen? What objects contributed to the injury; i.e. machine, poisonous substance, etc.?)

TREATMENT (Check all that apply)

SUPERVISOR'S CHECKLIST: Medical Treatment Offered? Yes Was Treatment Refused? Yes No
Employee Given Claim Form? Yes

Treatment Given:

First Aid Only Emergency Room Emergency Transport Necessary (via ambulance)?
 Went to Doctor _____ (Name and address of physician)
 Hospitalized _____ (Name and address of hospital)

Was the employee required to leave work due to the injury/illness?

YES / Last day worked: _____
 NO

Has employee returned to work?

NO / Still off work YES / Date Returned _____
Full Duty or Light Duty? Full Light
Is Light Duty Available? Yes No

SAFETY CONSIDERATION

WHY DID IT HAPPEN?

USE THE CODES BELOW TO IDENTIFY CONDITION(S) RESPONSIBLE:

CODE: _____

CODES: **82:** Inadequate training **83:** Inadequate equipment/tools **84:** Inadequate protective gear **85:** Poor housekeeping **86:** Inadequate facility maintenance **87:** Inadequate equipment maintenance **88:** Employee physical limitations **89:** Poor planning, layout, design **90:** Inadequate procedure **91:** Failure to follow procedures **92:** Haste **93:** Horseplay **94:** Inattention **95:** Insufficient information **96:** Unknown cause **97:** Assault **98:** Vegetation (poison oak/ivy) **99:** Miscellaneous

WHAT STEPS, IF ANY COULD BE TAKEN TO PREVENT RECURRENCE?

EMPLOYEE'S SIGNATURE **DATE**

Check if employee is unavailable for signature

SUPERVISOR'S SIGNATURE **DATE**

I know the injury occurred on duty
 I have no specific knowledge the injury occurred on duty

DEPARTMENT HEAD SIGNATURE **DATE**

**Thank you for Your Prompt
Delivery to Personnel!**

PERFORMANCE EVALUATION REPORTS

PURPOSE: The purpose of this policy is to explain and clarify the performance evaluation process for all probationary and regular employees.

GENERAL POLICY: Personnel Rule 4.0 defines and outlines the employee performance evaluation process. This process shall be followed for all full time, regular employees. Annual performance evaluations shall continue for all employees, even after the highest step of the salary range has been attained. Management employees are to be evaluated annually in June, in accordance with Personnel Rule 9.0.

As provided in Personnel Rule 4.0, it is the responsibility of the appointing authority, or designated subordinate supervisors, that performance evaluations be completed.

The employee shall be provided with an opportunity to review the evaluation, discuss it with the evaluator, and receive a copy. The performance evaluation, in and of itself, is not subject to the grievance procedure provided in Personnel Rule 5.0 or the appeal process outlined in Personnel Rule 1.6. The employee, however, may submit written comments in response to an evaluation. These comments shall be filed in the employee's personnel file along with the evaluation.

A salary increase in conjunction with an annual performance evaluation is to be effective the first day of the pay period which includes the employee's anniversary date. A Personnel Action Form ("PAF") must accompany the performance evaluation to effect a salary change.

Nothing in the Personnel Rules or in this Administrative Policy precludes evaluation of an employee at any time to document exceptional performance or to note areas of needed improvement.

PROVISIONS:

1. The City of Laguna Beach Performance Evaluation Report is a single page form consisting of six evaluation sections. Each section is discussed below.
2. The following definitions are provided to assist raters in completing Section A of the Performance Evaluation Report:
 - (1) Not Satisfactory – Does not meet the minimum acceptable level for the performance factor.
 - (2) Requires Improvement – Does not consistently meet the minimum acceptable level and/or demonstrates an unsatisfactory attitude with respect to the performance factor.

- (3) Meets Standards – Generally meets the minimum acceptable level for the performance factor.
 - (4) Exceeds Standards – Consistently exceeds the minimum acceptable level for the performance factor.
 - (5) Outstanding – Invariably far exceeds the minimum acceptable level for the performance factor.
3. The Performance Check List Factors in Section A are defined and explained as follows:
- (1) Observance of Work Hours – Does the employee adhere to working hours by being punctual in arriving for work, in taking lunch and breaks, and working until the end of the work day?
 - (2) Attendance – Does the employee have a good attendance record? Is he/she often absent or otherwise frequently in violation of policies governing absences?
 - (3) Appearance – Does the employee present a neat appearance and dress according to standards for his/her particular job classification?
 - (4) Compliance with Rules – Does the employee endeavor to be apprised of the rules and regulations of the department and the City and attempt to comply with them at all times?
 - (5) Public Contacts – What type of an image does the employee project when dealing with the public: courteous, helpful, tactful, obliging?
 - (6) Employee Contacts – Is the employee courteous and friendly to fellow employees, endeavoring to get along with even difficult co-workers?
 - (7) Knowledge of Work – Does the employee try to the best of his/her ability to learn the job completely and thoroughly, asking questions when unsure, and continually educating himself/herself regarding the position, improving skills when possible?
 - (8) Work Judgments – Does the employee use good judgment at all times in making work decisions?
 - (9) Planning and Organizing – Does the employee take time to plan and organize daily tasks and the overall job in accordance with deadlines and priorities?
 - (10) Job Skill Level – Does the employee work up to capacity and attains the level of skill the job requires; is work above the skill level required; are skills substandard for the job?

- (11) Quality of Work – Does the employee work carefully and with few errors, or is work completed with numerous or frequent errors?
- (12) Safety Habits – Does employee consistently apply proper safety techniques/skills in all phases of work?
- (13) Volume of Acceptable Work – Does the employee have a high, average, or low output of acceptable work? Does he/she carry a full workload, or merely get by with a minimum amount of work?
- (14) Meeting Deadlines – Does the employee usually meet all imposed deadlines within reason? Is he/she habitually late with required work?
- (15) Accepts Responsibility – Is the employee willing to accept responsibility and perhaps assume more responsibility than the job requires, or does he/she always defer responsibility to another, being reluctant to assume it personally?
- (16) Accepts Direction – Does the employee follow directions and orders well, or ignore or disobey orders, disregarding the direction of superiors?
- (17) Accepts Change – Does the employee resist any change in procedure, or does he/she adapt well to it and accept change as a challenge?
- (18) Effectiveness Under Stress – Does the employee perform well in stressful situations, or does he/she become upset frequently, losing effectiveness? Does he/she remain calm in an emergency?
- (19) Operation and Care of Equipment – Does the employee take pride in all City owned equipment, seeing that it is in good working order at all times? Does he/she abuse or act carelessly with City-owned equipment?
- (20) Work Coordination – Is the employee able to coordinate all phases of the job, particularly with respect to the work of other employees?
- (21) Initiative – Does employee make the effort to suggest new ideas or projects which would benefit the department, or make a job task more efficient? Does he/she see a job which needs to be done and do it without being told?
- (22) Enthusiasm – Does the employee demonstrate eagerness in carrying out the responsibilities associated with his/her position? Does he/she show an interest in the job?
- (23) Loyalty – Is the employee reliable and trustworthy? Does he/she demonstrate dependability?

- (24) Dedication – Is employee devoted to the position for which he/she is employed? Is the employee willing to put in extra effort to make sure his/her job responsibilities are correct and complete?
4. Section B, Job Strengths and Superior Performance, is designed specifically to highlight the individual's noteworthy ability and/or incidents of superior performance.
 5. Section C, Progress Achieved, should be utilized to reflect the progress made by the employee towards the established goals.
 6. Section D, Goals and Improvement Programs, is intended to record new, or modifications of, established goals.
 7. Section E, Deficiencies, must be completed for any performance factors in Section A with a rating of "Requires Improvement" or lower.
 8. The Summary Evaluation Section must be completed in order to provide the evaluator's overall assessment of the employee's performance. The overall performance levels in this section are defined as follows:
 - (1) Not Satisfactory – Does not meet minimum job requirements.
 - (2) Requires Improvement – Does not consistently meet minimum job requirements and/or demonstrates an unsatisfactory attitude.
 - (3) Meets Standards – Generally meets minimum job requirements in a positive and timely manner.
 - (4) Exceeds Standards – Consistently exceeds minimum job requirements in a very positive and timely manner.
 - (5) Outstanding – Exceeds minimum job requirements in all areas in a positive and timely manner.
 9. Sections A through E are to be completed by the immediate supervisor, or supervisors, of the employee during the applicable rating period. Raters may provide their comments as attachments to the evaluation form in lieu of completing Sections B through E on the form itself.
 10. When an employee has had more than one immediate supervisor during a rating period, one form shall be completed for the evaluation period, based on the observations of the supervisors.

11. After the form has been completed, it shall be submitted to the employee's division head and/or department head for review and/or comment. The rater, supervisor, and department head shall sign the applicable signature blocks below the Summary Evaluation Section.
12. The rater shall discuss the completed evaluation with the employee, providing the employee with an opportunity to ask questions and comment on the contents of the evaluation. The employee shall sign the evaluation following the discussion.
13. The employee may submit a written response to the evaluation. The response must be written on a separate sheet of paper and shall be permanently affixed to the original evaluation form.
14. The original or a copy of the signed evaluation shall be forwarded to Personnel, including any attachments or backup documentation, so that it can be included in the employee's permanent personnel file.
15. Attachment A to this Policy provides additional guidance on completing performance evaluations and discussing them with the employee.

Attachment A**Rating Employees**

Performance evaluations can be utilized for the following purposes: (1) to keep employees informed of expectations and their level of performance; (2) to recognize and reward good work; (3) to help supervisors recognize weaknesses in performance; (4) to identify training needs; (5) to provide a continuing record of an employee's performance; (6) to serve as a guide to salary increases, promotions, reclassifications, transfers, and other personnel actions; (7) to act as a check on performance standards; and (8) to serve as a check on the effectiveness of recruitment, testing, and selection procedures.

Rating the performance of employees should be conducted with the following guidelines in mind:

- (1) A review of the employee's personnel file and record of past performance, and discussions with previous supervisors, should always precede completion of an evaluation. Supervisors should be keeping notes on the employee's performance throughout the evaluation period to assist them in accurately assessing the employee;
- (2) Supervisors must be concerned about over-rating employees in order to avoid unpleasant revelation of deficient areas of performance;
- (3) Supervisors must not allow personal bias or feelings to affect performance evaluations;
- (4) Supervisors must be careful that one or two traits or recent actions do not dominate the evaluation. The rating should be based on the entire evaluation period and must include all pertinent factors;
- (5) Supervisors must be cautioned regarding rating the factors in Section A of the evaluation form all as "Meet Standards" because they feel uncomfortable in justifying extreme performance, either positive or negative;
- (6) It is important that weaknesses in performance be brought to the attention of an employee as soon as they become apparent. Ratings of "Requires Improvement" or lower should never come as a surprise to the employee during discussion of the evaluation with the employee; i.e., supervisors should discuss necessary improvements in performance throughout the evaluation period; and
- (7) Supervisors must consider the correlation of consistent low ratings of a subordinate and his or her own effectiveness as a supervisor.

Goals

The following guidelines are provided to assist supervisors with Section D of the evaluation form:

- (1) In general, goals should be either specific tasks to be accomplished within the employee's current job assignment, or developmental goals to help the employee to improve performance within the scope of the employee's job classification.
- (2) Ideas for goals should be solicited from the employee in addition to the goals the supervisor may consider important for the organization. Individual goals, both long and short term, should be discussed and, if possible, agreed upon by both the employee and the supervisor. Follow-up discussions regarding each goal should take place routinely during the course of each evaluation period;
- (3) It is not necessary to include numerous goals in an evaluation. Each employee, however, should have goals that are realistic and practical;
- (4) Each employee should be rated in Section D on how much progress has been made relative to expressed goals; and
- (5) Deadlines for achieving expressed goals, both short and long term, generally should be written to provide as much flexibility as possible. In some cases, deadlines may need to be reconsidered as circumstances change.

Evaluation Interview

Discussion of the evaluation with the employee should be conducted with the following guidelines in mind:

- (1) The evaluation interview is equal in importance to the written evaluation;
- (2) Discussion of the evaluation should be held in a quiet location. If possible, the discussion should not be interrupted;
- (3) The rater should listen to what the employee has to say regarding the evaluation, ask questions, and ascertain any missing facts;
- (4) The employee's strengths as well as weaknesses should be discussed, and criticism should be given in a constructive manner; and
- (5) The written evaluation should not be used as a substitute for daily supervision. Supervisors should continually discuss performance with employees instead of waiting for an annual evaluation.

CITY OF LAGUNA BEACH
DEPARTMENT
PERFORMANCE EVALUATION

EMPLOYEE'S NAME:	TODAY'S DATE:
POSITION/TITLE (Rank if applicable):	
DIVISION:	
EVALUATION PERIOD:	
TYPE OF REPORT (Check one):	

- | | | | |
|---------------------------------------|--------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Probationary | <input type="checkbox"/> 1st Quarter | <input type="checkbox"/> 2nd Quarter | <input type="checkbox"/> 3rd Quarter |
| <input type="checkbox"/> 4th Quarter | <input type="checkbox"/> Annual | <input type="checkbox"/> Supplemental/Other | _____ |

<p>1 – Not Satisfactory</p> <p>2 – Requires Improvement</p> <p>3 – Meets Standards</p>	<p>4 – Exceeds Standards</p> <p>5 – Outstanding</p> <p>X – Does Not Apply</p>
--	---

A. GENERAL

- | | |
|---|--|
| <ul style="list-style-type: none"> () Observance of Work Hour () Attendance () Appearance () Compliance with Rules () Public Contacts () Employee Contacts () Knowledge of Work () Work Judgments () Planning and Organizing () Job Skill Level () Quality of Work () Safety Habits | <ul style="list-style-type: none"> () Volume of Acceptable Work () Meeting Deadlines () Accepts Responsibility () Accepts Direction () Accepts Change () Effectiveness Under Stress () Operation and Care of Equipment () Work Coordination () Initiative () Enthusiasm () Loyalty () Dedication |
|---|--|

EMPLOYEES WHO SUPERVISE OTHERS

- | | |
|--|--|
| <ul style="list-style-type: none"> () Planning and Organizing () Scheduling/Coordinating () Training and Instructing () Productivity () Evaluating Subordinates () Judgments and Decisions () Leadership () Equipment Maintenance/Appearance | <ul style="list-style-type: none"> () Supervisory Control () Morale Building () Team Building () Flexibility () Consistency () Encourages Suggestions () Motivation Skills () Housekeeping |
|--|--|

MANAGEMENT

- | | |
|---|---|
| <ul style="list-style-type: none"> () Management of Budget () Integrity | <ul style="list-style-type: none"> () Management Abilities () Professional Ethics |
|---|---|

B. JOB STRENGTHS AND SUPERIOR PERFORMANCE:

C. PROGRESS ACHIEVED:

D. GOALS AND IMPROVEMENT PROGRAMS:

E. DEFICIENCIES:

SUMMARY EVALUATION

<input type="checkbox"/> Meets Standards	<input type="checkbox"/> Not Satisfactory	<input type="checkbox"/> Exceeds Standards	<input type="checkbox"/> Requires Improvement	<input type="checkbox"/> Outstanding
--	---	--	---	--------------------------------------

RATER: _____ (Please Print) RATER'S SIGNATURE: _____

I certify that this report represents my best judgment.

SUPERVISOR: _____ DATE: _____

DEPARTMENT HEAD: _____ DATE: _____

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate my agreement.

EMPLOYEE SIGNATURE: _____ DATE: _____

Employee may include comments on a separate sheet. All of the employee's written comments must be submitted within thirty (30) days of the employee's receipt of the evaluation and shall be affixed to the original evaluation.

ACCEPTANCE OF GIFTS**GENERAL POLICY**

City employees are prohibited from accepting or receiving any money, gifts, gratuities or favors of any kind which would influence their actions with respect to City business or their duties as a City employee.

This policy serves to ensure that employees perform their job duties without any bias or perception of bias; and to promote public confidence in the equitable delivery of City services.

ACCEPTABLE GIFTS

City employees may accept the following gifts from individuals or entities whose business or interests have been materially affected or could be reasonably foreseen to be materially affected by the work of the employee.

1. An employee may accept gifts that total no more than one-hundred dollars (\$100.00) per fiscal year (July 1 through June 30). Gifts listed in 2-4 below are not subject to this \$100 per fiscal year requirement.
2. An employee may accept advertising and promotional pens, calendars and other similar token items of negligible value of less than \$25.
3. An employee may accept gifts or tickets to special performances from the City related to recognition of their service to the City.
4. An employee may accept food and beverages consumed at hosted events or receptions that the employee attends as part of their job duties and in their capacity as a City employee. Gifted food delivered or dropped off at a City work location must be placed in a general communal area at the location in which it was delivered, if available.

EMPLOYEE ORGANIZATION/UNION GIFTS AND EVENTS

This policy is not intended to restrict the legally protected activities of an employee, or employee organization or union, including donations to an employee organization or union. This policy does not apply to gifts or events that an employee receives or attends in their capacity as a member or representative of an employee organization or union. An employee who attends an event in their capacity as a member or representative of an employee organization or union shall not attend in their City uniform, nor shall they hold themselves out as representing the City or as a City employee. An employee shall not attend an event or activity in their capacity as a member or representative of an employee organization during their working hours. City employees must receive management approval prior to attending any events during working hours, in City uniform, or in their capacity as a City employee.

OFFICIAL JOB TITLE USE

PURPOSE: To set forth guidelines for City staff members regarding participation in, and the use of, official job titles in non-authorized uses such as election endorsements, political activities and personal non job-related activities.

Nothing in this administrative policy shall be construed to discriminate against a member or his/her constitutional rights as set forth in the Constitution of the United States and the Constitution of the State of California.

In the case of police officers, nothing in this administrative policy shall be construed to be in conflict with the public safety officers' procedural Bill of Rights Act, Chapter 9.7, commencing with Section 3300, to Division 4, of Title 1 of the Government Code.

GENERAL POLICY:

1. No City staff member shall participate in any political activity that interferes with the performance of his/her duties.
2. No member shall participate in any political activity while on duty, while in City uniform, or while on City property.
3. No member shall use the influence of his/her office for political reasons.
4. No member shall use his/her official title (e.g., Captain, Building Inspector, Fire Marshal, Officer, etc.) for political purposes, such as election endorsements, whether partisan or nonpartisan, or for personal, non job-related activities.

PERFORMANCE PAY AND EDUCATIONAL INCENTIVE PROGRAMS**POLICY**

The Performance Pay Plan is intended to provide recognition for superior performance beyond the normal expectations of a position. Early step advancements may be provided to qualified employees who are below the top step, and a lump sum bonus in an amount up to 5% of gross pay, depending on performance level, may be awarded to qualified employees at any step. In addition, an educational incentive premium may be awarded to eligible sworn employees of the Police and Fire Departments.

PERFORMANCE PAY PROGRAM

1. Regular employees, i.e., full time and permanent part time employees who have received an overall performance evaluation of at least "Exceeds Standards" are eligible for performance pay. Probationary employees with a minimum of six months service and an overall performance evaluation of at least "Exceeds Standards" are also eligible for lump sum bonuses in an amount up to 5% of gross annual salary.
2. Employees who are below the top step of their salary range are eligible for an early step advancement (which is equal to 5%) based on exceptional performance. Subsequent advancements will occur on the usual anniversary date.
3. Employees are eligible for a lump sum bonus in an amount up to 5% of gross annual salary based on the past year's performance. Award of lump sum performance pay bonuses shall be based on an evaluation of the prior year's performance and can only be made once in a given year subsequent to the annual evaluation.
4. A Regular or Probationary employee at any step of his or her salary range who has received an overall performance evaluation of at least "Meets Standards" may receive a lump sum performance pay bonus of up to 2.5% of gross annual salary for initiation of a program or suggestion, or the employment of a special skill, which generates significant savings and/or efficiencies for the City.
5. Criteria for awarding performance pay may include, but shall not be limited to, the following:
 - (1) A special skill or ability, e.g., bilingual ability, which significantly benefits the City;
 - (2) Demonstration of a significant contribution to improvements in the efficiency and/or effectiveness of departmental operations; refer to Suggestion Program described below;
 - (3) Achievement of special pre-established goals determined through the employee evaluation process;
 - (4) For non-sworn employees, completion of pre-established educational goals, in conjunction with an "Exceeds Standards" evaluation;
 - (5) For an early step advancement, demonstration of performance, knowledge, skills, and abilities which exceed those expected of the employee.
6. Performance pay awards shall be included as reportable compensation to PERS, as currently provided by Public Employees' Retirement law.

7. Recommendations for early step advancement, or a lump sum performance pay bonus shall be submitted to the City Manager with a Personnel Action Form, Performance Evaluation, and the Justification for Performance Pay form.
8. Police and Fire Department employees may not receive more than a total of 7.5% per year in performance pay and educational incentive awards and suggestion program.
9. The total amount of performance pay awarded is subject to the amount that is budgeted each year. The Department Head is responsible to recommend when and how that amount is to be allocated, subject to City Manager approval.

EDUCATIONAL INCENTIVE PROGRAM

1. Sworn employees of the Police and Fire Departments are eligible for either a 2.5% or 5% educational incentive bonus based on performance and educational achievement.
2. In order to receive the educational incentive premium of 2.5% for an AA/AS degree, or 5% for a BA/BS degree, the employee's overall performance rating shall be at least "Exceeds Standards". The educational incentive premium shall be included as part of the employee's biweekly paycheck.
3. Recently hired and current employees shall not be required to receive an overall "Exceeds Standards" or "Outstanding" personnel evaluation for the first three years of employment in order to be eligible for the 2.5% or 5.0% educational incentive premium. During the first three years of employment, however, employees must receive a "Meets Standards" evaluation to be eligible for the 2.5% or 5.0% educational incentive premium.
4. The educational incentive premium shall be continued for an entire year, irrespective of promotions or reclassifications. In calculating the compensation upon promotion or reclassification pursuant to Personnel Rule 8.7, the educational premium shall be considered part of the employee's current step.
5. Police and Fire Department employees may not receive more than a total of 7.5% per year in performance pay and educational incentive awards.
6. Educational incentive awards shall be included as reportable compensation to PERS, as currently provided by Public Employees' Retirement law.
7. Recommendations for an educational incentive premium shall be submitted to the City Manager on a Personnel Action Form, with the most recent Performance Evaluation attached. The performance evaluation shall indicate that the employee has completed the degree for which the educational incentive bonus is recommended.
8. A recommendation to continue an employee's educational incentive bonus to a subsequent year shall be forwarded to the City Manager in the same manner.
9. The absence of a recommendation for a performance pay award or educational incentive premium in a subsequent year is not intended to be punitive or disciplinary in nature unless it is a direct result of an offense committed by the employee.

SUGGESTION PROGRAM

Criteria for awarding performance pay may include a specific suggestion or idea that is implemented upon review and research. The suggestion may include, but is not limited to, the following: saving work hours, reducing costs, streamlining processes, improving working conditions or public relations, etc. To be considered, the suggestion should be of a significant scope and nature. Eligibility for performance pay shall be within the limits set forth in items 1 through 9 of this policy. Suggestions may be submitted at any time. However, awarding of the performance pay shall be in conjunction with the annual performance review.

The process for review shall be as follows:

- 1) Any full-time employee may submit a suggestion in writing to his/her department head that he/she believes to be of significant benefit to the City. The suggestion should include details of the idea, a specific problem it may solve if applicable, benefit to the city, recommended implementation plan, costs and savings related to implementation. The suggestion need not be on any specific form; however, the employee must identify all benefits and costs of the suggestion.
- 2) The department head shall be responsible to make an initial review and either recommend further review by a City Manager appointed committee, or determine if not feasible. Such review shall include, if applicable, a recommendation for the lump sum amount of the performance pay, and shall occur within 10 working days of submittal. The department head shall respond directly to the employee as to the disposition of the suggestion.
- 3) The second level of review shall be conducted by a committee of 2-3 members selected by the City Manager. The committee shall make a recommendation to the City Manager. The committee shall be comprised of: (1) one director from a department other than the department of the suggesting employee, (2) a manager from the recommending department but not the same division of the employee, and (3) a non-management employee from another department. The committee members may rotate upon receipt of each suggestion, unless several suggestions are received and the City Manager may select one committee to review all items. In this situation, every attempt shall be made to involve departments other than that of the suggesting employee.

The Committee may conduct research deemed necessary to make a recommendation to the City Manager. The committee shall review and respond to the City Manager and the suggesting employee within 10 working days.

- 4) The City Manager shall review the department head and committee's recommendation and within 15 days, determine if the idea shall be implemented. The lump sum amount of the performance pay shall be approved by the City Manager. The decision of the City Manager is final.

The Justification for Performance Pay form shall be utilized in conjunction with final approval of performance pay. The department budget shall also be considered in distribution of performance pay as outlined in Number 9 on page 2 of this policy.

If at any step in the process the suggestion is not considered feasible, the suggesting employee shall be notified and provided the reason(s).

JUSTIFICATION FOR PERFORMANCE PAY

Employee Name: _____ Date: _____

Supervisor: _____

Amount of Pay Recommended: _____ _____ Maximum 5%
Early Step Increase (equal to 5%)

Explain below or on an attached sheet what makes the employee eligible. The following are suggested criteria:

- (1) a special skill or ability, e.g., bilingual ability, which significantly benefits the City;
- (2) a contribution to significant improvements in the efficiency and/or effectiveness of departmental operations, or an approved and implemented item under the Suggestion Program;
- (3) achievement of special, pre-established goals determined through the employee evaluation process;
- (4) for non-sworn employees, completion of pre-established educational goals, in conjunction with above average performance;
- (5) for an early step advancement, demonstration of performance, knowledge, skills, and abilities which exceed those expected of the employee.

(Provide explanation)

Department Head Review

I, agree disagree

with the above evaluation and recommend this employee for Exceptional Performance Pay.

COMMENTS:

Date:

Signature:

City Manager Review

This recommendation is approved not approved

COMMENTS:

Date: _____

Signature: _____

EDUCATIONAL REIMBURSEMENT

PURPOSE: To establish a City policy regarding educational reimbursement.

GENERAL POLICY: The Educational Reimbursement program is intended to provide an incentive to employees to enhance their job-related knowledge, skills, and abilities through formal education.

Regular employees are eligible to receive \$1,000 per fiscal year in reimbursement for expenses associated with college or job-related courses which are taken on the employee's own time.

Reimbursable expenses are limited to tuition, books and publications, and lab fees. Mileage, parking, meals, student body fees, copying costs, supplies, and all other fees and expenses are not eligible for reimbursement.

PROVISIONS:

1. Prior to enrollment in a course, the employee must complete a Request for Educational Reimbursement form and submit it to his or her department head for approval. If approved, the request form will be forwarded to Personnel for approval.
2. Department head approval indicates that the course is job related or will increase the employee's advancement potential. Personnel approval indicates that budgeted funds are available to cover the amount to be reimbursed.
3. After completion of the course, the employee must return the form to Personnel, along with receipts and a grade report indicating successful completion.
4. All approved undergraduate courses must be completed with a minimum final grade of a "C" or its equivalent. All graduate courses must be completed with a grade of "B" or its equivalent. Completion of any course for which no grade is given must be documented and submitted before reimbursement will be provided. Courses taken on an audit or incomplete basis are not eligible for reimbursement.
5. Reimbursements will be processed once final receipts and grade verifications have been submitted and approved. Employees must submit the Request for Educational Reimbursement form, along with receipts and a grade report, to Personnel by the second week in June of each year if the reimbursement is to be processed within the current fiscal year.

If a grade report has not been received by that time, and the employee is certain of receiving the minimum acceptable grade or better, a statement to that effect will be sufficient for reimbursement until an official grade report is received and submitted.

6. The amount of the reimbursement will be charged to the employee's maximum amount for the fiscal year in which the payment is made.
7. In accordance with Personnel Rule 7.6.2, the City Manager may authorize an extended reimbursement of 75% of the cost of tuition for employees who wish to enroll in a formal degree program. The maximum reimbursement will be 75% of the current cost of tuition at the University of California, Irvine.
8. A request for this extended educational reimbursement benefit shall be in the form of a memorandum from the department head to the City Manager on behalf of the employee and shall indicate the following:
 - (a) the employee's educational goals and anticipated degree;
 - (b) the academic institution the employee will attend;
 - (c) the grade point average the employee expects to maintain;
 - (d) whether the employee's job assignments will change during the course of study; and
 - (e) the estimated date of completion of the course of study.

CITY OF LAGUNA BEACH
REQUEST FOR EDUCATIONAL REIMBURSEMENT

All courses must be job related and **must be taken on the employee's own time**. Please refer to Administrative Policy 2-12 for full details.

1. **PRIOR TO ENROLLMENT:** Complete this form and obtain approval from your Department Head and the Personnel Division before the class actually starts.
2. **AFTER COMPLETION:** Submit this signed form along with itemized receipts (proof of payment) and a grade or certificate that indicates successful completion of the course to the Personnel Division.

In the event grades are not issued by school administration, the employees should make arrangements to obtain a grade report from the professor (e.g. self-addressed, stamped postcard completed by professor indicating grade).

MAXIMUM REIMBURSEMENT:

\$1,000.00 allowance per fiscal year (mileage, parking, meals and student body or health fee expenses will not be reimbursed).

Employee Name: _____ Date: _____

Title: _____ Dept: _____

Name of School or Institution: _____

School Location: _____

Course Title & Description: _____

*Date of Class(es): _____

Are these classes on "your own time"? Yes No

Estimated Expenses: _____

Actual Expenses: _____

Total Reimbursable Expenses: _____

Submitted:
(signed by employee after completion) _____
Employee _____ Date _____

Approved: _____
Department Head _____ Date _____

Approved: _____
Personnel Services Manager _____ Date _____

LONG TERM DISABILITY PROGRAM

PURPOSE: The purpose of the Long Term Disability Program (LTD) Program is to provide benefits to disabled employees. This policy provides for procedures to be followed in filing claims for LTD benefits.

DEFINITIONS:

1. **Eligibility:** For those hired after July 1, 2003, there is a 60 day waiting period from date of hire before becoming eligible for LTD benefits. Benefits are provided to all regular full time employees whether or not disability arises out of their employment with the City.
2. **Qualifying Period:** Means the greater of 60 days, the period of sick leave to which the employee is entitled, or the period of Labor Code section 4850 time. This also means the length of time during a period of disability that the employee must be disabled before benefits are payable. If the employee satisfies the Earnings Test during the entire qualifying period, the Maximum Interruption During Qualifying Period in the Schedule will not apply. If application of the Occupation Test and the Maximum Interruption During Qualifying Period would result in an earlier entitlement to benefits, Assurant will apply those provisions instead of the Earnings Test. In satisfying the Occupation Test, you will not have to satisfy again the part of the qualifying period that you have already fulfilled if you:
 - return to active work during the qualifying period for no more than the maximum number of days shown in the Schedule;
 - remain insured under the policy; and
 - become disabled again for the same cause or one related to it

Any days of active work will not count in satisfying the qualifying period.

3. **Disability or disabled:** Means that in a particular month, the employee satisfies either the Occupation Test or the Earnings Test. The employee may satisfy both Tests, but needs to only satisfy one Test to be considered disabled.

Occupation Test

- During the first 24 months of a period of disability (including the qualifying period), an injury, sickness, or pregnancy requires that the employee be under the regular care and attendance of a doctor, and prevents the employee from performing at least one of the material duties of his/her regular occupation; and
- After 24 months of disability, an injury, sickness or pregnancy prevents the employee from performing at least one of the material duties of each gainful

occupation for which the employee's education, training, and experience qualifies him/her.

Earnings Test

- An employee may be considered disabled in any month in which he/she is actually working, if an injury, sickness, or pregnancy, whether past or present, prevents him/her from earning more than 80% of his/her monthly pay in that month in any occupation for which the employee's education, training, or experience qualifies him/her. On each anniversary of the date the employee's disability started, Assurant will increase by 7.5% the monthly pay figure it uses to decide whether the employee is disabled under the test. This increase will not affect the amount of benefit Assurant pays.
- If the employee's actual earnings during any month are more than 80% of his/her monthly pay (including 7.5% increases(s)), the employee will not be considered disabled under the Earnings Test during that month. Salary, wages, partnership or proprietorship draw, commissions, bonuses, or similar pay, and any other income the employee receives or is entitled to receive will be included. However, sick pay and salary continuance for periods not at work will not be included. Any lump sum payment will be pro-rated, based on the time over which it accrued or the period for which it was paid.
- The employee may still be considered disabled according to the Occupation Test without regard to the level of current earnings, if the employee meets the requirements of that Test.

If the employee meets the Earnings Test, full-time work in which the employee is performing all of the material duties of the regular or some other occupation will not interrupt the qualifying period or the period of disability. If the employee meets the Occupation Test only, works on less than a full-time basis, or performs work in which the employee is not doing all of the material duties of his/her regular occupation, will not interrupt the qualifying period or the period of disability.

4. Period of disability: Means the time that begins on the day the employee becomes disabled and ends on the day before the employee returns to active work. If you satisfy the qualifying period and then:
- return to active work;
 - become disabled again; and
 - remain insured under the policy;

the same period of disability may continue. Your return to active work must be for less than:

- 6 months, if the later disability results from the same cause, or a related one; or
- 1 day, if the later disability results from a different cause.

If the employee's return to active work meets either of the above conditions, he/she does not have to satisfy the qualifying period again. The Maximum Benefit Period will continue on the day the employee becomes disabled again.

5. Maximum Interruption During Qualifying Period: 10 days
6. Basic Benefit: 60% of monthly pay subject to a maximum Schedule Amount of \$5,000 per month. All LTD benefits are taxable.
7. Monthly Pay: The basic monthly pay from the policy holder which is determined on the day before the period of disability starts. Bonuses, overtime, and other compensation not considered by Assurant as basic wages or salary are not included.
8. Limitations: Benefits do not become effective until Labor Code Section 4850 pay and/or income from other sources falls below the basic benefit level. However, vacation leave may remain on the books. The amount of LTD benefits is reduced by the amount of income from other sources, e.g., workers' compensation benefits. Acts of war, injuries sustained while committing a crime, and self-inflicted injuries are excluded. Benefits are limited for alcoholism, drug addiction, chemical dependency and mental illness.

PROVISIONS:

1. All claims are subject to the provisions of Group Policy Number 71,015 provided to the City by Assurant Benefits Insurance Company, or such successor or policies as may from time to time be adopted by the City. If there is any inconsistency between any provisions of this Administrative Policy and the current long term disability insurance policy provided to the City, the provisions of the current long term disability insurance policy provided to the City shall prevail.
2. It is the responsibility of the disabled employee to file a claim for LTD benefits. An application form is available from the Personnel Department. It should be completed at least three weeks before the end of the 60 day elimination period.
3. Assurant, or its successor, will determine eligibility and calculate and pay benefits.
4. While the employee is disabled and unable to work, he/she must pay to the City the cost of continuing medical, dental, and life insurance if the employee wants coverage to continue. In the case of a job related injury, the City will continue to pay its portion.
5. A Personnel Action Form shall be initiated by the employee's department to document the change in status.
6. As provided for in Municipal Code Chapter 1.06, any legal appeal of, or request for review of, an administrative decision of the City must be filed in court no later than the ninetieth day following the date on which the decision becomes final. This time limit applies to a decision to deny long term disability benefits. Notice of the 90-day time limit on the right to request review of a decision should be included in any letter or other written communication advising the employee or applicant of the decision rendered. A sample notification clause is:

Pursuant to Chapter 1.06 of the Laguna Beach Municipal Code, any action to contest or review this decision must be filed with a court of competent jurisdiction no later than the ninetieth day following the date on which the decision becomes final.

PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

PURPOSE: The purpose of this policy is to provide procedures for ensuring the placement of prospective employees in positions for which they are medically qualified.

GENERAL POLICY: The following candidates for employment positions with the City shall be required to undergo an employment entrance physical examination.

- Regular Employees
- Regular Part-Time Employees
- Hourly Employees
- Management Employees

An employee who is being considered for a promotion or transfer to a position requiring greater or different physical demands than his/her current position, shall also undergo a physical examination. All positions shall receive examinations in accordance with Attachments A and B to this policy.

Additionally, the City is responsible for ensuring that all current employees are in adequate physical and mental condition to perform the essential functions of their jobs. Any employee may be required to undergo a medical or psychological evaluation as deemed necessary to assess fitness for duty.

PROCEDURE:

1. Prior to a pre-employment physical examination, the City will provide the examining physician with a current job description, including essential job functions, as appropriate, noting any extraordinary physical requirements of the position.
2. The City will inform the physician that he or she should determine only (a) whether or not the prospective employee can perform the essential functions, with or without accommodation, and (b) whether or not the individual can perform the job without posing a "direct threat" to the health and safety to him/herself or others.
3. Candidates for public safety positions will be required to undergo a Class One examination, the specifics of which are outlined in Attachment "A".
4. Candidates for seasonal lifeguards will be required to undergo a Class One A examination, the specifics of which are outlined in Attachment "A".
5. Candidates for jobs which are considered to be physically active will be required to undergo a Class Two examination, the specifics of which are outlined in Attachment "A".

6. Candidates for jobs which are primarily clerical, administrative and management in nature will be required to undergo a Class Three examination, the specifics of which are outlined in Attachment "A".
7. Back screening will be conducted by the physician in accordance with the provisions set forth in Attachment "B".
8. The examining physician shall provide a written report of all examinations to the City.
9. The physician shall notify the City if any conditions are found which, in the opinion of the physician, limit the candidate from performing the essential job functions of the position. When the physician indicates that an individual cannot perform one or more essential job functions, the City will consider all reasonable means of accommodation based on the physician's advice and on other relevant information.
10. Disabilities which limit or prevent the candidate from performing essential job functions, and which cannot be reasonably accommodated, shall render the candidate ineligible for employment. His or her name will be removed from the eligibility list. The candidate shall be informed of any disease or abnormality detected.
11. The prospective employee may submit an independent or rebuttal medical evaluation from his or her own physician before a final determination to disqualify the individual is made. The candidate must bear the cost of any additional evaluations.
12. If temporary limitations are found which cannot be reasonably accommodated, i.e., illness where recovery without permanent limitation is expected, appointment will be deferred. The candidate's name shall remain on the eligibility list for future consideration when recovery is complete, as evidenced by a subsequent medical examination provided at the candidate's expense.

1. ATTACHMENT A

CLASS I PHYSICAL

PUBLIC SAFETY

Complete Medical History and Physical
Visual Testing for Acuity
Comprehensive Metabolic Panel
Urine Drug Screen – Rapid
Urinalysis, chemical
Pulmonary Function Test
Respirator Exam with Certificate
Audiogram
X-ray: Chest (2 views)
Lumbar Spine (3 views)
Treadmill Stress Test
TB Mantoux Test
Complete Blood Count

CLASS IA PHYSICAL

SEASONAL LIFEGUARDS

Complete Medical History and Physical
Visual Testing for Acuity
Comprehensive Metabolic Panel
Urine Drug Screen – Rapid
Urinalysis, chemical
Audiogram
X-ray: Lumbar Spine (3 views)
TB Mantoux Test
Complete Blood Count

CLASS III PHYSICAL

CLERICAL & ADMINISTRATIVE

Complete Medical History and Physical
Visual Testing for Acuity
Comprehensive Metabolic Panel
Urine Drug Screen – Rapid
Urinalysis, chemical
TB Mantoux Test
Complete Blood Count
Audiogram

CLASS II PHYSICAL

PHYSICALLY ACTIVE EMPLOYEES

Complete Medical History and Physical
Visual Testing for Acuity
Comprehensive Metabolic Panel
Urine Drug Screen – Rapid
Urinalysis, chemical
Audiogram
X-ray: Chest (1 view)
Lumbar Spine (3 views)
EKG - with interpretation
TB Mantoux Test
Complete Blood Count

Attachment B**Back Screening Job Class Suitability****Job Classifications**

- Class 1: **Administrative** work in which employee sits at desk. Possible hazards related to company travel, from lifting and carrying luggage, from slips and falls when in unfamiliar stress.
- Class 2: **Clerical and/or light physical work** such as stockroom clerk, light bench assembly, first line supervisors, salesmen (retail, wholesale, traveling, etc.). Work is fairly active but with at least part of time at desk or bench. Involves occasional light lifting, considerable walking, some bending, stooping, and squatting.
- Class 3: **Moderate physical activity**, such as inside craftsmen, many factory jobs, etc. On feet most of the time; involves bending, stooping, squatting, twisting, reaching, working on irregular surfaces, occasional lifting of objects weighing over 50 pounds, frequent lifting of 10-15 pounds.
- Class 4: **Heavy physical stress on back**. Includes outside craftsmen, construction laborers, and foundrymen, etc. Involves frequent lifting (heavy) over 50 pounds, ground or on irregular surfaces.

Back Protocol and Job Class Suitability

- A. - No medical problems; approved physical
- B. - Patient has medical problem(s) which is under control
- C. - Patient has medical problems(s); should see private physician
- D. - Non-approved physical due to medical problem*

Physician Signature

Date

LEAVES OF ABSENCE WITHOUT PAY

PURPOSE: The purpose of this policy is to outline procedures for handling leaves of absences without pay granted in accordance with Personnel Rule 8.16. The City shall provide family leaves as required by State and Federal law which shall run concurrently with other leaves provided by the City.

GENERAL POLICY: It is the policy of the City of Laguna Beach to require any regular or regular part-time employee who is absent from work and not receiving sick, vacation, holiday or bereavement leave, or 4850 pay, to request a leave without pay pursuant to Personnel Rule 8.16.

Employees who have exhausted their sick leave, or other leave benefits, and who are receiving long term disability, temporary disability for industrial injuries or are awaiting determination of an alleged industrial injury, are required to request a leave without pay.

FAMILY AND MEDICAL LEAVE ACT OF 1993 ("FMLA")

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, or child, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his/her job.

At the City of Laguna Beach, certain kinds of paid leave must be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable".
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with the equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- Discharge or discriminate against any person for opposing any practice make unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- Interfere with, restrain, or deny the exercise of any right provided under FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

PREGNANCY DISABILITY LEAVE (“PDL”)

The City of Laguna Beach must provide up to four months disability leave for a woman who is disabled due to pregnancy, childbirth, or a related medical condition.

ELIGIBILITY: A woman who works for the City of Laguna Beach is eligible for pregnancy disability leave regardless of the length of time she has worked for the City. The employee does not have to work full-time in order to be eligible.

CONDITIONS FOR WHICH A LEAVE MAY BE TAKEN:

Pregnancy leave is required only when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. This includes time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, and any related medical condition. A woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be unable to perform one or more essential functions of her job without undue risk to herself or to other persons or without undue risk to successful completion of her pregnancy. It is the medical opinion of the woman's physician or health care provider that determines whether she is disabled by pregnancy or a related medical condition.

LEAVE DOES NOT HAVE TO BE TAKEN AT ONE TIME:

Leave taken for pregnancy disability does not have to be taken at one time. Leave can be taken before or after birth or at any period of time the woman is physically unable to work because of the pregnancy or pregnancy-related condition. Periods of leave may be totaled in computing the four months of leave.

PERIODIC ABSENCES FOR PREGNANCY-RELATED ILLNESSES:

Periodic absences for pregnancy-related illness of limited duration taken prior to an actual leave will be subtracted from the four months of disability leave for pregnancy.

CALIFORNIA FAMILY RIGHTS ACT (“CFRA”)

The California Family Rights Act (CFRA) was established to ensure secure leave rights for the following:

- Birth of a child for purposes of bonding
- Placement of a child in the employee's family for adoption or foster care
- For the serious health condition of the employee's child, parent, spouse, registered domestic partner, grandparents, grandchildren, and siblings
- For certain qualifying reasons related to the active military duty of an employee's spouse, domestic partner, child, or parent.
- For the employee's own serious health condition

ELIGIBILITY: To be eligible for CFRA leave, an employee must be either a full-time or part-time employee, have more than 12 months (52 weeks) of service with the City of Laguna Beach and have worked at least 1,250 hours in the 12-month period before the date the leave begins.

DEFINITIONS:

Health condition - Serious health condition means illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent or spouse of the employee that involves either:

- In-patient care (i.e., an overnight stay) in a hospital, hospice, or residential health care facility
- Continuing treatment or supervision by a health care provider

THE MAXIMUM CFRA LEAVE ENTITLEMENT:

Leave under the CFRA may total up to 12 workweeks in a 12-month period. It does **not** need to be taken in one continuous period of time.

NOTICE:

An employee shall provide at least verbal notice sufficient to make the City aware the employee needs CFRA qualifying leave. The notice shall state the reason for the leave and its anticipated timing and duration. The City may require 30 days advance notice before CFRA leave is to begin if the need for the leave is foreseeable. If 30 days is not feasible (e.g., not knowing when leave will be required to begin, a change in circumstances, or a medical emergency), notice must be given as soon as feasible. Under all circumstances, it is the City's responsibility to designate leave, paid or unpaid, as CFRA leave and/or any other eligible leave. In addition, the City will respond to a leave request as soon as possible but no later than five (5) calendar days after receiving the request.

HOW THE 12-MONTH PERIOD IS CALCULATED:

The City computes the 12-month period in which the 12 workweeks of leave entitlement occur as follows:

The 12-month period measured from the date an employee's first CFRA leave begins

THE CFRA LEAVE MAY BE ADDED ONTO PREGNANCY DISABILITY LEAVE:

At the end of an employee's period(s) of pregnancy disability leave, a CFRA-eligible employee may request a CFRA leave of up to 12 workweeks for reason of birth of her child if the child has been born by this date. There is no requirement that either the employee or child have a serious health condition nor is there a requirement that the employee no longer be disabled by her pregnancy, childbirth, or related medical condition before taking CFRA leave for reason of birth of her child.

THE MINIMUM DURATION FOR A CFRA LEAVE TAKEN FOR THE BIRTH, ADOPTION, OR FOSTERCARE PLACEMENT OF A CHILD:

Basic minimum duration of a CFRA leave is two weeks when the leave is taken for the birth, adoption, or foster care placement of a child. However, the City shall grant a request for a CFRA leave of less than two weeks duration on any two occasions. In addition, leave taken for the birth, adoption, or foster care placement of a child must be completed within **one year** of the qualifying event.

Where CFRA leave is taken for the serious health condition of a parent, child, spouse, domestic partner, grandparent, grandchildren, sibling or for the serious health condition of the employee, leave may be taken intermittently or on a reduced-work schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the City may limit leave increments to the shortest period of time its payroll system uses to account for absences.

LIMITATIONS:

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

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

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

PROVISIONS:

1. A request for leave of absence without pay must be made by the employee on an application form provided by the Personnel Department. It must set forth the reasons for the request and the expected duration of the leave.
2. The request shall be reviewed by the department head who may consider the reasons stated by the employee, the needs of the City and other factors which may be deemed pertinent by the department head and which are consistent with the state and/or federal law pertaining to the leave requested. If the leave is for medical reasons, medical verification at the employee's expense will be required in accordance with the provisions of pertinent state and federal law.
3. The department head may deny a request for leave without pay as permitted by state and federal law.
4. Approval shall be granted via the application form and shall be for a specified period of time. Leave without pay shall not be granted until all applicable paid leave benefits have been exhausted.
5. Leaves of absence without pay which do not exceed one week may be granted by the department head. Such approvals shall be documented by a Personnel Action Form.
6. The City Manager may grant a leave of absence without pay for up to four months. A department head recommendation for such a leave should be transmitted to the City Manager on the application form via Personnel along with a Personnel Action Form.
7. Leaves of absence exceeding four months may only be granted by the City Council. Such actions shall be placed on the City Council agenda. If approved, the action shall be documented by a Personnel Action Form.
8. As provided for in Municipal Code Chapter 1.06, any legal appeal of, or request for review of, an administrative decision of the City must be filed in court not later than the ninetieth day following the date on which the decision becomes final. This time limit applies to a decision to deny an application for leave without pay. Notice of the 90-day time limit on the right to request review of a decision should be included in any letter or other written communication advising the employee or applicant of the decision rendered. A sample notification clause is:

Pursuant to Chapter 1.06 of the Laguna Beach Municipal Code, any action to contest or review this decision must be filed with a court of competent jurisdiction not later than the ninetieth day following the date on which the decision becomes final.
9. Effect on benefits (Unless contrary to state or federal law):

Fourteen Calendar Days or Less: All benefits shall be continued during a leave of absence without pay of fourteen calendar days or less. However, it is the responsibility of the employee to pay all required employee contributions to benefits for that period of time, except as provided in subparagraphs d and e below.

More than Fourteen Calendar Days: Leaves of absence without pay of more than fourteen calendar days shall result in discontinuation or adjustment of benefits as follows:

- a. The Salary Anniversary Date will change. The salary anniversary date shall be based on the original date plus the number of days of leave in excess of fourteen calendar days.
- b. Sick leave, holiday and vacation accruals shall be discontinued from the beginning of the leave of absence.
- c. Medical Insurance, Dental Insurance, Life Insurance and Long-Term Disability Insurance shall be discontinued from the beginning of the leave of absence unless the employee arranges to pay all normal employee and employer contributions to these plans, except as provided in sub-paragraphs d and e below. The employer's contribution is based on the budgeted amount for insurance in Account 1300. Some policies may only be continued for limited periods of time (i.e., life insurance for one month). Flexible Benefit Plan deductions, if any, will cease.
- d. In cases of job-related injury, the City will continue to pay its portion of the medical premium, as provided by Personnel Rule 8.16.
- e. If required by state or federal law, the City will also continue to pay the employer's portion of employee and dependent health premiums for up to 12 weeks in a twelve-month period. If the employee fails to return to work at the expiration of the unpaid leave, the City may recover the cost of its portion of the premiums paid to continue the employee's medical coverage during the leave, unless the employee's failure to return to work is due to a serious health condition.
- f. membership in PERS will be continued for leaves of up to four months.
- g. No employee on leave without pay will be eligible to receive pay for sick leave or holidays unless the employee requests leave for his/her own serious health condition and then the employee must exhaust accrued sick leave.
- h. Leave without pay shall not be granted until all applicable paid leave benefits have been exhausted. The only exception is that in the case of non-medical leaves, accumulated sick leave may remain on the books. Leave without pay beyond FMLA, PDL or CFRA may be granted by the City after taking into consideration the reason, duration and business needs of the City.

- i. In the case of injury or illness, "light or modified duty" may be considered as an alternative to leave without pay.
 - j. The City will consider any workers' compensation claim which is being disputed as a leave without pay situation unless and until it is ruled to be compensable.
6. Upon expiration of a regularly approved leave, or within a reasonable time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly to work at the expiration of the leave, or within a reasonable time after notice to return to duty will be cause for discharge.

The City may deny reinstatement to an employee on CFRA leave if his/her position ceases to exist, such as in a lay-off or the position's hours are reduced. The City may also deny reinstatement under CFRA and FMLA if the employee taking the leave is a key employee (salaried and among the highest paid 10 percent) and the denial of reinstatement is necessary to prevent substantial and grievous economic injury to the operations of the City. However, the City must notify the employee of the intent to refuse reinstatement at the time it determines the refusal is necessary as well as give the employee a reasonable opportunity to return to work.

EMPLOYEE USE OF CITY OFFICES AND PROPERTY

PURPOSE The purpose of this policy is to establish guidelines relative to the assignment, use and control of City offices and property. This policy applies to all City departments.

GENERAL POLICY

1. City offices, shops, community and recreation centers, tools, equipment, property, and uniforms which are assigned to any City department are not to be used for the personal benefit of any employee or for any non-City promotional or publicity purpose or for any political purpose.
2. City employees are not to be directed or allowed to work on any assignment during their working hours other than for official City business arising from their work assignments or programs sponsored by their employment.
3. City employees shall not permit their names, photographs, or departmental equipment to be used to endorse any product or service without the permission of the Department Head and the City Manager.
4. City employees shall not allow their names, photographs, or departmental uniforms and equipment to be used in any commercial testimonial without first obtaining the approval of their department head and the City Manager.
5. Personal vehicles of employees will not be taken into the City shops or facilities for inspection, repair, or servicing, nor shall any City supplies, materials, services or property be employed for any non-City purpose. City facilities, motor equipment, tools, materials, and employees are not to be loaned to any other company, organization or individual except by express authorization of the Department Head.
6. City employees may use City offices for the purpose of completing related educational assignments, only if such activities are directly related to the work assignment of the employee.
7. City employees wishing to utilize City offices and/or equipment for purposes allowed under this policy must obtain approval from their Department Head, and in no case may equipment be removed from any City facility or utilized during regular working hours of the employee.
8. Requests to deviate from this policy must be submitted in writing to the City Manager and be approved prior to the occurrence. Use of City equipment or facilities for professional association activities may be authorized by the City Manager upon request.

RECOGNITION OF CITY EMPLOYEES**PURPOSE:**

The purpose of this Policy is to provide procedures for recognizing Regular Employees and Regular Part-Time Employees, both for years of service and upon retirement.

PROVISIONS:

1. Since April 1985, a service award program adopted by the City Council has provided for formal recognition of City employees. The Human Resources Division shall track years of service and initiate recognition of employees.
2. Individual department heads shall acknowledge a regular full-time employee's first anniversary of employment with a gift of a coffee mug embossed with the City seal.
3. At five years of service, the regular employee or regular part-time employee shall be recognized with a 10K gold-filled emblem pin in the form of the City seal.
4. At ten years of service, the regular employee or regular part-time employee will be presented with a 10K gold-filled pen and pencil set embellished with the City seal.
5. At 20 years of service, the regular employee or regular part-time employee will be recognized with a gift card having a value of approximately \$250.
6. At 30 years of service, the regular employee or regular part-time employee will receive a gift card with a value of approximately \$500.
7. At 35 years of service, the regular employee or regular part-time employee will receive a gift card with a value of approximately \$625.
8. A certificate recognizing the employee's years of service will also be presented at each of the above intervals.
9. Funds for the 5, 10, 20, 30 and 35-year awards will come from the Human Resources Division budget.
10. An employee who retires from the City with ten or more years of service shall be recognized as follows: sworn public safety employees shall receive their badge, badge carrying case, and ID card; all other employees shall receive a City tile plaque with an engraved plate. Funds for these awards shall come from the employee's department budget.

11. In cases where an employee is retiring early due to a medical disability arising out of employment with the City, the nature of the retirement recognition, if any, will be determined on an individual basis.
12. Upon recommendation by the Department Head to the City Manager, any employee who resigns after ten or more years of service for reasons other than retirement may be recognized at the time of separation with an engraved City tile plaque. In very exceptional cases, an employee may be so recognized after five years of service. Funds for the City tile plaque will come from the City Manager's budget.

PART TIME EMPLOYEES**PURPOSE**

The purpose of this policy is to establish uniform procedures for hiring hourly, part-time employees.

POLICY

It is the City's policy to attempt to attract and retain qualified hourly, part-time employees by publicly noticing all part-time vacancies and by providing opportunities for advancement and continued employment to part-time employees who consistently perform at a high standard.

PROCEDURE

1. The City employs regular part-time and hourly employees.
2. Regular part-time employees work at least 20 hours, but less than 40 hours, per week on a regularly scheduled basis in a permanent, part-time position as designated in the current adopted budget. These employees work the same number of hours per week as specified in the budget.
3. The salary for a regular part-time position is the hourly equivalent of the monthly full-time salary for the position, based on the actual number of hours worked, pursuant to Personnel Rule 8.5. Salaries for regular, part-time employees shall be increased in accordance with Personnel Rule 8.4. Benefits for these employees include Public Employees' Retirement System (PERS) benefits and leave accruals based on the number of hours worked, and employee-only medical coverage, pursuant to Personnel Rule 7.12.4.
4. Hourly employees are those employees who are appointed to non-permanent positions. Such employees are hired on an as-needed or seasonal basis and may work a constant or fluctuating schedule depending on the needs of the City.
5. Hourly employees are paid an hourly rate as set by City Council Resolution. Employees in these positions receive no leave or medical benefits, with the exception of workers' compensation benefits as provided by State law. Hourly employees are provided retirement benefits through the Public Agency Retirement Services (PARS).
6. When a department has a vacancy in a budgeted hourly, part-time position, the department head shall submit a Personnel Requisition Form to Personnel, which shall be routed to the Administrative Services Director and City Manager for approval.
7. Upon approval of the Personnel Requisition Form, personnel staff will send the current position description to the department head for review, develop a recruitment flyer for

the position, and post the flyer. Vacancies may be also advertised in local newspapers in order to attract sufficient, qualified applicants. All applications will be screened and the most qualified applicants will be invited to interview for the position.

8. For summer, hourly positions, Personnel will confer with the hiring department to determine which of the previous year's employees should be notified regarding the current year's vacancies. Personnel will then contact and notify these employees before the positions are otherwise advertised. Returning employees should have received "meets standards" or above performance evaluations for the previous season.
9. Applicants for part-time, summer positions shall be interviewed by a panel consisting of a representative from each hiring department. A rating sheet shall be completed for each interviewee which shows the applicant's score and applicable comments from raters indicating the reasons for the applicant's overall score. Documentation of the selection process and the results of each summer recruitment shall be kept in Personnel.
10. The appointing authority shall make the final decision in hiring summer, part-time employees in his/her department and shall notify successful candidates.
11. An applicant's knowledge and understanding of the community is important; therefore, preference in hiring summer, part-time employees should be given to residents of Laguna Beach. The department head, however, shall also consider business reasons of supervision, security, morale, safety, and potential conflict of interest in any employment decision involving a close relative of an employee, City Council member, or member of a City commission.
12. A work permit is required for employees 17 years of age and under. The prospective employee must apply for a work permit at his/her school and present the permit to Personnel prior to the effective date of hire.
13. The department has the flexibility to appoint an employee at any step in the applicable salary range, pursuant to the hourly salary schedule set by the City Council. The experience and previous salary of the appointee relative to existing employees should be considered. As with regular employees, the appointing authority is encouraged to hire at the lower steps of the part-time salary range when qualified applicants are readily available.
14. The performance of part-time, summer employees shall be formally evaluated by their supervisors once at mid-season and again at the end of the summer. Other part-time, hourly employees shall be evaluated annually and/or at the end of their employment. All performance evaluations shall be filed in the part-time employee's permanent personnel file.

Performance evaluations shall be used to determine whether or not an employee should be rehired. All summer, part-time employees shall be informed at the end of the season whether or not they can expect to be rehired by the City again the following season.

15. Hourly employees are generally eligible for a salary increase on an annual basis in conjunction with their annual performance evaluations. Nothing in this policy, however, precludes the department from recommending that an hourly employee receive a salary increase more frequently, based on exceptional performance or other extenuating circumstances. Neither is the department precluded from withholding an increase due to less-than-satisfactory performance.
16. Attached is a copy of the personnel action form to be used in documenting all actions pertaining to hourly, part-time employees. Also attached is a copy of the performance evaluation form for hourly part-time employees.

CITY OF LAGUNA BEACH

Hourly/Part-Time Employee Performance Evaluation

Employee Name: _____
 Position: _____

Department: _____
 Evaluation Period: _____

Ratings

NS - Not Satisfactory MS - Meets Standards O - Outstanding
 RI - Requires Improvement ES - Exceeds Standards

	NS	RI	MS	ES	O
Appearance: Does the employee present a neat appearance and dress according to standards for his/her particular job class? Comments:	<input type="checkbox"/>				
Attendance: Does the employee have a good attendance record? Is he/she often absent or otherwise frequently in violation of policies governing absences? Comments:	<input type="checkbox"/>				
Attitude: Does the employee accept responsibility, direction and change? Does the employee show initiative and enthusiasm? Comments:	<input type="checkbox"/>				
Judgment: Does the employee use good judgment at all times in making work decisions? Comments:	<input type="checkbox"/>				
Observance of Work Hours: Is the employee punctual in arriving for work, in taking lunch and breaks, and working until the end of the work day? Comments:	<input type="checkbox"/>				
Quality of Work: Does the employee work carefully and with few errors? Comments:	<input type="checkbox"/>				
Evaluation Summary: Represents overall employee performance. Comments:	<input type="checkbox"/>				
Goals: Specific tasks to be accomplished within the current job assignment, and/or developmental goals to help the employee to improve performance.					

Employee: I certify that this report has been discussed with me. I understand that my signature does not necessarily indicate agreement.

 Supervisor's Signature - Date

 Dept. Head's Signature - Date

 Employee's Signature - Date

Employee may include comments on separate sheet.
 All written employee comments shall be affixed to original.

FAIR LABOR STANDARDS ACT

PURPOSE: The purpose of this policy is to provide procedures for requesting, recording, and compensating overtime and compensatory time for various classifications of employees, pursuant to the requirements of the Fair Labor Standards Act (hereinafter referred to as "FLSA").

GENERAL POLICY: It is the policy of the City of Laguna Beach to comply with the requirements of the FLSA.

PROVISIONS:

1. Employees shall earn overtime in accordance with the provisions of Personnel Rule 8.18.
2. All non-sworn employees are assigned to a seven-day work period. For the purposes of this policy, the seven-day work period shall be defined as 12:01 a.m. on Monday through 12:00 a.m. the following Sunday. Employees shall receive compensatory time off or pay at the rate of time and on-half for all hours in excess of forty hours actually worked.
3. The following shall apply to miscellaneous, non-shift employees:
 - (a) Departments shall attempt to accomplish all work within the regularly scheduled 40 hour work week.
 - (b) When work must be accomplished outside of the regularly scheduled 40 hour work week, the department shall attempt to provide employees time off within the work week equal to the number of additional hours worked so as to stay within the 40 hour per week limit;
 - (c) To the extent that employees must work more than 40 hours in a week, they shall be paid overtime at a rate of time and one-half. As discussed in elsewhere in this policy, overtime, or compensatory time off in lieu of overtime pay, shall not be provided without prior authorization by the City Manager;
4. Fire Department
Sworn shift employees of the Fire Department are assigned to a 24 day work period.
5. Police Department
 - (a) Police Officers assigned to Patrol, Investigation or Department Training Officer shall have a 28 day work period.

- (b) The work period shall be seven days for the positions of all non sworn employees, except for those working 12 hour shifts (e.g., dispatchers) which shall have a 28 day work period.
 - (c) For all non-sworn employees assigned to a "9/80" alternate work schedule, the pay period shall begin on alternating work weeks at the mid-point in the scheduled eight-hour day, thereby dividing the FLSA "work period" into two 40 hour work weeks. Employees so assigned shall receive compensatory time or overtime pay at the rate of time and one-half for all actual hours worked in excess of 40 hours in a given work week.
 - (d) Non-sworn employees assigned to a five day, forty-hour work week shall be considered Municipal Employees in accordance with Personnel Rule 8.18.3. Actual hours worked shall be defined as (1) time the employee is on duty performing assigned tasks and otherwise carrying out the duties of the employee's position, and (2) leave time taken as vacation, sick, holiday, or bereavement time. Therefore, compensatory time shall not be counted as actual hours worked when computing hours in excess of a regularly scheduled shift or hours in excess of 40 in a work week. Briefing or shift preparation time of up to 30 minutes may be added to a shift employee's work day. Compensation for this time shall be paid at the straight-time rate.
 - (e) Maximum hours of compensatory time may be accrued by employees as follows: Municipal Employees Association – 24 hours, Full-Time Lifeguards – 60 hours, Police Association - 80 hours
 - (f) Part-time, hourly employees who work more than 40 hours in one week shall be paid at time and one-half for all hours worked in excess of 40 hours, even if they work in more than one part-time position. Such employees should not be scheduled for more than 40 hours per week unless absolutely necessary.
6. Reserve Police Officers and Reserve Firefighters who are also part-time or full-time employees of the City in another classification shall be paid at straight time for time worked as a Reserve unless their hours worked as a Reserve Officer exceeds 40 hours in a given week.

Section 521: Special Rules for Multiple Jobs/Dual Employment

An employee paid on an hourly basis who performs two or more different kinds of work for the same employer, each with different pay scales, may be paid on the basis of the regular rate calculated as the weighted average hourly rate earned during the week. In the alternative, ..., such an employee may agree with the employer in advance to be paid overtime for the type of work that is performed during the overtime hours. Where an employee performs two different jobs, however, such jobs **must be combined** to determine what overtime over 40 hours is due, and then the regular rate is fixed by one of the above procedures. Thus, employers must check their records carefully and properly compensate such moonlighting or dual-assignment employees.

7. Time volunteered outside of the normal work schedule is not permitted unless it is approved in advance by the Department Head. Examples of volunteered work for

which advanced approval is required are (a) starting work fifteen minutes before the regularly scheduled starting time or working fifteen minutes beyond the end of the regularly scheduled work day; and (b) working at the work site during lunch time. This requirement is inapplicable to exempt employees.

8. The following classifications have been determined by the City of Laguna Beach to be exempt from the Fair Labor Standards Act:
 1. Assistant City Engineer
 2. Assistant City Manager
 3. Building Official
 4. Chief of Marine Safety
 5. City Clerk
 6. City Councilmembers
 7. City Manager
 8. City Treasurer
 9. Deputy Director of Public Works
 10. Director of Administrative Services
 11. Director of Community Development
 12. Director of Community Services
 13. Director of Finance and Information Technology
 14. Director of Public Works
 15. Director of Water Quality
 16. Executive Assistant
 17. Finance Officer
 18. Fire Battalion Chief
 19. Fire Chief
 20. Fire Division Chief
 21. Parks & Buildings Manager
 22. Personnel Services Manager
 23. Planning Manager
 24. Police Captain
 25. Police Chief
 26. Police Lieutenant
 27. Project Director
 28. Zoning Administrator
9. A determination as to whether an employee is exempt from FLSA is based on Department of Labor regulations as outlined in Attachments A-C.
10. Overtime may be granted and paid to the extent that overtime is included in the budget. Compensatory time off may be granted with prior written approval from the City Manager.

11. Department Heads may modify employee work schedules to the extent necessary to limit the work week for non-shift employees to 40 hours. For example, an employee who is required to attend a night meeting may be directed to take an equal number of hours off at some other time during that work week.

EXHIBIT "A"

Checklist for Executive Exemption "Standard" Test:

1. Is the employee paid not less than \$455 per week, exclusive of board, lodging or other facilities?
2. Is the employee paid on a salary basis? With certain limited exceptions, he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation.
3. Does the employee's "primary duty" consist of managing the enterprise or a customarily recognized department or subdivision thereof?
 - The primary duty means the principal, main, major or most important duty that the employee performs.
 - The primary duty must be managing a customarily recognized department or subdivision, not a mere collection of employees assigned from time to time to a specific job or series of jobs.
4. Does the employee regularly and customarily supervise two or more employees?
 - The employee must supervise two full-time employees or the equivalent (for example, one full-time and two half-time employees).
 - Employees supervised must be employed in the department that the "executive" is managing.
 - A shared responsibility for the supervision of the same two (or more) employees in the same department does not fulfill the requirement; however, a single department can have more than one manager if there is a ratio in the department of at least two full-time equivalents to each manager.
5. Does the employee have the authority to hire or fire other employees or are the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees given particular weight?
 - To determine whether an employee's suggestions and recommendations are given "particular weight", factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon.

EMPLOYEES WHO MEET THE ABOVE FIVE CRITERIA ARE BONA FIDE EXECUTIVES UNDER THE REGULATIONS. IF ANY OF THE ABOVE QUESTIONS WAS ANSWERED IN THE NEGATIVE, THE EMPLOYEE IS NOT EXEMPT AS AN EXECUTIVE UNLESS HE OR SHE IS "HIGHLY COMPENSATED"

Checklist for Executive Exemption "Highly Compensated Employee" Test:

1. Is the employee's total annual compensation at least \$100,000?
2. Is the employee paid not less than \$455 per week, exclusive of board, lodging or other facilities?
3. Is the employee paid on a salary basis? With certain limited exceptions he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation.
4. Does the employee regularly and customarily perform one or more exempt duties?

EMPLOYEES WHO MEET THE ABOVE FOUR CRITERIA ARE BONA FIDE HIGHLY COMPENSATED EXECUTIVES UNDER DOL'S WHITE-COLLAR EXEMPTION REGULATIONS.

EXHIBIT "B"

Checklist for Administrative Exemption "Standard" Test:

1. Is the employee paid not less than \$455 per week, exclusive of board, lodging or other facilities?
2. Is the employee paid on a salary basis? With certain limited exceptions, he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation.

- Alternatively, is the employee paid on a fee basis?
3. Does the employee's "primary duty" consist of the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers?
 - The primary duty means the principal, main, major or most important duty that the employee performs.
 - The employee should not be a "blue-collar" worker or a "production worker" (except that if the organizations' business is producing management services or other business operations for clients, then a production worker may be exempt).
 4. Does the employee have a primary duty that includes the exercise of discretion and independent judgment with respect to matters of significance?
 - Exercising "discretion and independent judgment" involves comparing and evaluating possible courses of conduct, and acting or making a decision after the various possibilities have been considered.
 - Use of manuals and standard operating procedures does not preclude exemption if the manuals contain or relate to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills.

EMPLOYEES WHO MEET THE ABOVE FOUR CRITERIA ARE BONA FIDE ADMINISTRATIVE EMPLOYEES UNDER DOL'S REVISED EXEMPTION REGULATIONS. IF ANY OF THE ABOVE QUESTIONS WAS ANSWERED IN THE NEGATIVE, THE EMPLOYEE IS NOT EXEMPT AS AN ADMINISTRATIVE EMPLOYEE UNLESS HE OR SHE IS "HIGHLY COMPENSATED".

Checklist for Administrative Exemption "Highly Compensated Employee" Test:

1. Is the employee's total annual compensation at least \$100,000?
2. Is the employee paid not less than \$455 per week, exclusive of board, lodging or other facilities?
3. Is the employee paid on a salary basis? With certain limited exceptions, he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;

- Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation.
4. Does the employee regularly and customarily perform one or more exempt administrative duties involving office or non-manual work either –
- Directly related to management or general business operations of the employer or the employer's customers; or
 - Including the exercise of discretion and independent judgment.

EMPLOYEES WHO MEET THE ABOVE FOUR CRITERIA ARE BONA FIDE HIGHLY COMPENSATED ADMINISTRATIVE EMPLOYEES UNDER DOL'S REVISED EXEMPTION REGULATIONS.

EXHIBIT "C"

Checklist for "Learned" Professional Exemption "Standard" Test

1. Is the employee paid on a salary or fee basis not less than \$455 per week, exclusive of board, lodging or other facilities?
 - (a) Is the employee paid on a salary basis? With certain limited exceptions, he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation
 - (b) Alternatively, is the employee paid on a fee basis?
 - (c) Or, is the employee one of those professionals – physicians, lawyers, teachers and film-making industry employee – excepted from the salary or fee basis test? (If yes, then the \$455 minimum salary or fee also does not apply.)
2. Does the employee's "primary duty" consist of the performance of work that requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction?
 - The primary duty means the principal, main, major or most important duty that the employee performs.
 - The employee must consistently exercise discretion and judgment – i.e., he or she must generally use his or her advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances.
 - The work must be predominantly intellectual in character.

EMPLOYEES WHO MEET THE ABOVE CRITERIA ARE BONA FIDE LEARNED PROFESSIONALS UNDER DOL'S REGULATIONS. IF ANY OF THE ABOVE QUESTIONS WAS ANSWERED IN THE NEGATIVE, THE EMPLOYEE IS NOT EXEMPT AS A LEARNED PROFESSIONAL EMPLOYEE UNLESS HE OR SHE IS "HIGHLY COMPENSATED".

Checklist for "Learned" Professional Exemption "Highly Compensated Employee" Test

1. Is the employee's total annual non-discretionary compensation at least \$100,000?
2. Is the employee paid on a salary or fee basis not less than \$455 per week, exclusive of board, lodging or other facilities?
 - (a) Is the employee paid on a salary basis? With certain limited exceptions, he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deductions for partial-day absences; and
 - Receive each pay period a predetermined amount constituting all or part of his or her compensation.
 - (b) Alternatively, is the employee paid on a fee basis?
 - (c) Or, is the employee one of those professional – physicians, lawyers, teachers and film-making industry employees – excepted from the salary or fee basis test?
3. Does the employee regularly and customarily perform one or more exempt professional duties?

EMPLOYEES WHO MEET THE ABOVE CRITERIA ARE BONA FIDE HIGHLY COMPENSATED LEARNED PROFESSIONAL EMPLOYEES UNDER DOL'S REGULATIONS.

SALARY BASIS POLICY

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and on-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

Salary Basis Requirement

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teacher, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality of quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

It is the City of Laguna Beach's policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all company managers from making improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

What To Do If An Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Personnel Services Manager.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

HARASSMENT AND RETALIATION IN EMPLOYMENT**PURPOSE**

The purpose of this policy is to formally establish the City's strong commitment to prohibiting and preventing harassment in the workplace, to define harassment, and to provide a procedure for investigating and resolving internal complaints of harassment. The City encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this Policy.

GENERAL POLICY

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

This Policy is intended to protect covered individuals (applicants, employees regardless of rank or title, elected or appointed officials, unpaid interns, volunteers, and contractors) from harassment in the workplace because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

Disciplinary action or other appropriate sanction up to and including termination will be taken for prohibited behavior. Any retaliation against an individual for filing a complaint, for participating in the investigation complaint resolution process, or for supporting an individual who has alleged harassment; discrimination or retaliation is prohibited. Retaliation in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

The City shall investigate complaints of harassment. Every possible effort will be made to assure the confidentiality of complaints made under this Policy consistent with the confidentiality provisions of this Policy.

Definitions

- A. Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status, or any other basis protected by law.
- B. Policy Coverage: The individuals covered by this Policy include: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and

contractors. 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.

C. Harassment: Harassment includes, but is not limited to, the following types of behavior taken because of a covered individual's actual or perceived protected classification:

1. Verbal Harassment – epithets, derogatory comments, propositioning or slurs on the basis of an individual's actual or perceived protected classification. This includes inappropriate comments about race, religious creed, color, national origin, ancestry, and disability, medical condition, including HIV positive status, marital status, gender, gender identification, sexual orientation, age, appearance, or any other basis protected by law. Verbal harassment would include, for example, inappropriate, sexually-oriented comments about appearance, dress, gender identification, physical features, or race, ethnic or sexually oriented stories or jokes.
2. Physical Harassment – Physical acts on the basis of an individual's actual or perceived protected classification, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
3. Visual Forms of Harassment – Derogatory or offensive gestures, posters, notices, bulletins, emails, cartoons, pictures, photographs, or drawings related to an individual's actual or perceived protected classification.
4. Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where submission to a rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Note: that harassment is not limited to the conduct of employees, elected or appointed officials, interns, volunteers, and contractors. Under certain circumstances, harassment can also include conduct by members of the public.

D. Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

- a. Harassment includes any conduct based on a protected classification which would be "unwelcome" or "offensive" to a reasonable individual in the recipient's position, considering all the circumstances.
 - 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 individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later.
 - e. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual. 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 a reasonable individual in the recipient's position would find it offensive considering all the circumstances (e.g., gifts, over attention, endearing nicknames).
- E. Retaliation: Any adverse conduct taken because a covered individual has reported harassment or discrimination, has participated in or supported the complaint and investigation process described herein, or has associated with an individual who is involved in the complaint and investigation process 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.

PROCEDURE

1. 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.

2. Applicants, employees, elected or appointed officials, interns, volunteers, or contractors who believe they have been harassed may make a verbal or written complaint to their immediate supervisor, any other supervisor or manager within or outside of the department, the department head, or Personnel Services/Risk Manager.
3. Any supervisor or management employee with knowledge of a complaint of harassment shall immediately notify the Personnel Services/Risk Manager.
4. The Personnel Services/Risk Manager shall provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.
5. The City shall cause an investigation of the complaint to be conducted. The investigation may include interviews of the complainant, the accused, and any other persons believed to have relevant knowledge of the complaint.
6. The individual investigating the complaint shall make factual recommendations and the City will determine if a violation of policy occurred. If conduct in violation of this Policy occurred, the City shall take prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
7. The department head or the City Manager shall then direct that reasonable steps be taken to protect the victim of the harassment, and other potential victims, from further harassment and shall direct that reasonable steps be taken to protect the victim from retaliation from the complaint.
8. Victims of alleged harassment are encouraged to take advantage of the Employee Assistance Program if they should so desire. The individual conducting the investigation shall inform the victim of the availability of this employee benefit.
9. This Administrative Policy provides for procedures processing and investigating harassment and retaliation complaints made by covered individuals. The City hopes individuals will avail themselves of these procedures when appropriate. However, an individual also has the option to report harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on City bulletin boards for office locations and telephone numbers.

CONFIDENTIALITY

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

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 or retaliation from occurring.
- d. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- e. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- f. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- g. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
- h. Assisting, advising, or consulting with employees and the Personnel Services/Risk Manager regarding this Policy and Complaint Procedure.
- i. 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.
- j. Implementing appropriate disciplinary and remedial actions.

- k. Reporting potential violations of this Policy of which he or she becomes aware to the Human Resources Department or the department head, regardless of whether a complaint has been submitted.
- l. Participating in periodic training and scheduling employees for training.

Each employee, contractor, volunteer, and intern is responsible for:

1. Treating all employees, contractors, volunteers, interns and the general public with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training.
4. Fully cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview or otherwise attempting to influence any potential witness while the investigation is ongoing, except as directed by the department head or Human Resources Director.
6. 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 head, or Human Resources Director.

Dissemination of Policy

All employees shall receive a copy of this Policy with an acknowledgment form for the employee to sign and return when hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

Attachment "A"

Sexual Harassment Training

Pursuant to California law, the City provides all supervisory employees and agents, within six months of obtaining a supervisory position, with two hours of classroom or other effective interactive training and education, including practical examples of legal prohibitions against sexual harassment, prevention of sexual harassment, corrections of situations involving sexual harassment, remedies for victims of sexual harassment, and a discussion about abusive conduct. The presenter will have knowledge and expertise in the prevention of unlawful harassment, discrimination and retaliation.

The City, in compliance with California law, will maintain a regular protocol for training supervisors every two years and within six months of assuming a supervisory position.

HARASSMENT AND RETALIATION POLICY

I have received, read and understand the City's Harassment and Retaliation Policy and understand that the City will actively monitor and report any forms of harassment activity to my supervisor. I understand that any violation of the City's Harassment and Retaliation Policy may lead to disciplinary action up to and including termination.

Date: _____

Name (print): _____

Signature: _____

SICK LEAVE**A. SICK LEAVE PAYOFF/SERVICE CREDIT FOR RETIREMENT****BACKGROUND**

The City of Laguna Beach has contracted with the Public Employees' Retirement System for the "Credit for Unused Sick Leave" option. This option provided 0.004 year of service credit for each day of sick leave on the books at the time of retirement. Personnel Rule 7.3.7 provides for payment of unused sick leave upon retirement (and for resignation or layoff). The purpose of this policy is to establish procedures for reporting sick leave credit to PERS.

POLICY

It is the policy of the City of Laguna Beach to allow retirees to designate how many hours of sick leave, if any, they desire to cash out as provided in Personnel Rule 7.3.7, and to report the remaining time to PERS for sick leave credit. Two hundred and fifty (250) days of sick leave equal one additional year of service. For each day of sick leave, 0.004 year of service is allowed. There is no limit to the number of hours of sick leave convertible to service credit.

PROCEDURE

1. Upon retirement, the Finance Department shall determine the retiring employee's sick leave balance on the attached form.
2. The employee shall then elect the number of hours he or she wants allocated to the payment option and the amount to be allocated to retirement credit, and personally sign the form.
3. For the purpose of reporting the number of days of sick leave to PERS for all employees except sworn fire, the total balance of hours shall be divided by eight to reach a balance in days. For sworn fire employees working a 56 hour week, the total balance in hours shall be divided by 11.2 to achieve an equivalent balance in days. Any remainder of less than four hours shall be dropped and any remainder of four or more hours shall be reported as a day.

B. SICK LEAVE CASH-IN**BACKGROUND**

The City places a high value on good attendance by employees. In order to reward employees who have exceptionally good attendance, a sick leave cash-in policy has been adopted which allows these employees to receive cash for their unused sick leave.

POLICY

Sick leave earned after June 13, 1988 shall be available for cash-in at full value to the extent that it is not used each fiscal year.

PROCEDURE

1. Sick leave accrual rates remain the same.
2. Sick leave earned prior to June 13, 1988 is frozen and considered to be "old sick leave".
3. Old sick leave can be cashed in upon termination as provided in the personnel rules, applied to retirement, applied to Retirement Health Services, or it can be used in the event of illness.
4. Sick leave earned after June 13, 1988 will be available for cash-in at the end of a fiscal year at full value as further explained below.
5. At the end of each fiscal year the Finance Department will calculate how much sick leave was used during the prior 12 months for each employee.
6. Used sick leave will be charged as follows: First, to new sick leave; Second to old sick leave.
7. If sick leave used in a fiscal year is less than the amount accrued, the employee will have the option to cash it in at his/her current salary or to "save" it for cash-in at the end of a future year, or upon termination.
8. The employee will also have the option of cashing in sick leave "saved" from previous years (but not sick leave earned before June 13, 1988).
9. The option to cash in must be exercised in July for payment in August. If the employee does not elect payment in writing, the balance will automatically be saved.
10. Sick leave cash-in is not reported to the Public Employees' Retirement System.
11. Sick leave used for job-related injuries will be included in the "amount used" calculated for the year.

ATTENDANCE, WORK HOURS, AND WORK BREAKS

PURPOSE It is the City's policy to insure the availability of responsive, attentive service to visitors to City Hall by setting forth attendance guidelines, and to aid employee morale and productivity by providing rest breaks during the course of each workday.

GENERAL POLICY

Attendance Working hours are determined by the requirements of the department. Employees are expected to arrive at the work site on time and begin work promptly. It is the responsibility of each department head and of designated supervisors to insure observance of work hours.

Lunch Breaks A one hour or one half hour lunch break near the middle of the day/shift is provided to employees, according to the schedule arranged by the department to which they are assigned. Each department head determines lunch break starting and ending times according to the work needs of the department. With the exception of Fire and Marine Safety, as well as certain Police employees, employees shall not be compensated for their lunch breaks unless they are requested to work through their lunch break by their supervisor.

Rest Breaks Rest breaks are limited to two periods of maximum of fifteen minutes per day; one midway through each half of the shift. With the concurrence of the City Manager, alternative scheduling may be used for a limited period of time to accommodate a departmental need. These general guidelines shall apply, within the discretion of the department head:

1. Time spent on rest breaks will be compensated as working time.
2. Employees on rest breaks are not to interfere with fellow employees who are continuing to work.
3. Breaks will be taken away from work stations and the view of the public.
4. Employees who choose to remain at work during rest breaks will not be entitled to leave before the normal quitting time or to combine their break time with the lunch period.
5. Employees located at the City Yard or in the field may tailor the time of a work break to the situation at hand, recognizing that they are City representatives in all daily activities. Generally, field employees will take their break in the field and are encouraged to carry refreshments with them. Field employees are not to congregate in groups at restaurants or other establishments during regular working hours for the purpose of taking coffee breaks.

It is the responsibility of the department head and/or the designated supervisors to oversee the scheduling and use of lunch and rest breaks and to insure that department guidelines are fairly and uniformly enforced.

EXTENDED HEALTH BENEFITS**A. Retiree Medical Benefit****PURPOSE**

To provide the option of continued health plan coverage to retiring employees who meet the requisite qualifications.

GENERAL POLICY

Continued health plan coverage is available to retirees and their dependents under the following conditions:

1. Employees hired before July 1, 2013: The option of continuing membership in the City's medical plan shall be available to employees who retire from employment with the City after a minimum of three years of service. The employee shall be responsible for the entire premium.
2. Employees hired on or after July 1, 2013: The option of continuing membership in the City's medical plan shall be available to employees who retire from employment with the City after a minimum of ten years of service. The employee shall be responsible for the entire premium.
3. Employees in the Police Employees' Association hired on or after January 1, 2014: The option of continuing membership in the City's medical plan shall be available to employees who retire from employment with the City after a minimum of ten years of service. The employee shall be responsible for the entire premium.
4. Effective July 1, 2020: The option of continuing membership in the City's medical plan shall be available to managers and department heads who retire from employment with the City after a minimum of five years of service. The employee shall be responsible for the entire premium.
5. The health option is available to service retirees who have reached the age where they are eligible for a service retirement. Disability retirees become eligible upon retirement, without regard to age.
6. The eligible retiree must request coverage for the retiree and dependents, if desired, within 30 days of retirement.
7. Premiums must be paid in advance by the twentieth (20th) day of the month prior. The retiree's premium will be equal to the City's entire cost for that premium. Coverage

must be continuous. Failure to make timely payments will result in cancellation of coverage.

8. Retirees or dependents eligible for Medicare must enroll in Medicare, at which time coverage under the City's health plan will be cancelled for the Medicare eligible person.
9. The health plan coverage provider for retirees is the same as that provided for active employees.
10. Once the retiree declines coverage, or coverage is cancelled for any reason, it will not be reinstated.
11. Upon the death of the retired employee, COBRA coverage is available for the spouse or eligible dependents.

B. Health Plan Coverage Continuation Upon Separation from Employment other than due to Retirement.

PURPOSE

To provide the option of continued health plan coverage to employees who meet the requisite qualifications outlined by federal law (The Consolidated Omnibus Budget Reconciliation Act of 1985 – known as COBRA) enacted on April 6, 1986.

GENERAL POLICY

Continued health plan coverage is available to separating employees and their dependents under the following conditions:

1. Continued coverage may be elected for up to 18 or 36 months, depending on the qualifying event:
 - 18 months for these qualifying events:
 - a. termination of employment for reasons, including retirement, for reasons other than gross misconduct, or
 - b. reduction of hours which results in loss of health plan eligibility
 - 36 months for these qualifying events:
 - a. death of the employee
 - b. divorce or legal separation
 - c. eligibility of employee for Medicare
 - d. cessation of child's dependent status under the terms of the plan

2. Coverage will cease before the full 18 or 36 month period when:
 - All employer-provided group health plans are terminated
 - Premium contributions are not paid by the qualified beneficiary
 - The employee becomes covered under any other group health plan
 - The qualified beneficiary becomes entitled to Medicare benefits
 - The former spouse remarries and becomes covered under a group health plan
3. The election period is 60 days, beginning on the **later** of 1) the date of the qualifying event **or** 2) the date the qualified beneficiary receives notice of the right to continue coverage. If an election is made to continue coverage, payment for the period preceding the election must be made within 45 days of the election date. Coverage is retroactive to the qualifying event. The attached application form should be used to elect coverage.

Payments are required on a monthly basis. Rate increases can be passed on to COBRA coverees, the same as for active employees.

Coverage is effective on the date of the qualifying event, so if a coveree waits until the end of the qualifying period to pay, he or she must pay back to the effective date.

4. An employee cannot add dependents at the time of the qualifying event. Open enrollment periods for changing plans will be offered to COBRA enrollees also.
5. Dependents can each make a separate election (i.e., a spouse may elect not to take coverage, however, a child may decide to take it). In the event an election not to take coverage is made, said election is irrevocable.
6. If a married employee who terminates employment with the City and elects COBRA coverage subsequently divorces, the ex-spouse is entitled to continue coverage for up to 36 months from the date employment terminated (not the date of the divorce).
7. The employee or qualified beneficiary is responsible for notifying the employer of the following events: 1) divorce; 2) legal separation; 3) child that ceases to be eligible.
8. The employee or qualified beneficiary is responsible for notifying the employer 30 days in advance of the intent to cancel COBRA coverage.

FLEXIBLE SPENDING ACCOUNT

PURPOSE: The City of Laguna Beach provides an optional flexible benefits plan in which employees can contribute a portion of their income on a pre-tax basis into an account from which certain health care and dependent care expenses may be paid in accordance with IRS Code 125. The City currently contracts with Sheakley Flexible Benefits Division to provide eligible employees with this benefit. By participating in this plan, deductions are taken before taxes and therefore reduce the participating employee's taxable income.

GENERAL POLICY:**ENROLLMENT PERIOD**

Enrollment is restricted to the open enrollment period (November 1st – December 31st each year).

MAXIMUM ANNUAL CONTRIBUTION LIMITS

Maximum annual contribution amounts are as follows:

Health Care Reimbursement:	\$2,500
Dependent	\$5,000 (\$2,500 if married filing separately)

CARRYOVER RULE

Unused amounts of up to five hundred dollars (\$500) may be used for claims incurred during the entire following plan year. The five hundred dollars (\$500) permitted carryover feature does not affect the maximum amount the employee may contribute to his or her account for the year. For example, if you have five hundred dollars (\$500) remaining unused in your health Flexible Spending Account at the end of 2014, you will be permitted to carryover the five hundred (\$500) into the 2015 plan year, in addition to the maximum contribution of \$2,500, for the potential total of \$3,000 available reimbursement in 2015.

HIRING PREFERENCE FOR NON-SMOKERS

PURPOSE: The City recognizes that smoking tobacco products affects job performance and productivity. In the case of sworn safety employees, the State has adopted workers' compensation laws which define certain diseases and conditions as presumed to have arisen in the course of employment, even if the worker is a smoker and smoking has been shown to be a cause or aggravator of the disease or condition.

GENERAL POLICY: Pursuant to Resolution No. 86.102, the City has established a hiring preference for non-smokers for the positions of Police Officer, Reserve Police Officer, Police Recruit, Firefighter and Permanent Lifeguard. (Seasonal lifeguards and volunteer firefighters are not included.) Non-smokers will be those applicants who submit a signed statement with their application for employment which certifies that they have not smoked for at least one year. Equal preference will be given to smokers who agree to quit smoking as a condition of employment.

The names of all non-smokers and applicants who agree to quit smoking will be placed above those of smokers on recruitment eligibility lists. A smoker may be hired if the department head rejects all of the non-smokers first on the basis of their qualifications and availability. The smoking prohibition is an on-going condition of employment for those who are hired as non-smokers.

This policy applies only to the above listed sworn safety employees hired after November 18, 1986, and will have no impact on current employees or promotional examinations.

BLOODBORNE PATHOGENS PROGRAM

PURPOSE: This policy is established in order to comply with the requirements of Cal-OSHA Section 5193, General Industry Safety Orders.

GENERAL POLICY: This program shall apply to all employees, but is targeted to employees with an occupational exposure.

PROVISIONS:**1. Definitions**

- A. Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
- B. Contaminated: The presence or the reasonably anticipated presence of blood or other potentially infectious materials on the surface or in or on an item.
- C. Contaminated Sharps: Any contaminated object that can penetrate the skin, including but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wire.
- D. Decontamination: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.
- E. Exposure Incident: Contact between blood and other potentially infectious materials with the eye, mouth or other mucous membrane, open skin or parenteral contact that results from the performance of an employee's duties.
- F. Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
- G. Other Potentially Infectious Materials: The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult to differentiate between the source of the body fluid, such as emergency response

situations.

- H. Parenteral: Piercing mucous membranes or other skin barrier through such events as needle sticks, human bites, cuts and abrasions.

2. General Requirements

- E. Job classifications with potential exposure to bloodborne pathogens:

1. Sanitation Field Workers
2. Streets/Field Workers
3. Code Enforcement
4. Water Department Field Employees
5. Storm water Workers
6. Facilities Maintenance
7. First Aid / CPR Trained Employees
8. Public Safety (Fire Police, Marine Safety) Personnel

- F. Method of Compliance:

General: Universal precautions as currently identified by the Center for Disease Control shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious.

- G. Work Practices and Engineering:

The following work practices and engineering controls shall be implemented at sites where contact with contaminated body fluids or sharps may occur and when removing mattresses or homeless encampments:

1. Washing facilities have been provided and personnel will wash exposed skin immediately after or as soon as feasible after an exposure. At first aid treatment sites, antiseptic wash and towels will be used and the provider will wash their hands at the first opportunity.
2. Hands will be washed with antiseptic hand cleaners and running water.
3. As soon as possible after use, contaminated sharps shall be placed in appropriate containers until properly disposed of. These containers shall be puncture resistant, labeled, leak proof on the sides and bottom and specifically designed to hold or store such materials.

4. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in areas when and where there is a reasonable likelihood of occupational exposure.
5. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or bench tops where blood or other potentially infectious materials are present.
6. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.
7. Potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.
8. Containers for storage, transport or shipping shall be labeled and closed prior to being stored, transported or shipped.
9. If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during collection, handling, processing, storage, transport or shipping and is properly labeled.
10. If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture resistant.
11. Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the decontamination of such equipment or portions of such equipment is not feasible. A readily observable label shall be attached to the equipment stating which portions remain contaminated.
12. Emergency medical treatment will be provided per the requirements of the Universal Precautions and protocol for emergency responders as set forth by the Center for Disease Control, Red Cross, American Heart Association or other recognized emergency medical training organizations.

H. Personal Protective Equipment:

The following personal protective equipment requirements shall be implemented at exposure sites:

1. When there is occupational exposure, the City will provide, at no cost to the employee, appropriate personal protective equipment. Personal protective

equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time the equipment will be used.

2. Employees shall wear designated personal protective equipment provided by the City unless the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future. Employees will report all such events without fear of disciplinary action.
3. Appropriate personal protective equipment in the correct size will be available with all emergency response medical equipment.
4. Hypoallergenic gloves, glove liners, powderless gloves or other similar alternatives, shall be readily available to those employees who are allergic to the gloves normally provided.
5. At no cost to the employee, the City shall clean, launder, dispose of, repair, or replace personal protective equipment as needed to maintain its effectiveness.
6. If a garment is penetrated by blood or other potentially infectious materials, the garments shall be removed immediately or as soon as feasible.
7. All personal protective equipment, contaminated or not, shall be removed prior to leaving the medical services area or emergency medical treatment site.
8. When personal protective equipment is removed it shall be placed in an appropriate, designated container for storage, washing, decontamination or disposal.
9. Gloves shall be worn while performing any procedure or rendering medical treatment when it is reasonably anticipated the employee may have contact with blood, other potentially infectious materials, mucous membranes and/or open skin and when handling or touching contaminated or potentially contaminated items or surfaces. Disposable, single use gloves such as surgical or examination gloves, shall be replaced as soon as practical when

contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

10. Disposable, single use gloves shall not be washed or decontaminated for re-use.
11. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin length face shields shall be worn when splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be anticipated.
 - I. Housekeeping:
 1. All equipment, environmental and working surfaces including emergency medical treatment sites shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
 2. Contaminated equipment, environmental and work surfaces including emergency medical treatment sites shall be decontaminated with an appropriate disinfectant after completion of procedures, immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or potentially infectious materials. Decontamination with an appropriate disinfectant shall also occur at the end of the work shift if the surface has become contaminated since the last cleaning.
 3. Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift.
 4. Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs or forceps.
 5. Trash can contents shall not be compacted with the hands or feet.
 - J. Disposal:
 1. Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are closable, puncture resistant, leak proof on sides and bottom and labeled.

2. During use, containers for contaminated sharps will be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to found. They shall be maintained in the upright position throughout use and replaced routinely. They should not be overfilled.
 3. When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport or shipping. These containers shall be placed in a secondary container if leakage is possible.
 4. Other regulated waste such as contaminated or potentially contaminated personal protective equipment, cleaning materials, etc., shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, labeled, closed prior to removal to prevent spillage or protrusions of contents during handling, storage, transport or shipping.
 5. If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, labeled, closed prior to removal to prevent spillage or protrusions of contents during handling, storage, transport or shipping.
- K. Communication of Hazards to Employees:
1. Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material and other containers used to store, transport or ship blood or other potentially infectious materials including contaminated equipment.
 2. Labels shall include the biohazard symbol and the legend "BIOHAZARD" or in the case of waste the biohazard symbol and the legend "BIOHAZARDOUS WASTE".
 3. These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color. Labels shall either be an integral part of the container or shall be affixed as close as feasible to the container by string, wire, adhesive or other method that prevents their loss or unintentional removal. Red bags or red containers may be substituted for labels except for sharps containers or regulated waste red bags. Bags used

to contain regulated waste shall be color-coded red and shall be labeled. Labels on red bags or containers do not need to be color-coded red.

L. Employee Training

1. All employees with an occupational exposure potential to bloodborne pathogens shall attend a training session provided at no cost and conducted during normal working hours. This training session will be conducted at the time of initial assignment and repeated annually. All employees are encouraged to attend the annual training session.
2. Training material will be appropriate in content and vocabulary, educational level, literacy and language and will include the following elements:
 - a. An accessible copy of the regulatory text and an explanation of its contents.
 - b. A general explanation of the epidemiology and symptoms of bloodborne diseases.
 - c. An explanation of the modes of transmission of bloodborne pathogens.
 - d. An explanation of the City's exposure control plan and the means by which the employee can obtain a copy of the plan.
 - e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
 - f. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices and personal protective equipment.
 - g. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.
 - h. An explanation of the basis for selection of personal protective equipment.
 - i. Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated and that the vaccine and vaccination will be offered free of charge.
 - j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
 - k. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
 - l. Information on the post-exposure evaluation and follow-up that the City provides for the employee following an exposure incident.
 - m. An explanation of the labels and color-coding requirements.
 - n. An opportunity for interactive questions and answers with the person conducting the training session.

3. The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace.

3. Post Exposure Evaluation and Follow-Up

- A. The City shall make available the Hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.
- B. All first aid trained personnel shall be given the opportunity to receive the Hepatitis B vaccine regardless of their being involved in an exposure incident. The provisions of appropriate post-exposure evaluation, prophylaxis and follow-up are provided to any employee who has experienced an exposure incident.
- C. All medical evaluations and procedures including the Hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis will be provided at no cost to the employee, made available at a reasonable time and place, performed by or under the supervision of a licensed physician, provided according to current recommendations of the U.S. Public Health Service and all laboratory tests will be conducted by an accredited laboratory.
- D. Hepatitis B Vaccination
 1. Hepatitis B vaccinations shall be made available to all employees with potential for exposure within ten working days of initial assignment, unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.
 2. Hepatitis B vaccinations will be made available as soon as possible, but in no event later than 24 hours, to all unvaccinated first aid responders who have rendered assistance in any situation involving the presence of blood or other potentially infectious material, regardless of whether or not a specific exposure incident has occurred.
 3. Employees who decline to accept the Hepatitis B vaccination will sign a declination notice (see Appendix A). If an employee initially declines the Hepatitis B vaccination but at a later date while still employed by the City

decides to accept the vaccination, the vaccination will be available at that time.

4. If a routine booster dose of Hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available to any requesting employee.

E. Post-exposure Evaluation and Follow-Up

1. Following a report of an exposure incident, the City shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:
 - a. Documentation of the route(s) of exposure, the circumstances under which the exposure incident occurred.
 - b. Identification and documentation of the source individual, unless that identification is infeasible or prohibited by state or local law.
2. The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity.
3. If consent is not obtained, the City shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.
4. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status is not needed.

F. Information Provided to the Healthcare Professional

1. The City shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:
 - A copy of General Industry Safety Orders, Section 5193.
 - A description of the exposed employee's duties as they relate to the exposure incident.
 - Documentation of the route(s) of exposure and circumstances under which exposure occurred.
 - Results of the source individual's blood testing, if available.
 - All medical records relevant to the appropriate treatment of the employee, including vaccination status.

G. Healthcare Professional's Written Opinion

1. The City will obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.
2. The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.
3. The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
 - That the employee has been informed of the results of the evaluation.
 - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
 - All other findings or diagnoses shall remain confidential and shall not be included in the written report.

4. Recordkeeping:

- A. The City shall establish and maintain accurate medical records in accordance with General Industry Safety Orders, Section 3204 and include:
 - Name and social security number of the employee.
 - A copy of the employee's Hepatitis B vaccination status, including the dates of all Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations as required by the regulation and/or our policy.
 - A copy of all results of examinations, medical testing and follow-up procedures.
 - A copy of the healthcare professional's written opinion.
 - A copy of the information provided to the healthcare professional.
 - All medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as may be required by law.
- B. The City shall maintain medical records for at least the duration of employment plus 30 years in accordance with section 3204.

- C. The City shall establish and maintain training in accordance with its Injury and Illness Prevention Program and include:
- Date of the training session.
 - Contents or a summary of the training.
 - Name and qualifications of persons conducting the training.
 - Names of all persons attending the training session.
 - These records will be maintained for 3 years.
- D. Bloodborne pathogens events shall be treated as a privacy case and logged per the current legal requirements on the OSHA 300 Log.

Appendix A – Hepatitis B Vaccine Declination

Employees who decline to accept Hepatitis B vaccination will sign the following statement:

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B Vaccine, at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposures to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B Vaccine, I can receive the vaccination series at no charge to me.

Signature: _____

Date: _____

ALCOHOL & DRUG TESTING PROGRAM**PURPOSE**

The City of Laguna Beach ("City") recognizes the important responsibility it shares in maintaining a safe and secure environment for those who live, work and play in the City. Further, the City is committed to providing its Employees with a safe, efficient and healthful workplace. An Employee performing his/her normal or assigned duties while under the influence of alcohol and/or any drug poses a serious risk to the health, safety, security and image of the City, its Employees and the public. This Policy establishes the rules and procedures regarding the use of drugs and/or alcohol as it pertains to employment and the procedures to be used to test Employees for drug and/or alcohol use. It is designed to insure compliance with all applicable state and federal laws regarding alcohol and drug testing in the work place.

VIOLATION OF POLICY

The City will not tolerate or excuse any violation of this Policy and a violation of this Policy will result in disciplinary action, up to and including termination.

INDIVIDUALS COVERED

This Policy applies to all City job applicants and Employees. (For purposes of this Policy, "Employee" shall also include Provisional Employees and Employees of independent contractors who perform work for the City and are required to be covered by this Policy under State or Federal law.) A copy of this Policy will be given to all Employees. Additional copies are available in the Personnel Division.

CONFIDENTIALITY

Any information about an Employee's use of prescription or non-prescription medication, the results of any pre-employment or for-cause drug and/or alcohol testing, and/or an Employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information and shall not be disclosed except as expressly provided in this Policy. Information obtained pursuant to this Policy will only be disclosed to the City Manager, Director of Administrative Services, Personnel Services Manager and his or her designee, the Department Director and the Supervisor designated by the Department Director to implement any action necessary or appropriate pursuant to this Policy. Except for the Department Director and Personnel Services Manager, the information described in this Section shall be disclosed only as necessary to initiate disciplinary action or resolve legal issues. The Employees authorized to receive the information described in this Section shall consider all such information, including test results, to be confidential and not to be disclosed to any person or position other than as expressly provided in this Policy. Any reports or test results generated pursuant to this Policy shall be kept in a confidential file, accessible only by those authorized to receive the information, and separate and distinct from the Employee's personnel file.

SENSITIVITY

All Employees and Supervisors shall be thoughtful and respectful when dealing with Employees suspected of inappropriate use of drugs and/or alcohol. Allegations or suspicions of drug and/or alcohol use in violation of this Policy are to be handled with the utmost objectivity, confidentiality and within the guidelines of this Policy.

DEFINITIONS

- A. "Alcohol" shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- B. "Chain of Custody" shall mean the procedures used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF). The CCF also ensures the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to its final disposition.
- C. "City Equipment" shall mean all property and equipment, machinery and vehicles owned, leased, rented or used by the City.
- D. "Collection Site" shall mean a place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for specific controlled substances. The site possesses all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the specimens to a laboratory..

Collection Site shall include the following or as otherwise designated by the Designated Employer Representative (DER):

- 1. National Safety Compliance, Inc.
61 Argonaut
Aliso Viejo, CA, 92656
(949) 472-0645

The Collection Site will comply with all methods of collection and Chain of Custody and provide documentation of compliance to the City.

- E. "Designated Employer Representative (DER)" shall mean an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

- F. "Drug or Drugs" shall mean any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician.
- G. "Medical Review Officer (MRO)" shall mean a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- H. "Prescription Drug" shall mean any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.
- I. "Positive Test" shall mean to have the presence of a drug or a drug metabolite and/or alcohol in a person's system that is equal to or greater than the levels allowed by this Policy in the confirmation test as determined by appropriate testing of breath, urine or blood specimen and which is determined by the MRO to be the result of the use of drugs and/or alcohol.
- J. "Refusal to Test Submission" shall mean not agreeing to take the test; or does not supply enough quantity of either breath (for alcohol testing) or urine (for drug testing) without sufficient or valid medical explanation; tampering with specimen or collection process; being tardy to the reporting site after the time allocated for the individual without valid explanation; and/or leaving the accident scene without justifiable cause before tests are conducted.
- K. "Substance Abuse Professional (SAP)" shall mean a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- L. "Testing Laboratory" shall mean a Substance Abuse and Mental Health Services Administration (SAMHSA) certified testing laboratory.

RESTRICTIONS ON THE USE OF ALCOHOL AND DRUGS (See, also, Admin. Policy 2-5, "Drug Free Workplace")

All drug and alcohol use is prohibited during work or while on standby; alcohol use is prohibited less than 4 hours before performing duties; controlled substances are also prohibited off duty.

No Employee shall possess, use, sell, transfer, manufacture, purchase or transport prescription drugs, or attempt to do so, or report to work with prescription drugs in his or her system, unless the prescription drug has been lawfully prescribed to the Employee.

MEDICATION REPORTING REQUIREMENTS

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel. Medical advice should be sought, as appropriate, before performing safety-sensitive duties.

A legally prescribed drug means that an individual has a current prescription or other written approval from a physician for the use of a drug in the course of medical treatment. The prescription or approval must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse of legal drugs while performing safety-sensitive duties is prohibited.

Employees shall, in the case of prescription drugs, ask the prescribing physician and/or, in the case of medication available over-the-counter, review product packaging, to determine whether the use of a prescription drug or over-the-counter medication may impair his/her ability to perform his/her normal job duties or to safely operate City Equipment. Any employee taking any over-the-counter medication or prescription drug marked "do not drive," "do not operate heavy equipment" or similar label, shall inform his/her immediate supervisor of the use of the medication or drug prior to reporting for duty.

In the case of prescription drugs, supervisory personnel shall determine whether the employee may work full duty or light duty based on the written opinion of the employee's medical provider that the use of the medication may impair the employee's ability to perform specific duties. The employee's supervisor may, upon a determination that the employee is unable to safely perform his or her normal duties, or a modified work assignment is not available, direct the employee not to work and to return home.

In the event the employee's personal medical provider provides a written opinion that the use of the drug or medication will not impair the employee's ability to perform his/her normal duties, the employee's supervisor shall allow the employee to perform those duties. Notices or communications required by this Section shall be confidential and disclosed only to the immediate supervisor and the other employees specifically authorized to receive information pursuant to this Policy.

Nothing in this section shall constitute, or be construed as, a waiver of the employee's rights under State or Federal law.

INDICATIONS FOR ALCOHOL AND DRUG TESTING

- A. Job Applicants – All job applicants must take and pass a mandatory drug test as soon as practical following their acceptance of a conditional offer of employment and prior to the first day of employment with the City. Job applicants who test positive for drugs or unauthorized prescription drug use shall not be hired and may not re-apply for a position with the City for one (1) year from the applicant's last positive test. A job applicant's

refusal to submit to testing, or attempt to tamper with or adulterate a test sample, will be considered a refusal to participate in the testing process, and any conditional offer of employment will be rescinded. In such event the applicant may not apply for a position with the City for one (1) year from the applicant's refusal to participate in the testing process.

- B. Employees – The City may require an Employee to submit to a drug and/or alcohol screen test under the following circumstances:
1. Following a work-related accident, incident or mishap that resulted in death, or injury requiring medical treatment away from the scene of the accident, or property damage, where drug and/or alcohol use by Employee cannot be ruled out as a contributing factor. Exhibit C.
 2. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations that the Employee may be under the influence of drugs and/or alcohol. Exhibit C.
 3. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations, that the Employee either possesses, uses, sells, transfers, manufactures, purchases or illegally transports alcohol, drugs and/or drug related paraphernalia or attempts to do so. Exhibit C.
 4. Follow-up testing for Employees who have returned to work following a positive test and their participation in a drug and/or alcohol rehabilitation program.
 5. When an on duty Employee is contacted by a Police Officer who has reasonable suspicion to believe the Employee is under the influence of alcohol or drugs or the Employee has been involved in an on-duty vehicle-related incident and the officer suspects the Employee is under the influence of drugs and/or alcohol.

DRUG AND ALCOHOL TESTING

- A. Administration
1. The Personnel Services Manager or his/her designee is the DER and shall be responsible for overseeing implementation of this Policy and the testing procedures in Exhibit C. The Personnel Services Manager will be responsible for reviewing all disciplinary actions resulting from violations of this Policy to ensure that the action proposed or taken is consistent with this Policy and the Manual.
 2. The DER shall be responsible for the following:
 - i. Communications directly with the MRO and/or SAP and SAMHSA regarding any drug and/or alcohol tests;
 - ii. Overseeing testing programs;
 - iii. Providing training to Supervisors and Employees;

B. Procedures

1. Mandatory Reporting – Any Employee who has reason to believe that another Employee may be in violation of this Policy shall immediately notify his or her immediate Supervisor. The Supervisor should take whatever immediate action is deemed prudent to ensure the safety of the public and Employees. Should the Supervisor have reasonable suspicion to believe, based upon specific and documented facts and observations, that the Employee may be under the influence of drugs and/or alcohol, the Employee should be immediately removed from the workplace and placed upon administrative leave with pay until such time as testing results confirm or refute the presence of drugs and/or alcohol. The Supervisor shall use the Reasonable Suspicion Evaluation Form (Exhibit A) to assist in making this determination.

2. Acknowledgement - No drug and/or alcohol test may be administered, sample obtained, or drug and/or alcohol test be conducted on any sample without the written acknowledgment of the person being tested. (Exhibit B.) Refusal to submit to testing, or attempt to adulterate or evade the testing process, will be considered a “confirmed positive” per the Acknowledgment of Submission to Drug and/or Alcohol Testing (Exhibit B), will be viewed as insubordination and will subject the person to disciplinary action up to and including discharge. The City will pay the cost of all drug and/or alcohol tests set forth in Exhibit B to this policy.

3. Collection, Integrity and Identification
 - a. After the employee has been advised about the reason for the test by the Supervisor, the employee will be properly identified and Collection Site personnel will explain the mechanics of the collection process.

 - b. Procedures for urine collection will allow for individual privacy unless there is reason to believe the individual may alter or substitute the specimen to be provided. Samples will be tested for temperature and subject to other validation procedures as appropriate.

4. Chain of Custody
 - a. Procedures for the storage and transportation of test specimens shall conform to the Mandatory Guidelines for Federal Workplace Drug Testing Programs promulgated by the Department of Health and Human Services as amended from time to time. These guidelines currently require that:

- i. Specimen bottles shall be under the direct control of collection site personnel.
 - ii. Specimen bottles shall be identified only by the Specimen Identification Number.
 - iii. The City shall prepare no writings about the contents of the specimen bottles or the employee identities.
 - b. The test laboratory shall maintain custody of the specimens.
5. Testing Methods – All tests will be screened using an immunoassay technique and for alcohol an Evidential Breath Testing (EBT) device. All presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS) and all presumptive positive alcohol tests will be confirmed with a second EBT performed within 15 –30 minutes after the first EBT test is completed. The City will test for cannabinoids (marijuana), cocaine, amphetamines, opiates, barbiturates, benzodiazepines, and phencyclidine (PCP) as well as alcohol. Tests will seek only information about the presence of drugs and/or alcohol in an individual's system and will not test for any medical condition.
6. Notification – Any Employee who tests positive will be notified by the MRO and will be given an opportunity to provide the MRO any reasons he or she may have that would explain the positive drug and/or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the Employee provides an explanation acceptable to the MRO that the positive drug or alcohol test result is due to factors other than the presence of drugs and/or alcohol in the test specimen, the positive test result will be disregarded and reported to the City as negative. Otherwise, the MRO will report the positive test result to the DPM or Personnel Services Manager. Test results will be disclosed only to the extent expressly authorized by this Policy.
7. Split Sample Testing – An Employee who has been subjected to drug and/or alcohol screening may request a split sample test be conducted at a certified laboratory chosen by the Employee. All costs associated with an Employee's decision to pursue split sample testing will be the full responsibility of the Employee. The Employee must adhere to the following procedures to maintain strict Chain of Custody of the sample and validity of the split sample test results:
 - i. To request a split sample test to be conducted, the Employee must submit their written request on the required Chain of Custody release form provided by the City's testing laboratory to the DER.
 - ii. The request will be forwarded to the testing laboratory used by the City facility. They will release the split sample to the certified lab chosen by the Employee provided they have received the properly executed Chain of Custody release form.

- iii. The laboratory selected by the Employee must be a certified laboratory per State regulations and authority and be able to conduct GC/MS method of testing for validation of testing results. Any method of testing performed on the split sample that is not the GC/MS method will be considered invalid.
- iv. The split sample test results will be released to the City with the Employee's written consent.

REHABILITATION

- A. **Voluntary Disclosure** – The City encourages any Employee with a drug and/or alcohol problem to voluntarily disclose the problem to the DPM who shall refer the employee to the Employee Assistance Program (EAP). An Employee requesting this assistance will not be disciplined solely due to the request but may, at the Supervisor's discretion, be transferred, given work restrictions, or placed on leave while receiving treatment and until the Employee is drug and/or alcohol free. An employee's voluntary disclosure of a substance or alcohol abuse problem will not terminate any investigation, criminal or administrative, initiated prior to the disclosure. An employee subject to this Policy and making a voluntary disclosure shall receive immunity one time only during his/her employment with the City.

Each Employee is responsible for seeking assistance before the Employee's drug and/or alcohol problem leads to a violation of this Policy, or before the Employee is asked to submit to a drug and/or alcohol screen test.

- B. **Leave Time** – Employees must use available sick time, vacation accrual, flex leave or request personal leave of absence without pay if time off from work is necessary for any treatment or rehabilitation program. The costs of long-term rehabilitation or treatment services, whether or not covered by the Employee's medical plan, are the ultimate responsibility of the Employee.

Exceptions:

This Policy shall not prevent a Safety Employee of the Laguna Beach Police Department from using or possessing drugs or alcohol as part of his/her official duties and when in furtherance of the mission of the Police Department.

DISCIPLINE

- A. Failure to pass a test or refusal to submit may result in discipline. Disciplinary measures will be conducted on a case by case basis. The level of discipline involved will be directly correlated to the severity of the actions under investigation. Discipline will follow procedures set forth in Administrative Policy 2.3. However, the discipline policies regarding refusal of test, and positive results for pre-employment, random testing, and post accident will vary slightly and are as follows:

- 1). Refusal to test – includes all types defined herein and will be treated as a positive test result. Therefore, employee will be subject to the disciplinary policies and guidelines set forth in Administrative Policy 2.3.
 - 2). Pre-employment – if prospective employee tests positive for either alcohol or drugs, then that applicant is disqualified from further advancement in the hiring process;
 - 3). Post-accident test involving a City vehicle – a positive test result for an accident involving either drugs or alcohol will be subject to disciplinary action set forth in Administrative Policy 2-3, but will also be subject to any legal action from law enforcement if the positive test violates state law policies.
- B. If the employee tests positive on either the drug test or alcohol test, or both, the time off required will be mandatory leave without pay.
- C. Prior to receipt of test results, the employee shall be considered on-duty for the purposes of pay. After receipt of test results, other appropriate provisions of the policy shall apply.
- 1). The employer is required to advise any employee who is involved in any prohibited conduct vis-à-vis the regulations included herein of all resources available to the employee for treatment. The resources must include the name, addresses, and telephone numbers of all EAP's and any counseling or treatment programs available for the employee.

PROCEDURE

- A. The Personnel Services Manager shall be responsible for overseeing the Alcohol and Drug Testing Program.
- B. The Personnel Services Manager shall be responsible for the following:
- 1). Communications directly with the MRO and lab and Police Department regarding any alcohol or drug tests;
 - 2). Overseeing and implementing the procedures described in this policy;
- C. Each Department Head is responsible for the following:
- 1). Knowing the signs and symptoms of drug and alcohol abuse;

- 2). Knowing how the employee can get help, including referral to an EAP and other available intervention methods;
 - 3). Knowing which employees are subject to testing;
 - 4). Knowing what conduct is prohibited and what circumstances will cause testing to occur;
 - 5). Following the regulations contained herein.
- D. The supervisor in each department is responsible for the following:
- 1). Insuring that the provisions set forth in this policy are carried out and conducted in a thorough, discreet and appropriate manner;
 - 2). Informing his/her department head of any situation involving an affected employee.
- E. If an employee has, on his/her own behalf, a grievance contending the City has violated or misapplied an obligation expressed in this specific policy, said grievance is to be pursued in accordance with Administrative Policy 2-3.

EXHIBIT A
DRUG AND ALCOHOL POLICY
REASONABLE SUSPICION EVALUATION FORM

Employee Name: _____

Observation Date and Time: _____

Location of Employee: _____

Location of Supervisor(s): _____

Others present during activities or observations: _____

Incident(s) observed which give cause for reasonable suspicion: _____

(Factors that may be considered in combination with those listed in 1 – 6 below include: takes needless risks, accident(s), disregard for others safety, unusual/distinct pattern of absenteeism/tardiness, increased high/low periods of productivity, lapses of concentration or judgment, etc.)

1. Presence of alcohol, alcohol containers, drugs, and/or drug paraphernalia (specify):

2. Appearance:

- | | | |
|--|---|---|
| <input type="checkbox"/> Flushed | <input type="checkbox"/> Inappropriate | <input type="checkbox"/> Disheveled |
| <input type="checkbox"/> Bloodshot/Glassy Eyes | <input type="checkbox"/> Puncture Marks | <input type="checkbox"/> Tremors |
| <input type="checkbox"/> Profuse Sweating | <input type="checkbox"/> Runny Nose/Sores | <input type="checkbox"/> Smell of Alcohol |
| <input type="checkbox"/> Dry-mouth Symptoms | <input type="checkbox"/> Dilated/Constricted Pupils | |
| <input type="checkbox"/> Inappropriate Wearing of Sunglasses | | |
| <input type="checkbox"/> Other: _____ | | |

3. Behavior/Speech:

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Incoherent | <input type="checkbox"/> Slurred | <input type="checkbox"/> Unconscious |
| <input type="checkbox"/> Confused | <input type="checkbox"/> Slowed | <input type="checkbox"/> Hostile/Confrontation |
| <input type="checkbox"/> Agitated | <input type="checkbox"/> Sleeping on the job | |
| <input type="checkbox"/> Other: _____ | | |

4. Awareness:

- | | | |
|-----------------------------------|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> Confused | <input type="checkbox"/> Mood Swings | <input type="checkbox"/> Euphoric |
|-----------------------------------|--------------------------------------|-----------------------------------|

ADMINISTRATIVE POLICY MANUAL

CHAPTER TWO
PERSONNEL
POLICY 2-27

Lethargic Paranoid Disoriented

Lack of Coordination

Other: _____

5. Motor Skills/Balance:

Unsteady Swaying Falling

Staggering Stumbling Reaching for Support

Arms Raised for Balance

Other: _____

6. Other observed Actions or Behaviors: _____

Supervisor's Comments: _____

Supervisors Name: _____

Signature: _____

Date: _____

Supervisors Name: _____

Signature: _____

Date: _____

Witness(es) Name: _____

Date: _____

Signature: _____

Date: _____

EXHIBIT B

DRUG AND ALCOHOL POLICY

ACKNOWLEDGEMENT OF SUBMISSION TO DRUG AND/OR ALCOHOL TESTING

BY THE CITY OF LAGUNA BEACH ("CITY")

I, _____ [PRINT NAME], understand and acknowledge that I have reviewed a copy of the City's Drug and Alcohol Policy (Policy). I hereby acknowledge that I am required to submit to drug and/or alcohol testing pursuant to the Policy.

I understand and acknowledge that information regarding the test results will be released to the City and that such information may be used as grounds for disciplinary action, up to and including discharge.

I further understand and acknowledge that:

1. The City will pay the cost of all drug and/or alcohol tests required or requested by the City, including pre-employment, reasonable suspicion, post accident and split sample testing if the result is negative;
2. I may request in writing a copy of the results of any such test;
3. I may request that a split sample test be sent to a certified Testing Laboratory of my choice, consistent with the procedures outlined in the City's Drug and Alcohol Policy, and that I will bear all of the costs associated with the split sample testing in the event the split sample result is positive (if negative, the City will pay the cost of the split sample testing);
4. By signing this form, I hereby acknowledge that the split sample test results will be released to the City; and
5. I have the right to refuse to submit to such testing; however, refusal by me to submit to or cooperate at any stage of the testing shall be considered equivalent to a confirmed "positive" test for purposes of disciplinary action, up to and including discharge from my employment with the City.
6. I may also be required to execute forms at the Collection Site of Testing Laboratory.

With full understanding and knowledge of the foregoing, I hereby acknowledge my obligation to submit to drug and/or alcohol testing conducted by the clinics and/or Testing Laboratory selected by the City.

I have read the above acknowledgement and certify that I have signed this document with full knowledge and understanding of its contents.

Signature: _____

Date: _____

City and State: _____

Witness Signature _____ Date _____

EXHIBIT C
DRUG AND ALCOHOL POLICY
REASONABLE SUSPICION AND POST ACCIDENT TESTING PROCEDURES

A. Testing Procedures

1. Reasonable suspicion testing will be conducted when a Supervisor has a reasonable suspicion that an Employee is under the influence of drugs and/or alcohol. Reasonable suspicion must be based on specific, contemporaneous, articulate observations concerning the physical symptoms or behaviors of being under the influence of drugs and/or alcohol. A Supervisor must establish reasonable suspicion of drug and/or alcohol use during or just preceding the Workday. If conditions permit, the Supervisor will request the assistance of another Supervisor to observe the actions or behavior of the employee. The Supervisor shall, prior to testing, permit the employee to attempt to contact, and consult with, a representative. The Supervisor is encouraged to make reasonable accommodations (defined as actions that would not, in the opinion of the Supervisor, unreasonably delay the test, affect the reliability of the test, or harm the safety of the employee or the public) that would allow the employee to consult with a representative prior to the test. Examples of performance indicators of probable drug and/or alcohol abuse sufficient to lead a Supervisor to suspect that an Employee is under the influence of drugs and/or alcohol, include, but are not limited to, those on the attached Reasonable Suspicion Evaluation Form, (Exhibit A).

2. The Reasonable Suspicion Evaluation Form and other documentation establishing reasonable suspicion shall be prepared and signed by the witness(es) and the Supervisor prior to testing. The Department Director or Human Resources Department should be notified as soon as possible.

3. Testing shall be comprised of breath or urine samples. Blood samples will only be conducted at the employee's request and only if the employee requests such immediately following notification to submit to a reasonable suspicion or post accident test. Positive levels for prohibited drugs are as follows:

Alcohol	.02 percent	.02 percent
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ADMINISTRATIVE POLICY MANUAL

CHAPTER TWO
PERSONNEL
POLICY 2-27

DRUG TO BE TESTED	SCREENING METHOD	CUT-OFF (ng/ml)	CONFIRMATION METHOD	CUT-OFF (ng/ml)
AMPHETAMINES <u>Amphetamine</u> <i>Methamphetamine</i>	EMIT	1000	GC/MS	500 500
BARBITUATES	EMIT	300	GC/MS	200
BENZODIAZEPINES	EMIT	300	GC/MS	200
COCAINE	EMIT	300	GC/MS	150
CANNABINIODES (Marijuana)	EMIT	50	GC/MS	15
METHADONE	EMIT	300	GC/MS	200
METHAQUALONE	EMIT	300	GC/MS	200
OPIATES <u>Morphine</u> <i>Codeine</i>	EMIT	2000	GC/MS GC/MS	2000 2000
PHENCYCLIDINE (PCP)	EMIT	25	GC/MS	25
PROPOXYPHENE	EMIT	300	GC/MS	200

4. Employee shall be alcohol tested within two (2) hours following the determination made by a Supervisor or otherwise the Employer shall document the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the determination, the Employer shall cease attempts to administer a test and shall state in the record the reasons for not administering the test.
5. Employee shall be drug tested within thirty-two (32) hours following the determination made by a Supervisor or otherwise the Employer shall document the reasons the test was not promptly administered. If a test is not administered within thirty-two (32) hours following the determination, the Employer shall cease attempts to administer a test and shall state in the record the reasons for not administering the test.
6. The potentially affected Employee will not be allowed to proceed alone to or from the Collection Site. In addition, to the safety concerns for the Employee, the Supervisor accompanying the Employee also assures that there is no opportunity en route to the Collection Site for the Employee to do or ingest anything that could affect the test result or to acquire "clean" urine from another person.

B. Post Accident Testing

Follows the same testing procedures as the reasonable suspicion testing procedures stated in Section A above.

C. Return to Duty Testing

1. Before an Employee returns to duty after engaging in prohibited drug and/or alcohol use, the Employee shall undergo an evaluation of fitness for duty by the SAP.
2. Return to Duty testing, under the direction of the MRO, will be completed after the SAP states the employee is fit to return to work. The employee will then submit to a return to duty test and receive a verified negative test result for drug and/or alcohol use from the MRO before being notified to return to work by the city.

D. Follow-Up Testing

1. Following a determination by a SAP that an Employee is in need of assistance in resolving problems associated with drug and/or alcohol use the Employee shall be subject to

unannounced follow-up testing as directed by the SAP of at least a minimum of six (6) tests in the first twelve (12) months following the Employee's return to duty, and thereafter as determined necessary by the SAP. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary and is supported by the City.

2. Follow-up alcohol testing may also include testing for controlled substance use as directed and determined by the SAP.
3. The time period for "follow-up" testing for drug and/or alcohol use will be determined by the SAP subject to a reasonable minimum of twelve (12) months, and never to exceed thirty-six (36) months.
4. Follow-up testing may be on a daily, weekly, monthly or longer basis at the discretion of the SAP.

D. Refusal to Submit to Testing

The following are definitions of refusal:

1. Not providing the City a written consent to take the test;
2. The Employee does not supply enough quantity of either breath or urine for alcohol or drug testing without sufficient or valid medical explanation;
3. Tampering with a specimen or collection process;
4. Tardiness to reporting Collection Site after time allocated for Employee to report without valid explanation;
5. Leaving the accident scene without justifiable cause before tests are conducted in accordance with this policy;
6. Any refusal to test will be considered a violation subject to discipline up to and including termination.

WORKPLACE VIOLENCE POLICY**PURPOSE**

The City of Laguna Beach is committed to providing a safe work environment that is free of violence and the threat of violence. The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the City or any other person is unacceptable. The City strictly prohibits employees, consultants, visitors or anyone else on City property from behaving in a violent or threatening manner.

GENERAL POLICY If a non-employee on City premises demonstrates or threatens violent behavior, he/she may be subject to criminal prosecution.

If any employee, while on the job, demonstrates or threatens violent behavior, he/she may be subject to disciplinary action, up to and including dismissal and criminal prosecution, if applicable.

DEFINITIONS The following actions are considered violent acts for purposes of this policy:

- 1) Striking, punching, slapping or assaulting another person.
- 2) Fighting or challenging another person to fight.
- 3) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- 4) Engaging in dangerous, threatening or unwanted horseplay.
- 5) Possession, use or threat of use of a gun or other weapon, real or perceived, of any kind on City property, including parking lots, other exterior premises, in City vehicles, or while engaged in activities for the City in other locations. Possession or use of a gun or weapon shall not be a violation of this policy if a requirement of the job, or if the employee has a valid California Concealed Weapon (CCW) permit and has written permission from the City Manager, the Chief of Police, and the employee's department head to possess the gun or weapon while on City property or while engaged in activities for the City in other locations, which permission may be revoked at any time. The employee is required to provide his or her CCW permit to the City for review and photocopying and is also required to immediately notify the City Manager, the Chief of Police, and the employee's department head if there is any change in the status of the permit.

- 6) Threatening harm or harming another person, or any other action or conduct that implies that threat of bodily harm.

REPORTING PROCEDURE

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a City employee or a non-employee, shall immediately report the incident to his/her supervisor, or to one or more of the following: Department Head, Department Manager, Human Resources, and/or the City Manager.

If an emergency, call the City of Laguna Beach Police Department or 911.

INVESTIGATION OF REPORTS OF WORKPLACE VIOLENCE

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. To the extent possible, the City will maintain the confidentiality of the reporting party and of the investigation. In appropriate circumstances, however, the City may deem it necessary to disclose the results of the investigation, for example in order to protect individual safety. No one, acting in good faith, who initiates a complaint or reports an incident under this policy, will be subject to retaliation or harassment.

In the event the City fears for the safety of the perpetrator or the safety of others at the scene of the violent act or threatening or harassing conduct, law enforcement will be called.

Supervisors and Department Heads are required to investigate incidents of violence or threats of violence to maintain department safety, and to improve their prevention systems. This investigation should include: (a) review of previous incidents; (b) visiting the scene of incident(s) promptly after they occur; (c) interviewing injured and/or threatened employees and/or witnesses; (d) examining and mitigating security risk factors; (e) determining the cause of an incident; and (f) recording the findings and taking corrective action.

City of Laguna Beach

Administrative Policy Authorization & Acknowledgement Form

City Authorization:

The undersigned employee has a valid California Concealed Weapon (CCW) permit and is therefore authorized to possess the licensed gun, or weapon while on City property or while engaged in activities for the City in other locations.

City Manager: _____

Date: _____

Chief of Police: _____

Date: _____

Department Head: _____

Date: _____

Employee Acknowledgement:

"I acknowledge that I have received a copy of the following administrative policy:

- 2-28 Workplace Violence Policy

I understand that it is my responsibility to read this policy and abide as directed within. I understand that the permission to possess a gun or weapon while on City property or while engaged in activities for the City in other locations, may be revoked at any time. I understand that I am required to provide my CCW permit to the City for review and photocopying and I understand that I am required to immediately notify the City Manager, the Chief of Police and my department head if there is any change in the status of the permit.

I understand that if I have any questions that I must direct my questions to my immediate Supervisor and/or Department Manager or the Human Resources/Risk Manager."

Signed: _____
Print Employee Name

Employee Signature

Job Title: _____

Date: _____

This form must be signed by the employee and the original must be returned to the Human Resources Division.

CATASTROPHIC ILLNESS LEAVE DONATION POLICY**DEFINITION:**

A catastrophic illness or injury is one which is non-industrial and expected to incapacitate an employee or qualified immediate family member (per FMLA regulations) for an extended period of time and which creates a financial hardship because the employee has exhausted all of his/her accumulated leave.

GENERAL POLICY:

The purpose of this policy is to establish uniform guidelines and procedures for use in the administration of the City of Laguna Beach's Catastrophic Illness Leave Donation Program. All employee participation in the Catastrophic Illness Leave Donation Program is voluntary.

PROVISIONS:

1. Employees may face catastrophic medical conditions involving themselves or their immediate family that results in the exhaustion of all accrued sick, vacation, or other paid leave time. Such employees may request, or be nominated for, allocations of leave time according to this policy.
2. If a department is interested in allowing donations of employee vacation time to another employee's catastrophic illness bank, the Department Head must submit a memorandum to the Personnel Services Manager requesting the establishment of such a bank. The Personnel Services Manager reviews and recommends approval/denial of the request to the City Manager. The City Manager has final authority for approval/denial of the request. If approved by the City Manager, employees may, in accordance with this policy, elect to donate accrued unused vacation.
3. Personnel will send an approved e-mail announcement to other City employees, informing employees of the request for leave time donations. A two week window will be established to donate hours.
4. In the event the eligible employee exhausts all donated leave, another request for leave time donations may be made, subject to the provisions of this policy and approval by the City Manager or his/her designee.

Eligibility to Receive Donated Leave:

1. The employee must be unable to work due to an illness or injury verified by an attending physician, or must provide sufficient documentation of need for leave for an immediate family member as defined by the Family Medical Leave Act. The

verification shall include an estimate of the duration of absence and be provided to the Personnel Services Manager.

2. An employee must have exhausted or be in danger of exhausting all accrued paid leave hours. Donated hours will not be transferred to the employee until the employee's own leave hours are exhausted, including vacation, sick, and compensatory time off.
3. All donations are confidential.

Eligibility to Donate Leave:

1. Donations must be made in whole hour increments and are irrevocable and shall not be returned to the donor under any circumstances.
2. An employee may donate accrued leave in one-hour increments from vacation leave. Sick leave, holiday bank hours and compensatory hours may not be donated.
3. Donated hours shall be converted to the dollar rate of the donor and then converted to hours at the recipient employee's dollar rate.
4. The donor employee must complete a Vacation Donation Form and submit it to the Personnel Division. (Exhibit "A"). The Personnel and/or Finance Division will verify that the donor has sufficient accrued vacation leave available and adjust the donor's leave balance accordingly.

Miscellaneous:

1. The City reserves the right to grant or deny requests made under this policy for any reason.
2. Catastrophic Leave donations are not tax deductible for the donor.
3. The recipient/donor must not have solicited nor accepted anything of value in exchange for the donation.
4. This policy will be administered in a manner consistent with the Family Medical Leave Act/California Family Rights Act and applicable City leave policies and will not otherwise extend or alter an employee's rights under those policies.



CITY OF LAGUNA BEACH

VOLUNTARY VACATION ACCRUAL DONATION (To be completed by employee wishing to donate)

Employee Name:

Employee Department:

Employee Division:

Social Security Number: XXX-XX-

I wish to donate **vacation time** from my accrual as indicated below:

Donation for:

(Name of employee)

Number of Hours:

(Whole-hour increments only)

I understand that this donation is voluntary and irrevocable.
I authorize my vacation accrual to be reduced as listed above.

Signature

Date

HEAT ILLNESS PROGRAM

PURPOSE: To establish a procedure to comply with Cal-OSHA General Industry Safety Orders Section 3395 "Heat Illness Prevention" and to ensure that the potential for heat illness is prevented, identified and promptly treated.

GENERAL POLICY: This policy applies to all City employees and volunteers with potential exposure to heat illnesses.

PROVISIONS: Each Department Director is responsible for executing, enforcing and performance of the procedures outlined in this policy.

Heat Illness Prevention:

1. City of Laguna Beach employees may work in environments that create the possibility that heat illness may occur. These environments include: high air temperatures, high/low relative humidity, radiant heat from the sun and other sources, conductive heat sources such as ground, air movement, workload, severity and duration and protective clothing worn by employees.
2. Work activities where heat illness may occur include but are not limited to the following:
 - A. Wearing of chemical protective clothing when exposed to radiant sun light.
 - B. Outside work in environments where the air temperature exceeds 85 degrees Fahrenheit and relative humidity is above 40% or below 25%.
 - C. Fire Department activities.

Identification and Evaluation:

1. When employees or volunteers are working in environments that may potentially cause a heat illness, supervisors, lead persons and co-workers shall monitor exposed employees for signs or symptoms of heat illness.
2. Monitoring will include job site visits and personal contact with employees.
3. Upon observation of any heat illness symptoms or signs or any complaint of the employee of any symptoms of heat illness, the supervisor/lead person shall take immediate appropriate action.
4. Heat Cramps
 - A. Signs and Symptoms –
 - muscle cramps (thighs or stomach)
 - heavy sweating
 - B. Response –
 - remove employee from hot environment to shade

- have employee drink water/electrolyte solution
 - if symptoms do not subside in 1 hour, seek medical attention
 - if symptoms do subside, return employee to low heat illness potential environment.
5. Heat Exhaustion
- A. Signs and Symptoms -
- pale, cool, moist skin.
 - headache, nausea, vomiting
 - lack of thirst (salt depletion)
 - muscle weakness
 - pulse rate fast/weak
 - breathing fast & shallow
- B. Response -
- remove employee from hot environment to shade and air conditioned environment
 - have employee drink water/electrolyte solution
 - have employee take cool shower
 - if symptoms do not subside in 1 hour, seek medical attention
 - if symptoms do subside, return employee to low heat illness potential environment
6. Heat Stroke – **THIS IS A SERIOUS MEDICAL EMERGENCY**
- A. Signs and Symptoms –
- red, hot and dry skin (no sweating)
 - rapid, strong pulse
 - headache, nausea, dizziness, unconsciousness
- B. Response –
- contact paramedics immediately – be ready to provide site location information
 - if paramedics are not available, transport to nearest medical facility
 - move employee from hot environment to shade and air conditioning
 - move employee onto his or her side, if laying down
 - cool the employee by immersing in a tub of cool water/shower or spray with a hose
 - do not give fluids to drink

Exposure Control:

- A. When employees or volunteers are working in environments that may potentially cause a heat illness, the following work practices shall be adopted:

Potable water shall be provided at an amount of 1 quart per person per hour. Employees may begin the shift with smaller quantities but will be allowed to replenish their supply as needed. Employees will be encouraged to drink frequently.

Non-emergency work activities requiring the wearing of chemical protective clothing will be suspended when air temperatures exceed 80 degrees Fahrenheit and the employee is exposed to radiant sunlight.

Employees will be encouraged to use sun screen on all exposed skin.

Employees will be encouraged to wear a hat that affords radiant sunlight protection.

- B. When employees or volunteers are working in environments that may potentially cause a heat illness, the following work practices may be adopted at the City's discretion:
- Change the shift schedules
 - Provide employees with cooling devices
 - Rotate personnel
 - Other heat illness reduction actions which are appropriate.

Training:

When employees or volunteers are working in environments that may potentially cause a heat illness, they and their supervisors shall attend an annual training class which will include the following topics:

- A. Environmental and personal risk factors for heat illness.
- B. Procedures for identifying, evaluating and controlling heat stress.
- C. Importance of the frequent consumption of water or other electrolyte solutions.
- D. Acclimatization.
- E. Types of heat illness and their signs and symptoms.
- F. Reporting and treating heat illness.

CITY CELL PHONES

PURPOSE: The City provides cell phones to staff members that work away from their desks a significant amount of the day and that are required to be available by telephone throughout the workday and on weekends. The cell phones are purchased and service is paid for by the City (under the City's contract with Verizon Wireless). All cell phone assignments are initially requested by department heads and approved by the City Manager.

GENERAL POLICY: The City cell phone shall not be used for personal calls at work, after work hours, or on weekends. That said, infrequent incidental personal use of the City cell phone during the workday is okay, in the same way people use their desk phones.

PROVISIONS: In cases where a City staff member is approved for a cell phone and wants to use the cell phone for both personal calls and City business there is an option. The employee may return his/her phone for de-activation and receive a monthly stipend of \$33 which is equal to the City's 2006 contract rate for a telephone with 400 minutes of statewide service. The staff member is then required to possess a "personal" cell phone available for City business. The City will not participate in the purchase of the new personal cell phone or any accessories.

The monthly stipend will be paid at the rate of \$15.23 per pay period (\$33 times 12 equals \$396 divided by 26 pay periods equals \$15.23).

JOB APPLICATIONS

PURPOSE: To provide a uniform method for the receipt and processing of job applications in accordance with Personnel Rules 3.0 et seq.

GENERAL POLICY: As stated in Personnel Rule 3.4, for consideration of employment with the City, all applications must be signed by the applicant and received by the Personnel Services Manager within the filing period prescribed on the job announcement. The Personnel Services Manager may reject any application which, on its face, does not demonstrate that the applicant meets the minimum qualifications of the position or class for which the application was submitted.

PROVISIONS:

1. Once received by the Personnel Division, all job applications are to remain in the Personnel Division. No job applications are permitted to leave the Personnel Division unless authorized by the Personnel Services Manager.
2. Job applications are available for viewing by Department Heads or their designees on an appointment basis.
3. The contents of a job application are confidential. Any breach in the confidentiality of an application is subject to disciplinary action, up to and including termination.

OUTSIDE EMPLOYMENT**PURPOSE**

The purpose of this policy is to establish guidelines for City employees regarding outside employment activities that may conflict with City employment.

POLICY

As a public agency, the City must be particularly sensitive to real, potential, or perceived conflicts of interest. The City expects all employees to adhere to the highest ethical and professional standards. Employees may obtain and/or maintain employment with persons or entities other than the City (outside employment), or self-employment, subject to prior approval by the Department Director in conformance with the following:

1. No City-owned equipment, vehicles, tools or supplies shall be used by any employee while the employee is engaged in any outside employment or activity. No work related to outside employment shall be performed while an employee is being compensated by the City for performing work.
2. Will not interfere with the performance of City duties, will not create a conflict of interest, will not create a potential risk of liability on the part of the City, or otherwise be incompatible with the employee's position.
3. The outside employment or self-employment is with a business or enterprise that performs or provides a service to the City over which the employee or his or her Department has regulatory authority or influence; or
4. That the outside employment or self-employment involves conditions or factors which would probably, directly or indirectly lessen the efficiency of the employee in his or her regular City employment or conditions in which there is a substantial danger of injury or illness to the employee.

PROCEDURES

- A. Notification. Prior to accepting an offer of outside employment or initiating any self-employment, an employee shall provide a completed Outside Employment Request form to his or her Department Director outlining the nature and duties of the position, the name and address of the prospective employer, the proposed work schedule and other information reasonably requested. Any employee who is contemplating self-employment shall provide the Department Director with information regarding the nature of the work being performed and the work schedule. Department Directors who are considering outside employment must request approval from the City Manager.
- B. Approval. The Department Director shall provide written approval or denial of the request for outside employment or self-employment within five (5) working days.

- C. Appeal. In the event of a disagreement of a Department Director determination, the City Manager or his/her designated representative shall make the final determination.
- D. Modification. The Department Director's approval of outside employment or self-employment may be revoked in the event of a change in circumstances that would warrant disapproval of the initial request for approval.
- E. Change in Status. Employees shall modify the Outside Employment Request form upon any change in outside employment (employer, hours of work, termination, etc.)
- F. An employee will not engage in outside employment while on Industrial Disability Leave (workers' compensation leave) status with the City if the scope of the outside employment conflicts with the restrictions imposed upon the employee pursuant to his/her Workers' Compensation claim with the City.
- G. Employees who fail to comply with the provisions of this policy may be subject to disciplinary action.

References: California Government Code §§ 1126-1129.



Outside Employment Request

(Administrative Policy 2-33)

Employees may engage in employment, other than their job with the City of Laguna Beach, upon the approval of his or her department director as long as such employment does not interfere with the performance of assigned duties, does not constitute a conflict of interest, and does not expose employee to significant likelihood of injury or sickness.

REQUEST

Employee's Name: _____
 Name of Outside Employer: _____
 Address: _____
 Phone Number: _____
 Anticipated Start Date: _____
 Title and Description of Duties: _____

 Hours of Work per Day: _____ Hours of Work per Week: _____

I request approval of the above outside employment. I have read and understand the provisions of Administrative Policy 2-33 – Outside Employment. I also waive my rights to any Workers' Compensation claim against the City of Laguna Beach should an injury or illness occur from such outside employment. Additionally, I certify that this outside employment will not conflict or interfere with my job with the City. I also understand that the City reserves the right to determine if a conflict exists, and if as determined by the City there is a conflict to take appropriate measures, including requiring me to terminate such outside employment. Failure to abide by the terms of this agreement may result in disciplinary action.

 EMPLOYEE'S SIGNATURE DATE

DEPARTMENTAL ACTION

Comments/Recommendations: _____

Department Director Approval:

Approved Not Approved

 DEPARTMENT DIRECTOR SIGNATURE DATE

City Manager Approval: (if applicable)

Approved Not Approved

 CITY MANAGER SIGNATURE DATE

TERMINATION OF OUTSIDE EMPLOYMENT

Please be advised that as of this date, I hereby state that I have terminated from the aforementioned outside employment.

 EMPLOYEE'S SIGNATURE DATE

Rev. 2016



Outside Employment Request

(Administrative Policy 2-33)

Employees may engage in employment, other than their job with the City of Laguna Beach, upon the approval of his or her department director as long as such employment does not interfere with the performance of assigned duties, does not constitute a conflict of interest, and does not expose employee to significant likelihood of injury or sickness.

REQUEST

Employee's Name: _____

Name of Outside Employer: _____

Address: _____

Phone Number: _____

Anticipated Start Date: _____

Title and Description of Duties: _____

Hours of Work per Day: _____

Hours of Work per Week: _____

I request approval of the above outside employment. I have read and understand the provisions of Administrative Policy 2-33 – Outside Employment. I also waive my rights to any Workers' Compensation claim against the City of Laguna Beach should an injury or illness occur from such outside employment. Additionally, I certify that this outside employment will not conflict or interfere with my job with the City. I also understand that the City reserves the right to determine if a conflict exists, and if as determined by the City there is a conflict to take appropriate measures, including requiring me to terminate such outside employment. Failure to abide by the terms of this agreement may result in disciplinary action.

EMPLOYEE'S SIGNATURE

DATE

DEPARTMENTAL ACTION

Comments/Recommendations: _____

Department Director Approval:

Approved Not Approved

DEPARTMENT DIRECTOR SIGNATURE

DATE

City Manager Approval: (if applicable)

Approved Not Approved

CITY MANAGER SIGNATURE

DATE

TERMINATION OF OUTSIDE EMPLOYMENT

Please be advised that as of this date, I hereby state that I have terminated from the aforementioned outside employment.

EMPLOYEE'S SIGNATURE

DATE

CONSTITUTIONALLY PROTECTED RECORDING OF PUBLIC EMPLOYEES IN PUBLIC AREAS, VEHICLES, BUILDINGS AND SPACES

PURPOSE: Subject to certain limitations, persons have the constitutional right to use an audio or video recorder or a still or motion picture camera in areas of municipal buildings and spaces that are open to members of the public for the purpose of recording public employees performing their duties. This Policy is intended to provide guidance to City employees when dealing with persons engaged in such recording activities.

PROVISIONS:

1. Employees should deal with persons engaged in recording activities with courtesy, professionalism, and diplomacy.
2. Persons engaged in recording activities are not required to identify themselves or to explain the purpose of their recording and are not required to obtain the consent of others to record in areas open to members of the public. If and when asked by a person engaged in recording activities, employees should provide their names and positions.
3. Persons may engage in recording activities only in areas open to members of the public. Employees' offices, employee break rooms, and meeting and conference rooms available only by appointment or invitation are not areas open to members of the public. Employees should not accommodate a request by persons engaged in recording activities to access a non-public area of a municipal building without prior approval from the employee's supervisor or manager.
4. Persons engaged in recording activities may not actually disrupt or interfere with the ability of an employee to perform his or her duties due to, for example, noise, illumination, physical obstruction, or other aspects of the manner of recording or the conduct of the person engaged in recording activities.
5. Persons engaged in recording activities should be respectful of the personal interests of others, particularly when there is a reasonable expectation of privacy. When employees are dealing with a customer where personal or confidential information may be involved, and a person recording declines a request to cease recording the conversation, the employee should offer to meet with the customer privately in an office or conference room.
6. If and when appropriate, employees should remove themselves from confrontational situations and ask for assistance from their supervisor or manager.
7. Employees should take notes to memorialize the time, location, and circumstances of any adverse interactions with persons engaged in recording activities and forward them to their supervisor and department head.
8. As appropriate, the above provisions apply equally to interactions between persons and employees working outside in the field (for example, Public Works, Water Quality, Community Development, and Transit staff).

9. A safe work environment for both members of the public and employees is of major importance. Employees handling potentially dangerous equipment need to be particularly careful of persons in close proximity exercising their right to use an audio or video recording device. At all times, employees should avoid causing injury to others or themselves and turn off any equipment while being recorded until it is determined safe to resume work. See also item #6 when applicable.

PILOT TELECOMMUTING PROGRAM POLICY**PURPOSE:**

Telecommuting is an arrangement that allows eligible City of Laguna Beach employees to work in a designated area outside the office. Telecommuting is a cooperative arrangement between participating employees, supervisors, and department heads.

The telecommuting program benefits employees, departments, and the community. Benefits include:

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

GENERAL POLICY:

This Pilot Program Policy and all approved telecommuting procedures are in effect until December 31, 2021, unless otherwise renewed.

Because the City provides essential services to members of the community, there are City positions that require the employee to be physically present in the workplace. These employees are expected to report to work as scheduled unless otherwise notified by their direct supervisor or Department Head.

1. Telecommuting

Telecommuting is an agreement between the City of Laguna Beach and an employee to work in a designated area outside of their City workspace (i.e. office or cubicle), including from home.

An employee telecommuting may work remotely up to forty hours (40 hours) in each pay period. Telecommuting is entirely voluntary. The City may refuse to make telecommuting available to an employee or choose to terminate a telecommuting arrangement at any time.

2. City Policy on Telecommuting

Employees telecommuting must comply with all City rules, policies, practices, and instructions. All telecommuting employees must perform work and be available via telephone and email during their designated work schedule, unless alternative arrangements have been approved by their supervisor. Employees may not engage in activities while telecommuting that would not be otherwise be permitted at work, such as child, elder, or other dependent care, unless they are approved for such activities and do not report them as regular work hours. Telecommuting employees may take care of personal business during unpaid breaks and lunch periods, as they would at their regular worksite.

Telecommuting does not change any job responsibilities, obligations, or terms and conditions of employment. If a provision of this policy conflicts with any provision of a valid memorandum of understanding (MOU) between the City and a recognized employee organization, the provision of the MOU that is in conflict shall apply to employees covered by that MOU.

A supervisor or a Department Head may deny, end, or modify a Telecommuting Agreement for any reason. Similarly, a telecommuting employee may end telecommuting with the approval of their Department Head.

Employees should seek advice from a tax advisor if they have questions concerning tax implications of working from home. The City is not responsible for substantiating any employee's claim of tax deductions for operation of a home office used to perform work.

3. Eligibility

Not every City position will be eligible to telecommute. Approval will be at the sole discretion of the Department Head. General guidelines for allowing telecommuting include, but are not limited to, the following:

- Work that can be performed away from the workplace without the need for regular, in-person public contact or frequent interaction at work with supervisors, colleagues, or customers.
- Work that is identified as essential services by the appropriate Department Head.

Employees with active discipline and/or with performance that does not have a rating of "meets standards" or better, as defined in the Policy 2-8 of the Administrative Policy Manual, may be precluded from participating in the telecommuting program. Employees approved to participate in the Program, must all demonstrate the following personal characteristics:

- Dependability and responsibility;
- Effective communication with supervisors, coworkers, and customers;
- The ability to work independently;
- A consistently high rate of productivity;
- A high level of skill and knowledge of the job;
- The ability to prioritize work effectively; and
- Good organizational and time management skills.

Employees who are not meeting performance expectations or are not responsive to work needs during their scheduled work hours will have their Telecommuting Agreement rescinded. Additionally, an employee's failure to adhere to this Policy may result in the immediate termination of their Telecommuting Agreement and/or discipline up to and including termination.

4. Work Schedules and Time Worked

Telecommuting employees should coordinate with their supervisor the set hours that will be devoted to performing their work. A start and end time for telecommuting should be communicated in advance and should be consistent from day-to-day as much as possible. If approved by the employee's supervisor, these hours may be different from the employee's normal hours when working on-site.

Employees who are not exempt from overtime requirements under the Fair Labor Standards Act (FLSA) will be required to accurately record all hours worked. Employees should coordinate with their supervisor for any periods of time during the workday when they will not be working. Employees must receive authorization to work overtime from their supervisor and must obtain approval to use sick leave, vacation leave, and any other paid leave in accordance with the operable Memorandum of Understanding (MOU) and City Administrative Policies and Personnel Rules.

Employees exempt from FLSA should record any full-day absences with paid leave on the bi-weekly timecard in accordance with normal protocols.

5. Worksite and Equipment

Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and confidentially. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with their regular work duties may be covered by Workers' Compensation. Telecommuting employees are responsible for notifying their supervisor of such injuries as soon as practicable. In the event of a workers' compensation injury while telecommuting, the City may need to conduct an investigation, including accessing the employee's remote work location. The City

assumes no liability for injuries that occur outside the performance of the employee's duties and/or outside the employee's scheduled telecommuting hours. Employees are prohibited from having face-to-face meetings regarding City business in their homes. Rather, employees shall use video or phone conferencing to meet while telecommuting. The City will not be liable for injuries sustained by visitors or family members at an employee's home worksite.

The City will not provide employees with materials or supplies needed to establish an alternate worksite (desk, chair, printer, copier, internet service, etc.) and assumes no responsibility for set-up or operating costs at an alternate worksite (internet services, etc.). Departments will provide computer equipment (i.e., computer, docking station, large monitor). A telecommuting employee must protect any City equipment, software, and supplies from possible theft, damage, and loss. The telecommuting employee may be responsible for the replacement or repair of City equipment, software, or supplies as allowed by law. Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Remote IT support is available for telecommuting employees as needed.

Telecommuting employees should not use their personal computer to access the City's computer systems in order to protect the City's systems from cyber-attacks and other computer viruses. All City rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using City-provided or personal equipment. The City is not responsible for damage to an employee's personal equipment or property while the employee is telecommuting.

6. Security of Confidential Information

All files, papers, records, documents, or other materials created while telecommuting are City property. Telecommuting employees and their supervisors shall ensure safeguards in place to protect confidential information. Employees may not disclose confidential or private files, records, materials, or information while telecommuting and may not allow access to City networks or databases to anyone who is not authorized.

The provisions of the California Public Records Act regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristic. If the City receives a Public Records Act request, a telecommuting employee must permit inspection, examination and copying of any public record or public information in the employee's possession (subject to certain exceptions).

7. Employee & Supervisory Responsibilities

All employees and their supervisors participating in the Telecommuting Program, must complete telecommuting training at least once. Employees who have previously telecommuted, and have been approved to continue telecommuting, must complete their training within 30 days of beginning the Pilot Program. All others must complete the training prior to beginning telecommuting. Supervisors may require employees to retake training as needed.

Additionally, employees and supervisors agree to maintain regular communication through email, by phone, video chat, or other means on an agreed schedule and as needed basis. Employees on telecommuting assignment are expected to respond to managers/supervisors within a reasonable amount of time established by the Department Head during agreed regular work hours, with the exception of unpaid meal breaks. Managers and supervisors shall communicate work expectations for telecommuting employees and ensure appropriate compliance with expectations. Managers and supervisors may also require a telecommuting employee to report into the workplace with reasonable notice. Telecommuting employees are also responsible for completing a weekly online form summarizing work performed during the week to maintain eligibility (Attachment A).

Telecommuting employees may be asked to share their on-site workspace at City Hall or other City facility with others when not in the office, to allow for flexible use of office space. Employees who share workspace must maintain a clean and organized area. Telecommuting employees must also maintain appropriate work attire and appearance when attending video conference meetings. Managers and supervisors may require employees to attend meetings with video cameras on to allow for greater collaboration and effectiveness.

All City employees who are permitted to telecommute must acknowledge receipt of this Policy and sign a Telecommuting Agreement. The Department must maintain a copy of the signed Agreement and provide a copy to the Human Resources Division. Employees will not be allowed to telecommute if they do not comply with the terms of their Telecommuting Agreement.

EMPLOYEE ACKNOWLEDGMENT & TELECOMMUTING AGREEMENT

I have received, read and understand the City’s Pilot Telecommuting Policy. I understand the terms and conditions of this Telecommuting Agreement, enter into it voluntarily, and agree to be bound by it. I understand what my responsibilities are under this Telecommuting Agreement, and I also understand that the City can modify or terminate the Telecommuting Agreement at any time. I agree to abide by all requirements of the Pilot Telecommuting Policy, Telecommuting Agreement, and all City of Laguna Beach Administrative Polices, Department policies and Personnel Rules.

Employee Name (Printed): _____

Employee Name (Signature): _____ Date: _____

Department/Division: _____ Supervisor: _____

Job Title/Position: _____

Telecommuting Start Date: _____

I have previously telecommuted I have not previously telecommuted

Proposed Telecommuting Schedule: _____

Remote Work Location Address: _____

Phone # : _____

Alternate #: _____

Email Address: _____

Manager/Supervisor Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

Once the form is signed, please submit via email to hr@lagunabeachcity.net.

Human Resources Review: _____ Date: _____

City Manager Review: _____ Date: _____

Training Completed Date (HR Only): _____

DISTRIBUTION: Human Resources, Department Manager/Supervisor, City Employee

ATTACHMENT A

Weekly Telecommuting Reporting Form

Week Reported: _____

Employee Name: _____

Department Division: _____

Describe what assignments you worked on from home:

Day of the Week	Description of Work
Monday (MM/DD/YR)	
Tuesday (MM/DD/YR)	
Wednesday (MM/DD/YR)	
Thursday (MM/DD/YR)	

CONSTITUTIONALLY PROTECTED RECORDING OF PUBLIC EMPLOYEES IN PUBLIC AREAS, VEHICLES, BUILDINGS AND SPACES

PURPOSE: Subject to certain limitations, persons have the constitutional right to use an audio or video recorder or a still or motion picture camera in areas of municipal buildings and spaces that are open to members of the public for the purpose of recording public employees performing their duties. This Policy is intended to provide guidance to City employees when dealing with persons engaged in such recording activities.

PROVISIONS:

1. Employees should deal with persons engaged in recording activities with courtesy, professionalism, and diplomacy.
2. Persons engaged in recording activities are not required to identify themselves or to explain the purpose of their recording and are not required to obtain the consent of others to record in areas open to members of the public. If and when asked by a person engaged in recording activities, employees should provide their names and positions.
3. Persons may engage in recording activities only in areas open to members of the public. Employees' offices, employee break rooms, and meeting and conference rooms available only by appointment or invitation are not areas open to members of the public. Employees should not accommodate a request by persons engaged in recording activities to access a non-public area of a municipal building without prior approval from the employee's supervisor or manager.
4. Persons engaged in recording activities may not actually disrupt or interfere with the ability of an employee to perform his or her duties due to, for example, noise, illumination, physical obstruction, or other aspects of the manner of recording or the conduct of the person engaged in recording activities.
5. Persons engaged in recording activities should be respectful of the personal interests of others, particularly when there is a reasonable expectation of privacy. When employees are dealing with a customer where personal or confidential information may be involved, and a person recording declines a request to cease recording the conversation, the employee should offer to meet with the customer privately in an office or conference room.
6. If and when appropriate, employees should remove themselves from confrontational situations and ask for assistance from their supervisor or manager.
7. Employees should take notes to memorialize the time, location, and circumstances of any adverse interactions with persons engaged in recording activities and forward them to their supervisor and department head.
8. As appropriate, the above provisions apply equally to interactions between persons and employees working outside in the field (for example, Public Works, Water Quality, Community Development, and Transit staff).

9. A safe work environment for both members of the public and employees is of major importance. Employees handling potentially dangerous equipment need to be particularly careful of persons in close proximity exercising their right to use an audio or video recording device. At all times, employees should avoid causing injury to others or themselves and turn off any equipment while being recorded until it is determined safe to resume work. See also item #6 when applicable.

LACTATION ACCOMMODATION, BREAK TIME AND LOCATION**PURPOSE**

The City of Laguna Beach will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk.

GENERAL POLICY

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

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

An employee who does not believe that the City of Laguna Beach is providing an appropriate lactation accommodation should immediately inform the Human Resources Division.

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

The break time shall, if possible, run concurrently with any break time already provided to the employee. If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid, or the employee may choose to use accrued leave.

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

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

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous materials;

- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity needed to operate an electric battery-powered breast pump.

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

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

PROTOCOLS FOR TESTING CITY EMPLOYEES FOR COVID-19**PURPOSE**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

On April 23, 2020, the Equal Employment and Opportunities Commission (“EEOC”) issued updated Technical Assistance Questions and Answers (“Guidance”) concerning the Americans with Disabilities Act (“ADA”) and Rehabilitation Act. The Guidance states that, despite certain restrictions under the ADA and the Rehabilitation Act concerning medical-related testing in the workplace, employers may administer a COVID-19 test to detect the virus that causes COVID-19 and determine if employees attempting to enter the workplace have the virus for the purpose of ensuring the health and safety of their workplaces. In publishing the Guidance, the EEOC recognized that an employee with the virus will pose a direct threat to the health of others.

GENERAL POLICY

The purpose of this policy is to ensure the health and safety of working conditions for all City employees through the administration of COVID-19 testing for City employees. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for the City.

Authority

Pursuant to Labor Code section 6300, et seq. and any applicable state or local public health orders, and consistent with the Equal Employment and Opportunity Commission’s April 23, 2020 Guidance and any guidance that the Department of Fair Employment and Housing may provide and any applicable state or local public health orders, the City is authorized to adopt this COVID-19 testing policy.

Compliance

The City will fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA and Rehabilitation Act, the Fair Employment and Housing Act (“FEHA”) and the California Medical Information Act (“CMIA”) in the administration of this policy and associated protocol.

Scope of Coverage:

This policy will apply with equal force to all City employees as testing for the virus that causes COVID-19 and preventing the transmission of the virus that causes COVID-19 in the workplace is reasonably related to all City jobs.

On a case-by-case basis, the City Manager and the Human Resources/Risk Manager are authorized to determine that this policy will not apply to an employee if the City Manager and/or the Human Resources/Risk Manager determine that testing such employee is not job related or consistent with business necessity. Testing may not be job related or consistent with business necessity for a particular employee if his or her job responsibilities do not result in contact with or proximity to other people, including other employees or members of the public.

Effective Dates:

This Policy shall be effective immediately upon adoption and shall remain in effect until the City Manager advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Acknowledgement of Agreement to Submit to Testing:

The City may require that employees acknowledge receipt of the notice and execute an agreement submitting to testing for the virus that causes COVID-19. Such agreement will include a CMIA authorization for release of the test results to the City.

Refusal to Submit to Testing:

The City will place any employee who refuses to submit to testing in accordance with the testing protocol associated with this policy on unpaid leave. The employee may then elect to use any earned or accrued leave to which they are entitled in order to provide compensation during the time away from work.

Adoption of Testing Protocol:

The City Manager and Human Resources/Risk Manager are authorized to adopt a testing protocol concerning the administration of COVID-19 tests for City employees.

Notification of Test Results:

The City will notify the employee of test results in writing and in a confidential manner. In the event of a positive COVID-19 test result, the City will also inform the employee by phone call so that the employee may consult with their health care provider and take precautionary measures to prevent transmission of the virus.

Test Results and Any Other Health or Medical Records:

The City will store test results and any other health or medical records, in a manner consistent with applicable law and in accordance with the City's practice for storing medical information in a file separate from the employee's personnel file.

Effect of Positive COVID-19 Diagnosis:

In the event that a City employee tests positive for the virus that causes COVID-19, the City will, as provided above, notify the employee of the test results. After informing the employee of the positive result, the City will instruct the employee not to return to work until such time as either of the following occur: (1) The employee's health care provider advises the employee that it is safe for them to return to work; or (2) The employee self-certifies that they are and have been: (A) Free of fever (a "fever" is defined as 100.4° F [37.8° C] or greater using an oral thermometer) for at least 24 hours without the use of fever-reducing medicines; (B) Any other signs of other COVID-19-related symptoms as determined by the Centers for Disease Control ("CDC") (e.g., cough, shortness of breath, fever, chills, headache, sore throat, repeated shaking with chills, new loss of taste or smell, and/or muscle pain) have significantly improved in the last 24 hours; and (C) At least 7 days have passed since any COVID-19 symptoms first appeared; and (D) Complying with all directives provided by their health care provider before seeking to return to work, including, but not limited to, directives regarding the length of time that the employee needs to self-isolate/quarantine, follow-up testing, and social distancing.

Leave Status of Employee with Positive COVID-19 Diagnosis:

The City will place any employee who tests positive for the virus that causes COVID-19 on paid sick leave if they have a balance of such leave status for the remainder of the day following the positive diagnosis. Thereafter, the employee may elect to use their accrued leave, or may take such leave on an unpaid basis.

Reservation of Right to Require Additional or Subsequent Testing:

The City expressly reserves the right to require that employees submit to additional or subsequent tests in order to ensure healthy and safe working conditions for all employees.

PROTOCOLS FOR CLEANING AND DISINFECTING THE WORKPLACE**PURPOSE**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) recommends cleaning and disinfecting public spaces, such as the workplace, in order to reduce the risk of exposure to SARS-CoV-2, the virus that causes COVID-19 (hereinafter “the virus that causes COVID-19”). Normal routine cleaning with soap and water removes germs and dirt from surfaces and lowers the risk of spreading the virus that causes COVID-19. Disinfecting kills germs on surfaces. Killing germs on surfaces after cleaning can further lower the risk of spreading infection.

The City therefore implements this Administrative Policy and Protocols for Cleaning and Disinfecting the Workplace for the protection of all employees, their families, and the public we serve.

I. Statement of Policy

The purpose of this Policy is to ensure healthy and safe working conditions for all City employees through adherence to federal, state, and local cleaning and disinfecting requirements, recommendations, and best practices intended to limit exposure to the virus that causes COVID-19. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for the City.

II. Compliance

The City intends to fully and faithfully comply with any and all applicable federal, state, and local regulations and guidance regarding cleaning and disinfecting worksites in the administration of this Policy and associated protocol.

GENERAL POLICY**Scope of Coverage:**

This policy will apply with equal force to all properties and facilities over which the City has custody and control, including both indoor and outdoor areas.

Effective Date:

This Policy shall be effective immediately upon adoption and shall remain in effect until the City advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Cleaning Practices for Outdoor Areas:

The virus that causes COVID-19 naturally dies within hours to days in typical indoor and outdoor environments. Warmer temperatures and exposure to sunlight reduces the time the virus survives on surfaces and objects. Outdoor areas generally require normal routine cleaning and do not require disinfection.

(a) City's Responsibilities:

The City will maintain existing cleaning and hygiene practices of outdoor areas.

(b) Employee Responsibilities:

In addition to the efforts undertaken by the City, employees are expected to comply with directives issued in the *Protocols for Social Distancing and Individual Responsibility in the Workplace*, to the extent applicable to outdoor spaces, as well as the provisions in this Policy regarding collective efforts to routinely disinfect frequently used surfaces and objects.

Cleaning Practices for Indoor Areas that have been Unoccupied for at least Three Days:

The virus that causes COVID-19 has not been shown to survive on hard metal surfaces and plastic longer than three (3) days, and up to 24 hours on cardboard. Therefore, if an indoor area has been unoccupied for three (3) days or more, the City will conduct normal routine cleaning of that area consistent with its existing cleaning and hygiene practices.

Cleaning and Disinfecting Practices for Indoor Areas that have been occupied within the last Seven Days:*(a) City's Responsibilities:*

The City will evaluate each City building or facility to determine what kinds of surfaces make up each area. Most surfaces and objects will require only routine cleaning consistent with the City's current practices. Such routine cleaning involves cleaning the surface or object with soap and water. Additionally, each workday, the City will clean and disinfect frequently touched surfaces and

objects, including but not limited to doorknobs, and frequently touched areas, to further reduce the risk of germs on those surfaces and objects.

Disinfecting will be conducted using an EPA-approved disinfectant, when available. If an EPA-approved disinfectant is unavailable, alternative disinfectants will be used, alcohol solutions will be used to disinfect areas, consistent with CDC guidelines. The City prohibits the mixing of bleach and other cleaning and disinfection products together, as this can cause fumes that may be dangerous when inhaled. The City requires that the use of any cleaning and disinfectant products adhere to the instructions from each product's manufacturer related to concentration, application method, contact time, etc.

(b) Employee Responsibilities:

In addition to the efforts undertaken by the City, employees are expected to comply will directives issued in the *Protocols for Social Distancing and Individual Responsibility in the Workplace*, as well as the provisions in this Policy regarding collective efforts to routinely disinfect frequently used surfaces and objects.

Provision of Sanitizing Supplies:

Hand sanitizer, soap and water, or effective disinfectant will be made available near the entrance of any City facility and in other appropriate areas for use by members the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers).

Collective Effort to Routinely Disinfect Frequently Used Surfaces and Objects:

The CDC has called upon every American to implement behavior to slow the spread of the virus that causes COVID-19. Everyone has a role in making sure our communities are as safe as possible to reopen and remain open. The City takes this responsibility extremely seriously.

(a) City's Responsibilities:

The City will ensure that surfaces and objects within its buildings and facilities are cleaned and disinfected each workday to maintain safe and healthy working conditions for all workers and members of the public.

(b) Employee Responsibilities:

In addition to the efforts undertaken by the City, every City employee across all departments has an individual responsibility to contribute to this effort by routinely disinfecting surfaces and objects

with which that employee interacts. This includes mandatory compliance with the *Protocols for Social Distancing and Individual Responsibility in the Workplace*. The City will provide effective disinfectants, such as disposable wipes, throughout its buildings and facilities to be used to disinfect these items to assist employees in meeting their individual responsibilities. Employees are expected to utilize these disinfectants to regularly wipe down commonly used surfaces and objects. A list of examples of such commonly used surfaces and objects is provided below.

Cleaning and Disinfecting Frequently Used Hard and Non-Porous Items:

(a) *City's Responsibilities:*

Each workday, the City will have all frequently used hard and non-porous surfaces or objects, cleaned and then disinfected with an appropriate disinfectant.

(b) *Employee Responsibilities:*

In addition to the efforts undertaken by the City, employees are expected to routinely disinfect surfaces and objects that they interact with. Employees should utilize effective disinfectants, such as disposable wipes, or the alcohol antiseptic spray solution provided by the City to disinfect the surfaces and objects they come in contact with that may be touched by other employees or members of the public. These surfaces and objects include, but are not limited to, the following list of examples:

- Doorknobs
- Light switches
- Countertops
- Handles
- Desks
- Phones
- Keyboards
- Touch screens
- Copiers
- Printers
- Books/binders
- Refrigerators
- Microwaves
- Coffee makers
- File cabinets and shelves
- Shared computers
- Shared tools/equipment

Cleaning and Disinfecting Practices Related to City Vehicles:

(a) *City's Responsibilities:*

The City will provide hand sanitizer and effective disinfectant, such as disposable wipes, in each City vehicle. The City will maintain its practice of routinely cleaning City vehicles.

(b) *Employee Responsibilities:*

In addition to the efforts undertaken by City employees must disinfect frequently touched surfaces and objects within a City vehicle before and after use of a City vehicle, if that vehicle is shared, or at the beginning and end of each shift, if no one else uses the vehicle during the employee's shift. These surfaces and objects include, but are not limited to, door handles, seatbelts, seats, steering wheels, and window buttons.

Air Filter and HVAC Cleaning:

The City will ensure that air filters and HVAC systems are properly maintained.

Providing of Personal Protective Equipment ("PPE") for Workers Assigned to Clean or Disinfect the Workplace:

(a) *City Requirements Applicable to City Employees Assigned Whose Job Duties Require Them to Clean or Disinfect City Buildings or Facilities:*

City employees must wear appropriate PPE throughout the cleaning/disinfecting process, including the handling of trash.

The City will provide the necessary and appropriate PPE at no cost to any City employee whose job duties require them to clean or disinfect its buildings or facilities, as set forth in Occupational Safety and Health Administration ("OSHA") regulations. (See 29 C.F.R. § 1910.132 (h).) This provision does not apply to City employees that contribute to cleaning and disinfecting efforts in an isolated fashion, such as wiping down a doorknob or desk after its use.

Appropriate PPE includes disposable gloves and gowns that are compatible with the disinfectant products being used. The City may require that employees whose job duties require them to clean and disinfect its buildings or facilities wear additional PPE, such as goggles or face shields, based on the cleaning/disinfectant products being used and whether a risk of splashing reasonably exists. If disposable gowns are unavailable, employees whose job duties require them to clean and disinfect its buildings or facilities must wear a similar type of covering, such as coveralls, aprons, or work uniforms. Any reusable (washable) clothing worn during the cleaning/disinfecting process must be laundered afterwards. Employees whose job duties require them to handle dirty laundry (i.e., uniforms), must clean their hands after handling dirty laundry.

Proper Use of PPE and Training Related to PPE

City employees utilizing PPE must carefully remove gloves and gowns at the end of the cleaning/disinfecting process to avoid contamination of the wearer and surrounding area. After the removal of gloves, employees must wash their hands thoroughly with soap and water.

The City will ensure that any employees utilizing PPE as described in this section are trained on when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, how to maintain and dispose of PPE, and the limitations of PPE. The City will also ensure that any employees utilizing PPE as described in this section are trained on proper eye and face protection, hand protection, and respiratory protection.

(b) *The City Requirements Applicable to Employees of Third-Party Companies Assigned to Clean or Disinfect City Buildings or Facilities:*

The foregoing provisions in subsection (a) regarding PPE apply with equal force to employees of third party companies who are responsible for cleaning City facilities and worksites, except that the City will not provide PPE to employees or third party companies or provide training to such employees. The City will communicate to the third-party company its expectations regarding the use of PPE by their employees when cleaning City facilities and worksites.

**PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE
WORKPLACE****PURPOSE**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) recommends social distancing, also referred to as physical distancing, to reduce the spread of SARS-CoV-2, the virus that causes COVID-19 (hereinafter “the virus that causes COVID-19”). The virus that causes COVID-19 spreads primarily when people come into close contact (within about 6 feet) with each other for a prolonged period (approximately 10 minutes or more). Such spread happens when an infected person coughs, sneezes, or talks, and respiratory droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of the virus that causes COVID-19.

The City therefore implements this Administrative Policy and Protocol for Social Distancing and Individual Responsibility in the Workplace for the protection of all employees, their families, and the public we serve.

I. Statement of Policy

The purpose of this policy is to ensure the health and safety of working conditions for all City employees through adherence to social distancing and cleaning and disinfecting principles and best practices. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for the City.

II. Compliance

The City will fully and faithfully comply with any and all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973, the Fair Employment and Housing Act (“FEHA”), and the California Confidentiality of Medical Information Act (“CMIA”) in the administration of this policy and associated protocol.

GENERAL POLICY**Scope of Coverage:**

This policy will apply with equal force to all City employees as preventing the transmission of the virus that causes COVID-19 in the workplace is reasonably related to all City jobs.

Effective Date:

This policy shall be effective immediately upon adoption and shall remain in effect until the City Manager advises employees that the policy is no longer operative due to the end of the present public health emergency.

Reduction of In-Person Employee Headcount at Any Given Time:

To reduce the spread of the virus that causes COVID-19, the City Manager is authorized to allow, encourage, or require remote work as appropriate for any given employee or class of employees. Employees may be required, for example, to work remotely one day and report to the workplace the next. The City Manager is further authorized to implement flexible, or staggered work hours, including staggered breaks, as needed.

Minimum Spacing of Six Feet:

Employees and members of the public entering and using City facilities must endeavor to maintain a minimum physical distance of six feet between themselves and any other person. While on duty at any City facility, employees must also minimize exposure to and contact with others.

To the extent that existing arrangements of workstations or furniture, including in break rooms, do not provide for adequate spacing, they must be rearranged to provide for such spacing.

Managers may designate separate routes for entry and exit into office spaces to help maintain social distancing and lessen the instances of people closely passing each other.

If a particular workspace is open to the public, social distancing guidelines apply to visiting members of the public as well.

Entry to any City facility must be limited to a number of people that can easily maintain, at all times, a minimum six-foot physical distance from others, except as necessary to complete the business for which the person is at the facility.

Waiting areas must be rearranged so as to discourage members of the public from waiting or sitting within six feet of one another.

Where employees and members of the public form lines for products or services, such as at a public counter, appropriate markings must be placed at 6-foot intervals to indicate where employees and/or members of the public should stand while waiting in order to provide adequate spacing. Persons who are family members or household contacts, may stand or move together, but must be separated from others by a physical distance of at least six feet.

Employees are prohibited from engaging in handshakes, hugs, or any other unnecessary physical contact with any person at all times while on City premises or otherwise while on duty outside of their home (telework) workspace.

Physically Distanced Meetings Only When Necessary:

Where feasible, in-person meetings must be replaced with other means of communication, including but not limited to telephone calls, e-mails, or videoconferences. Non-essential meetings should be canceled or postponed. Staff meetings normally held in meeting rooms or shop settings should take place outside when physical distancing is not practicable in the usual space.

If an in-person meeting is held, it must take place in a conference room or other space that allows the participants sufficient space to maintain the minimum spacing of six feet. After a conference room is used for a meeting, the conference room must be cleaned and disinfected in accordance with the City's Cleaning and Disinfecting Policy before it can be used again. This includes, but is not limited to, requiring that all employees who attended the in-person meeting clean and disinfect the space they occupied during the meeting (e.g., their chair, area of the conference table at which they sat) using City-provided sanitizing supplies, as described below.

Social Visits to be Avoided:

Employees should refrain from social visits to other employees' workstations.

Employees should refrain from congregating in confined spaces, such as lunch or break rooms, unless employees can maintain six feet of distance.

If socializing cannot be avoided, employees must observe the requirement that they maintain a minimum physical distance of six feet between themselves and any other person at all times.

Employees are prohibited from permitting social visitors (visitors who are not on official business) into any non-public areas of any City facility. When and where such social visits do occur, employees must maintain the minimum spacing of six feet at all times.

Wearing of Facial Coverings:

Members of the public who enter a City facility must wear a face covering during their time in the facility.

Employees working at a City worksite must use cloth face coverings when working in open or shared workspaces.

A “cloth face covering” is a material that covers the nose and mouth. It may be secured to the head with ties or straps or simply wrapped around the lower face. It may be made of a variety of materials, such as cotton, silk, or linen. Acceptable cloth face covering options include, but are not limited to:

- Bandana;
- Neck gaiter;
- Homemade face covering;
- Scarf; and
- Tightly woven fabric, such as cotton t-shirts and some types of towels.

A cloth face covering that no longer covers the nose or mouth; has stretched out or damaged ties or straps; cannot remain securely attached to a person’s face; has holes or tears in the fabric; and/or obstructs an employee’s vision do not comply with this policy. An employee or member of the public must immediately replace their face covering under these circumstances or leave the facility.

Use of a surgical mask or N95 respirator is not required, but employees who choose to do so are in compliance with this policy as long as the surgical mask or N95 respirator is in good condition and can remain securely attached to the employee’s face.

Hand Washing:

Employees are expected to wash their hands (for a minimum of 20 seconds), or use hand sanitizer when a sink is not available, often, and after any of the following activities: using the restroom, sneezing, touching the face, blowing the nose, cleaning, sweeping, mopping, smoking, eating, drinking, entering or leaving the facility, going on break, and before and after their work shift.

Provision and Use of Sanitizing Supplies:

Hand sanitizer (at least 60% ethanol or 70% isopropanol), soap and water, or effective disinfectant must be made available near the entrance of any the City facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers). Effective disinfectants, such as disposable wipes, should be provided so that commonly used surfaces (e.g., doorknobs, keyboards, remote controls, desks, staplers, copiers, other work tools and equipment) can be wiped down by employees before each use. Tissues and no-touch disposal receptacles must be placed at locations where they can be easily accessed by employees and members of the public.

It is each employee's responsibility to use these wipes and other supplies to sanitize every surface they touch after each use, except those in an employee's own private office space, including but not limited to doorknobs, tables, desk and counter tops, chairs, copiers, printers, books/binders, refrigerators, microwaves, coffee makers, file cabinets and shelves, shared computers, phones, tools, and other equipment. It is further each employee's responsibility to similarly sanitize their own office at the end of their work day or before that space is shared or used by any other person (e.g., an employee must wipe down all surfaces in his or her office before allowing another person to enter for a meeting).

Any items handled by public visitors to any City facility, including, but not limited to, visitor badges, clipboards, or pens, must be taken out of circulation after each use and not be used again until wiped down with effective disinfectants in accordance with this policy.

The City Vehicles:

Wherever feasible, City vehicles should be occupied by only one person. If two employees are required for a task in the field, they should ride in separate vehicles. If sharing a vehicle cannot be avoided, employees should wear their face coverings while in the vehicle. City vehicle door handles, seatbelts, seats, and steering wheels must be sanitized before each use of the vehicle.

Remote Public Access to Meetings

Members of the public wishing to attend open session meetings of the City Council may do so remotely. Information regarding how to attend remotely will be posted on the City's website.

PROTOCOLS FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19**PURPOSE**

Federal and State equal employment and opportunity laws, including the American with Disabilities Act (“ADA”) and the Rehabilitation Act, Title VII of the Civil Rights Act, the Fair Employment and Housing Act (“FEHA”), and the Age Discrimination in Employment Act (“ADEA”) impose certain obligations on the City in terms of the provision of reasonable accommodations.

Absent an undue hardship to the City or a direct threat to the health and safety of City employees, the City may provide certain employment-related accommodations to employees who, because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19, in order to reduce the risk of such employees contracting the virus.

I. Statement of Policy

This discretionary policy provides to qualified employees the right to request that the City provide certain additional accommodations that, while not otherwise required by law, may reduce the risk of such employees contracting the virus that causes COVID-19.

II. Compliance

The City intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA, Rehabilitation Act, the FEHA and the ADEA in the administration of this policy and associated protocol.

GENERAL POLICY**Scope of Coverage:**

This policy applies to and covers all City employees who can demonstrate that they are at higher risk of severe illness if they contract the virus that causes COVID-19 because they are age 65 or older or have one or more of the underlying medical conditions enumerated below.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals as those who might be at higher risk of severe illness if the individual contracted the virus that causes COVID-19:

- People 65 years of age and older;
- People who have chronic lung disease;
- People with moderate to severe asthma;
- People who have serious heart conditions;
- People who are immunocompromised by conditions such as cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, and prolonged use of corticosteroids and other immune weakening medications;
- People with severe obesity (body mass index of 40 or higher);
- People with diabetes;
- People with chronic kidney disease undergoing dialysis; and
- People with liver disease

The City expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC or other public health authorities.

Effective Dates:

This Policy shall be effective immediately upon adoption and shall remain in effect until the City advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Notice to Human Resources:

If an employee is age 65 or older, has any of the recognized underlying medical conditions enumerated herein, or another condition that the employee believes places them at higher risk for severe illness if they contract the virus that causes COVID-19, the employee may inquire with the City's Human Resources Division regarding a potential workplace accommodation.

City Policy Against Retaliation:

The City will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising their privileges under this Policy.

Process for Accommodation Request:

While the request for accommodation under this policy is separate and distinct from a request for a reasonable accommodation under the ADA, an employee who desires an accommodation under this policy must make such a request to their supervisor or the Human Resources Division.

Following receipt of the request, the City's Human Resources Division will require a note from the employee's health care provider(s) certifying that the employee has a qualified underlying medical

condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19. Furthermore, the City's Human Resources Division may require additional information, including, but not limited to, documentation from the employee's health care provider to determine whether the employee's underlying condition necessitates an additional accommodation when the employee returns to the workplace.

Determinations regarding accommodations under this policy will be made on a case-by-case basis by the Human Resources/Risk Manager or their designee, upon consultation with the employee's supervisor and department head. Accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations;
- Telework;
- Reassignment;
- Increased social distancing measures; and/or leave

The City's Human Resources Division will work in good faith with the employee to fully consider all potential accommodations.

No Right to Appeal Accommodation Determinations:

Determinations made by the City's Human Resources Division are final and are not subject to appeal by the employee or the employee's employee organization.

**EMPLOYEE LEAVE AND COMPENSATION UNDER THE FAMILIES FIRST CORONAVIRUS
RESPONSE ACT (FFCRA)****PURPOSE**

The purpose of the Families First Coronavirus Response Act (“FFCRA”) is to provide employees with paid sick leave and expanded family and medical leave for reasons related to COVID-19. (Public Law No. 116-127.)

Subsequent to the enactment of the FFCRA, the Department of Labor (“DOL”) promulgated temporary regulations to implement expanded family and medical leave under Title I of the Family and Medical Leave Act (“FMLA”) and emergency paid sick leave to assist working families facing public health emergencies. The DOL also published a correction in the Federal Register to make certain technical corrections to the regulatory text. The DOL has also provided informal guidance concerning the implementation of the emergency paid sick leave and expanded family and medical leave provisions.

This policy is intended to provide the City employees with the emergency paid sick leave and expanded family and medical leave to which they are entitled under FFCRA.

I. Statement of Policy

The City will provide eligible employees with leave pursuant to the Emergency Paid Sick Leave Act (“EPSLA”) (i.e., Emergency Paid Sick Leave) and Emergency Family and Medical Leave Expansion Act (“EMFLEA”) (i.e., Emergency Family and Medical Leave) as required under the Families First Coronavirus Response Act (“FFCRA” or the “Act”). The following provisions set forth certain rights and obligations with respect to said leave.

II. Compliance

The City will fully and faithfully comply with the requirements set forth in the FFCRA and the regulations promulgated by the DOL in its administration of this policy.

GENERAL POLICY***Section 1. Effective Dates***

The Administrative Policy and Protocols for Employee Leave and Compensation Under the FFCRA shall expire on December 31, 2020 or when the EPSLA or EMFLEA provisions of the FFCRA are no longer effective under the law, whichever is later.

Section 2. Definitions

A. "Child Care Provider" means a provider who receives compensation for providing childcare services on a regular basis. The term includes a center-based childcare provider, a group home childcare provider, a family childcare provider, or other provider of childcare services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements. However, under the FFCRA, the eligible childcare provider need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the Employee's child.

B. "Emergency Family and Medical Leave" means leave provided under the EMFLEA (Sec. 3101, et seq. of the FFCRA).

C. "Emergency Paid Sick Leave" means leave provided under the EPSLA (Sec. 5101, et seq. of the FFCRA).

D. "Emergency responder" means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave and Emergency Family and Medical Leave: (1) Anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19; or (2) Anyone who serves in the military or national guard, or as a law enforcement officer, correctional institution personnel, fire fighter, emergency medical services personnel, physician, nurse, public health personnel, emergency medical technician, paramedic, emergency management personnel, 911 operator, child welfare worker and service provider, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

E. "Health care provider" means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave and Emergency Family and Medical Leave: (1) Anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity; or (2) Any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services

support the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.

F. "Individual" for the purpose of Section 3.D. above means an employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. "Individual" does not include persons with whom the Employee has no personal relationship.

G. "Son or Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability. (29 U.S.C. 2611; 29 CFR 826.10(a).)

H. "Subject to a Quarantine or Isolation Order" means a quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work even though his or her Employer has work that the employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though their employers have work for them.

Section 3. Emergency Paid Sick Leave

Qualifying Reasons for Emergency Paid Sick Leave:

Emergency Paid Sick Leave is only permitted for the following reasons:

- A. The employee is Subject to a Quarantine or Isolation Order related to COVID-19.
- B. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- C. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- D. The employee is caring for an individual who is Subject to a Quarantine or isolation Order or who has been advised by a health care provider to self-

quarantine due to concerns related to COVID-19.

- E. The employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions.
- F. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employees Eligible for Emergency Paid Sick Leave:

- A. Subject to Sections B and C, below, all City employees are potentially eligible for Emergency Paid Sick Leave.
- B. Employees are not eligible for Emergency Paid Sick Leave if the City determines that the employee's duties and services are not needed during all or part of the period of requested Emergency Paid Sick Leave (for example, because the City has temporarily stopped providing the services that the employee would otherwise provide). In this circumstance, the City may deem that the employee is not working due to lack of work.
- C. The City may elect to exempt from the receipt of Emergency Paid Sick Leave any employee or class of employees who qualify as an "Emergency responder" as defined in Section 2.D. and E., above.
 - 1. The City has designated all public safety employees, managers and classifications responsible for the health and safety of the community as "emergency responders." Employees should contact the Human Resources Division if they have questions about their eligibility.

Amount of Emergency Paid Sick Leave:

- Leave taken as Emergency Paid Sick Leave is in addition to any other statutory or contractual leave to which the employee is entitled.
- Full time employees working 40 hours per week may take up to 80 hours of Emergency Paid Sick Leave.
- Part time employees may take up to the average number of hours that they work over

a two-week period as determined by reviewing the six-month period prior to the usage of leave. If the employee has been employed by the City for fewer than six months, the City will calculate the leave entitlement based on the entire period the employee has been employed.

- Employees hired on or after April 1, 2020 who took the full 80 hours of Emergency Paid Sick Leave when employed by another employer are not entitled to take any additional Emergency Paid Sick Leave with the City. An employee who has taken some, but not all, of the Emergency Paid Sick Leave to which they are entitled when they were employed by another employer, is entitled only to the remaining portion of such leave from the City.
- An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Paid Sick Leave for the qualifying reasons set forth in Section 3.

Employee Benefits While on Emergency Paid Sick Leave:

The benefit amount varies based on the reason for the leave as follows:

A. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay, subject to a cap of \$511 per day and \$5,110 in the aggregate, if they are unable to work or telework for one of the following reasons:

1. The employee is Subject to a Quarantine or Isolation Order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or,
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

B. Employees are entitled to Emergency Paid Sick Leave at two-thirds (2/3) of their regular rate of pay, subject to a cap of \$200 per day and \$2,000 in the aggregate, if they are unable to work or telework for one of the following reasons:

1. The employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

2. The employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions; or
3. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Supplementation of Paid Accrued Leaves:

Employees may supplement the compensation they receive if taking Emergency Paid Sick Leave (paid up to the specified limitations under the FFCRA) with their earned or accrued leaves in order to achieve 100% of the pay the employee would normally receive in a given week for working their regularly scheduled hours.

Intermittent Leave

Generally, an employee must use the permitted days of Emergency Paid Sick Leave consecutively until the employee no longer has a qualifying reason to take the leave. An employee may request Emergency Paid Sick Leave on an intermittent basis only if the employee obtains the City's prior approval to do so, and:

- (1) The employee is not working and qualifies for use of Emergency Paid Sick Leave; or
- (2) The employee is teleworking; or
- (3) The employee is reporting to the worksite and has requested Emergency Paid Sick Leave to care for their son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions.

The City will evaluate such request to determine if such leave is operationally feasible.

Restoration to Prior Position:

An employee who uses Emergency Paid Sick Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

Emergency Paid Sick Leave is Protected Leave:

Emergency Paid Sick Leave is considered protected leave when used for the reasons specified in Section 3. The City shall not discharge, discipline, or in any other manner discriminate against an employee who takes Emergency Paid Sick Leave.

Emergency Paid Sick Leave Request:

The City requests, but does not require, that the employee provide notice of the need to use Emergency Paid Sick Leave until after the first workday of usage of such leave. However, an employee may provide notice of the need to use Emergency Paid Sick Leave prior to the usage of such leave.

After the first workday for which an employee takes Emergency Paid Sick Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Paid Sick Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, the City will give the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee's request for leave.

Certification of Emergency Paid Sick Leave:

An employee who seeks Emergency Paid Sick Leave must provide the following information, orally or in writing, prior to the commencement of the leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave; and
- (4) Oral or written statement that the Employee is unable to work because of the qualified reason for leave.

In addition, the employee must provide the following documentation in support of his/her request for Emergency Paid Sick Leave:

- (1) To take Emergency Paid Sick Leave because the employee is Subject to a Quarantine or Isolation Order related to COVID-19, the employee must provide the name of government entity that issued the quarantine or isolation order.
- (2) To take Emergency Paid Sick Leave because the employee has been advised by a health care

provider to self-quarantine due to concerns related to COVID-19, the employee must provide the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.

- (3) To take Emergency Paid Sick Leave because the employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, the employee must provide either: (1) The name of the government entity that issued the Quarantine or Isolation Order to which the individual being cared for is subject; or (2) The name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.
- (4) To take Emergency Paid Sick Leave because the employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's child care provider is unavailable, due to COVID-19 precautions, the employee must provide: (1) The name of the son or daughter being cared for; (2) The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and (3) A representation that no other suitable person will be caring for the Son or Daughter during the period for which the employee takes Emergency Paid Sick Leave.

Emergency Paid Sick Leave Carry-Over:

Unused Emergency Paid Sick Leave will carryover for any employee who after termination, resignation, retirement, or other separation from employment is rehired prior to the expiration described in Section 13 below. Under no circumstances will unused Emergency Paid Sick Leave carry over after the expiration described in Section 13 below.

No Emergency Paid Sick Leave Cash-Out or Conversion to Service Credits:

Unused Emergency Paid Sick Leave may not be cashed out upon termination, resignation, retirement, or other separation from employment.

Unused Emergency Paid Sick Leave may not be converted to retirement service credits.

Section 4. Emergency Family and Medical Leave

Reasons for Emergency Family and Medical Leave:

Emergency Family and Medical Leave is only permitted for the leave due to an inability to work (or telework) because the employee needs to provide care for the employee's son or daughter under the Emergency Family and Medical Leave Expansion Act. (FMLA Sec. 110 (a)(2)(A).)

Employees Eligible for Emergency Family and Medical Leave:

- A. Employees are entitled to up to 12 weeks of job-protected Emergency Family and Medical Leave if the employee satisfies the following requirements:
1. The employee has worked for the City for at least 30 calendar days;
 2. The employee is unable to work (or telework) due to a need to care for the employee's son or daughter whose school or place of care has been closed, or whose childcare provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority;
 3. The employee has not used all available FMLA leave. Emergency Family and Medical Leave is a form of FMLA leave, and is not in addition to any other FMLA leave;
 4. There is no other suitable person (such as a co-parent, co-guardian, or usual childcare provider) available to care for the employee's son or daughter during the period for which the employee takes Emergency Family and Medical Leave; and
 5. The City did not exempt the employee as either a "Health care provider" or "Emergency responder."
- B. Employees are not eligible for Emergency Family and Medical Leave if the City determines that the employee's duties and services are not needed during the period of requested Emergency Family and Medical Leave (for example, because the City has ceased offering the services that would otherwise be provided by the employee). In this instance, the City may deem that the employee is not working due to lack of work.
- C. The City may elect to exempt from the receipt of Emergency Family and Medical Leave any employee or class of employees who qualify as a "Health care provider" or "Emergency responder" as defined in Section 2.D. and E., above.
1. The City has designated all public safety employees, managers and classifications responsible for the health and safety of the community as "emergency responders." Employees should contact the Human Resources Division if they have questions about their eligibility.

D. An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Family and Medical Leave provide that the employee had been on the City's payroll for 30 or more of the 60 calendar days prior to the date the employee was laid off or otherwise terminated.

Amount of Emergency Family and Medical Leave:

An eligible employee is entitled to a maximum of twelve workweeks of Emergency Family and Medical Leave during the period in which the leave may be taken (between April 1, 2020 to December 31, 2020) even if the twelve workweeks spans two twelve-month leave periods under the FMLA.

Employee Benefits While on Emergency Family and Medical Leave; Supplementation of Paid Accrued Leaves:

A. First Ten Days of Emergency Family and Medical Leave

The first ten (10) days of Emergency Family and Medical Leave are unpaid.

During this period, the employee may elect to use Emergency Paid Sick Leave, as described above, if the employee has not exhausted such leave through use at the City or prior employer. If the employee has exhausted the Emergency Paid Sick Leave, an employee may use their earned and accrued leaves to supplement the unpaid Emergency Family and Medical Leave in order to achieve up to 100% of the pay they would normally receive in a given week for working their regularly scheduled hours. Use of such accrued and unused leave will run concurrently with use of Emergency Family and Medical Leave.

B. Emergency Family and Medical Leave After the First Ten Days

After the tenth day, and for the remaining up to ten (10) weeks of Emergency Family and Medical Leave, an employee is entitled to compensation for such leave at two-thirds (2/3) of the employee's regular rate of pay, subject to a cap of \$200 per day and \$10,000 total.

During this period, employees may supplement the Emergency Family and Medical Leave (paid up to the specified limitations under the FFCRA) with their earned or accrued leave provided by the City in order to achieve 100% of the pay the employee would normally receive in a given week for working their regularly scheduled hours.

Intermittent Leave:

An employee may request Emergency Family and Medical Leave on an intermittent basis and the City will evaluate such request to determine if such leave is operationally feasible.

Required Use of Applicable Earned or Accrued Leave During Emergency Family Medical Leave:

Employees must use all earned or accrued leave (other than sick leave) increments concurrently with any Emergency Family Medical Leave. The employee must do so if the earned or accrued leave is available to care for the employee's child because the child's school or place of care is closed. The employee must use the earned or accrued leave in full day increments, unless the City permits the earned or accrued leave to be used to supplement the Emergency Family and Medical Leave compensation in order to achieve 100% of the pay the employee would normally receive for working their regularly scheduled hours. An employee who uses earned or accrued leave concurrently with Emergency Family and Medical Leave will receive full pay until the earned or accrued leave is exhausted. Thereafter, and for the remainder of the Emergency Family Medical Leave, the employee will be paid the Emergency Family Medical Leave compensation of two-thirds (2/3) of the employee's regular rate of pay, subject to a cap of \$200 per day and \$10,000 total.

Employee Notice of Emergency Family and Medical Leave:

Where the need to use Emergency Family and Medical Leave is foreseeable, the employee shall provide the City with such notice as soon as practicable.

The City requests, but does not require, that the employee provide notice of the need to use Emergency Family and Medical Leave unit after the first workday of the usage of such leave. After the first workday for which an employee takes Emergency Family and Medical Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Family and Medical Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, the City will give the employee notice of the failure and provide the employee an opportunity to provide the required documentation, described below, prior to denying the request for leave.

Certification of Emergency Family and Medical Leave:

An employee who seeks Emergency Family and Medical Leave must provide the following information prior to taking leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave;
- (4) Oral or written statement that the employee is unable to work because of the qualified reason for leave;
- (5) The name of the son or daughter being cared for;
- (6) The name of the school, place of care, or childcare provider that has closed or become unavailable; and
- (7) A representation that no other suitable person (such as a co-parent, co-guardian, or usual childcare provider) will be caring for the son or daughter during the period for which the Employee takes Emergency Family and Medical Leave.

Reinstatement Upon Return:

An employee who uses Emergency Family and Medical Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

COVID-19 PREVENTION PROGRAM (CPP)

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COVID-19 PREVENTION PROGRAM (CPP)**PURPOSE**

The purpose of the City of Laguna Beach's COVID-19 Prevention Program ("CPP") is to provide employees a healthy and safe workplace as required under the California Occupational Safety and Health Act (Labor Code §§ 6300, et seq.) and associated regulations (8 C.C.R. § 3205).

Nothing in this CPP precludes the City of Laguna Beach from complying with federal, state, or local laws or guidance that recommends or requires measures that are more prescriptive and/or restrictive than are provided herein.

SCOPE

Unless one of the exceptions applies, this CPP applies to all City of Laguna Beach employees, including those who are vaccinated.

The following employees are exempted from coverage under the CPP: (1) City of Laguna Beach employees who are teleworking; or (2) City of Laguna Beach employees who are working in a facility or operation that subject to the Cal/OSHA regulation concerning Aerosol Transmissible Diseases ("ATD") regulation.

Furthermore, certain City of Laguna Beach employees who perform services covered by the ATD regulation may be exempted during the actual performance of such services.

DEFINITIONS:

For the purposes of the CPP, the following definitions shall apply:

"COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

"COVID-19 case" means a person who either: (1) Has a positive "COVID-19 test" as defined in this section; (2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county. A person is no longer a "COVID-19 case" when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

"Close contact COVID-19 exposure" means being within six (6) feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with

the “high-risk exposure period” as defined here. This definition applies regardless of the use of face coverings.

“COVID-19 hazard” means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

“COVID-19 symptoms” means one of the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person’s symptoms were caused by a known condition other than COVID-19.

“COVID-19 test” means a viral test for SARS-CoV-2 that is both: (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

“Exposed workplace” means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas.

The exposed workplace does not include buildings or facilities not entered by a COVID-19 case. Effective January 1, 2021, the “exposed workplace” also includes but is not limited to the “worksites” of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

“Face covering” means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

“High-risk exposure period” means the following time period: (1) For persons who develop COVID-19 symptoms: from two (2) days before they first develop symptoms until ten (10) days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or (2) For persons who test positive who never develop COVID-19 symptoms: from two (2) days before until ten (10) days after the specimen for their first positive test for COVID-19 was collected.

PROGRAM**SYSTEM FOR COMMUNICATING WITH CITY OF LAGUNA BEACH EMPLOYEES****Reporting COVID-19 Symptoms, Possible COVID-19 Close Contact Exposures, and Possible COVID-19 Hazards at City of Laguna Beach Worksites and Facilities**

City of Laguna Beach policy requires that City of Laguna Beach employees immediately report to their manager or supervisor or to the Human Resources Division any of the following: (1) the employee's presentation of COVID-19 symptoms; (2) the employee's possible COVID-19 close contact exposures; (3) possible COVID-19 hazards at City of Laguna Beach worksites or facilities. Employees can also report this information anonymously via phone by calling (949) 497-0312, or via email to HRCOVID19@lagunabeachcity.net.

The City of Laguna Beach will not discriminate or retaliate against any City of Laguna Beach employee who makes such a report.

Accommodations Process for City of Laguna Beach Employees with Medical or Other Conditions that put them at Increased Risk of Severe COVID-19 Illness

City of Laguna Beach policy provides for an accommodation process for employees who have a medical or other condition identified by the Centers for Disease Control and Prevention ("CDC") or the employees' health care provider as placing or potentially placing the employees at increased risk of severe COVID-19 illness.

The CDC identifies the following medical conditions and other conditions as placing or potentially placing individuals at an increased risk of severe COVID-19 illness.

The CDC guidance provides that adults of any age with the following conditions are at increased risk of severe illness from the virus that causes COVID-19:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (body mass index [BMI] of 30 kg/m² or higher but < 40 kg/m²)
- Severe Obesity (BMI ≥ 40 kg/m²)
- Pregnancy
- Sickle cell disease

Smoking

Type 2 diabetes mellitus

The CDC guidance also provides that adults of any age with the following conditions might be at an increased risk for severe illness from the virus that causes COVID-19:

1. Asthma (moderate-to-severe)
2. Cerebrovascular disease (affects blood vessels and blood supply to the brain)
3. Cystic fibrosis
4. Hypertension or high blood pressure
5. Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
6. Neurologic conditions, such as dementia
7. Liver disease
8. Overweight (BMI > 25 kg/m², but < 30 kg/m²)
9. Pulmonary fibrosis (having damaged or scarred lung tissues)
10. Thalassemia (a type of blood disorder)
11. Type 1 diabetes mellitus

City of Laguna Beach employees are encouraged to review the list of medical conditions and other conditions provided above in order to determine whether they have a conditions that the CDC has identified as placing or potentially placing individuals at an increased risk of severe COVID-19:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

To request an accommodation under the City of Laguna Beach policy, employees may make a request with their manager or supervisor or to the Human Resources Division.

COVID-19 TESTING

The City of Laguna Beach possesses authority to require that employees who report to work at City of Laguna Beach worksites or facilities be tested for COVID-19.

Where the City of Laguna Beach requires that City of Laguna Beach employees be tested, the City of Laguna Beach will inform employees for the reason that testing is required.

The City of Laguna Beach will also inform City of Laguna Beach employees of the possible consequences of a positive COVID-19 test, which may include, but is not limited to, a requirement that employees not report to City of Laguna Beach during the high-risk exposure period and satisfying the minimum criteria to return to work.

Where the City of Laguna Beach requires testing, the City of Laguna Beach has adopted policies and procedures that ensure the confidentiality of employees and comply with the Confidentiality of Medical Information Act ("CMIA"). Specifically, the City of Laguna Beach will keep confidential all personal identifying information of COVID-19 cases or persons with COVID-19 symptoms unless expressly authorized by the employee to disclose such information or as other permitted or required under the law.

COVID-19 Hazards

The City of Laguna Beach will notify employees and subcontracted employees of potential COVID-19 exposure at a City of Laguna Beach worksite or facility where a COVID-19 case and City of Laguna Beach employees and subcontracted employees were identified as being present on the same day. The City of Laguna Beach will notify City of Laguna Beach employees and subcontracted employees of such potential exposures within one (1) business day, in a way that does not reveal any personal identifying information of the COVID-19 case.

The City of Laguna Beach will also notify City of Laguna Beach employees of cleaning and disinfecting measures the City of Laguna Beach is undertaking in order to ensure the health and safety of the City of Laguna Beach worksite or facility where the potential exposure occurred.

IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS AT CITY OF LAGUNA BEACH WORKSITES AND FACILITIES

Screening City of Laguna Beach Employees for COVID-19 Symptoms

The **City of Laguna Beach** possesses authority to **screen employees** for COVID-19 symptoms.

City of Laguna Beach policy provides that the City of Laguna Beach will **screen employees for COVID-19 symptoms upon entering City of Laguna Beach worksites and facilities.**

Responding to City of Laguna Beach Employees with COVID-19 Symptoms

Should a City of Laguna Beach employee present COVID-19 symptoms during a **City of Laguna Beach administered screening or a self-screen**, the City of Laguna Beach will instruct the employee to remain at or return to their home or place of residence and not report to work until such time as the employee satisfies the minimum criteria to return to work.

The City of Laguna Beach will advise employees of any leaves to which they may be entitled during this self-quarantine period.

Further, the City of Laguna Beach has procedures that ensure the confidentiality of employees and comply with the CMIA and will not disclose to other employees the fact that the employees presented COVID-19 symptoms.

City of Laguna Beach's Response to COVID-19 Cases

In the event that City of Laguna Beach employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the City of Laguna Beach will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as they satisfy the minimum criteria to return to work.

The City of Laguna Beach will advise employees of any leaves to which they may be entitled during this self-isolation period.

The City of Laguna Beach will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) the local health department; (2) Cal/OSHA; (3) employees who were identified as present at a City of Laguna Beach worksite or facility when the COVID-19 case was present; (4) the employee organizations that represent employees at the City of Laguna Beach worksite or facility; (5) the employers of subcontracted employees who were present at the City of Laguna Beach worksite or facility; and (6) the City of Laguna Beach's workers' compensation plan administrator.

If possible, the City of Laguna Beach will interview the COVID-19 cases in order to ascertain the nature and circumstances of any contact that the employees may have had with other employees during the high-risk exposure period. If the City of Laguna Beach determines that there were any close contact COVID-19 exposures, the City of Laguna Beach will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

The City of Laguna Beach has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA. Specifically, the City of Laguna Beach will not disclose to other employees, except for those who need to know, the fact that the employees tested positive for or were diagnosed with COVID-19. Further, the City of Laguna Beach will keep confidential all personal identifying information of COVID-19 cases or persons unless expressly authorized by the employees to disclose such information or as other permitted or required under the law.

Workplace-Specific Identification of COVID-19 Hazards

The City of Laguna Beach conducted a workplace-specific assessment of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

As part of this process, the City of Laguna Beach identified places and times when employees and individuals congregate or come in contact with one another, regardless of whether employees are

performing an assigned work task or not, including, for example, during meetings or trainings, in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

As part of this process, the City of Laguna Beach identified potential workplace exposure to all persons at City of Laguna Beach worksites and facilities, including employees, employees of other entities, members of the public, customers or clients, and independent contractors. The City of Laguna Beach considered how employees and other persons enter, leave, and travel through City of Laguna Beach worksites and facilities.

As part of this process, the City of Laguna Beach treated all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

Maximization of Outdoor Air and Air Filtration

For indoor City of Laguna Beach worksites and facilities, the City of Laguna Beach evaluated how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the worksites and facilities' existing ventilation systems.

City of Laguna Beach Compliance with Applicable State and Local Health Orders

The City of Laguna Beach monitors applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the City of Laguna Beach's location and operations.

Evaluation of Existing COVID-19 Prevention Controls and Adoption of Additional Controls

Periodically, the City of Laguna Beach will evaluate existing COVID-19 prevention controls at the workplace and assess whether there is a need for different and/or additional controls.

This includes evaluation of controls related to the correction of COVID-19 hazards, physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

Periodic Inspections

The City of Laguna Beach will conduct periodic inspections of City of Laguna Beach worksites and facilities as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with the City of Laguna Beach's COVID-19 policies and procedures.

INVESTIGATING AND RESPONDING TO COVID-19 CASES IN CITY OF LAGUNA BEACH WORKSITES AND FACILITIES

Procedure to Investigate COVID-19 Cases

The City of Laguna Beach has a procedure for investigating COVID-19 cases in the workplace. As provided below, the procedure provides for the following: (1) the verification of COVID-19 case status; (2) receiving information regarding COVID-19 test results; (3) receiving information regarding the presentation of COVID-19 symptoms; and (4) identifying and recording all COVID-19 cases.

Response to COVID-19 Cases

As provided above at Section IV.B.3., in the event that City of Laguna Beach employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the City of Laguna Beach will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

Contact Tracing

If possible, the City of Laguna Beach will interview the COVID-19 cases in order to ascertain the following information: (1) the date on which the employees tested positive, if asymptomatic, or the date on which the employees first presented COVID-19 symptoms, if symptomatic; (2) the COVID-19 cases recent work history, including the day and time they were last present at a City of Laguna Beach worksite or facility; and (3) the nature and circumstances of the COVID-19 cases' contact with other employees during the high-risk exposure period, including whether there were any close contact COVID-19 exposure.

If the City of Laguna Beach determines that there were any close contact COVID-19 exposures, the City of Laguna Beach will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

Reporting the Potential Exposure to Other Employees

The City of Laguna Beach will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) employees who were present at a City of Laguna Beach worksite or facility when the COVID-19 case was present; and (2) subcontracted employees who were present at the City of Laguna Beach worksite or facility.

Free COVID-19 Testing for Close Contact Exposures

The City of Laguna Beach will provide COVID-19 testing at no cost to employees during their working hours to all employees who had potential close contact COVID-19 exposure at a City of Laguna Beach worksite or facility.

Leave and Compensation Benefits for Close Contact Exposures

The City of Laguna Beach will provide these employees with information regarding COVID-19-related benefits to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act (FFCRA), Labor Code sections 248.1 and 248.5, Labor Code sections

3212.86 through 3212.88, local governmental requirements, the City of Laguna Beach's own leave policies, and leave guaranteed by contract.

The City of Laguna Beach will continue to provide and will maintain these employees' earnings, seniority, and all other employee rights and benefits, including the employees' right to their former job status, as if the employees had not been removed from their jobs.

The City of Laguna Beach may require that these employees use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

Investigation to Determine Whether Workplace Conditions Contributed to COVID-19 Exposure

The City of Laguna Beach will conduct an investigation in order to determine whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

Confidential Medical Information

The City of Laguna Beach will protect the confidentiality of the COVID-19 cases and will not disclose to other employees the fact that the employees tested positive for or were diagnosed with COVID-19, unless authorized by the employees to disclose such information or as other permitted or required under the law.

CORRECTION OF COVID-19 HAZARDS AT CITY OF LAGUNA BEACH WORKSITES AND FACILITIES

The City of Laguna Beach will implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted related to the identification and evaluation of COVID-19 hazards and investigating and responding to COVID-19 cases in the workplace. This also includes implementing controls related to physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

TRAINING AND INSTRUCTION OF CITY OF LAGUNA BEACH EMPLOYEES

COVID-19 Symptoms

The City of Laguna Beach provided employees training and instruction on the COVID-19 symptoms, including advising employees of COVID-19 symptoms, which include the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4)

fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

The City of Laguna Beach monitors and adheres to guidance by the CDC concerning COVID-19 symptoms, including guidance provided at the following web address:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

The City of Laguna Beach will advise employees in the event that the CDC makes any changes to its guidance concerning such symptoms.

The City of Laguna Beach provided employees instruction on the importance of not coming to work and obtaining a COVID-19 test if the employees have COVID-19 symptoms.

City of Laguna Beach's COVID-19 Policies and Procedures

The City of Laguna Beach provides regular updates to employees on the City of Laguna Beach's policies and procedures to prevent COVID-19 hazards at City of Laguna Beach worksites and facilities and to protect City of Laguna Beach employees.

COVID-19 Related Benefits

The City of Laguna Beach advised City of Laguna Beach employees of the leaves to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, [any applicable local governmental requirements], the City of Laguna Beach's own leave policies, and leave guaranteed by contract.

Further, when employees require leave or are directed not to report to work by the City of Laguna Beach, the City of Laguna Beach will advise the employees of the leaves to which the employees may be entitled for that specific reason.

Spread and Transmission of the Virus that Causes COVID-19

The City of Laguna Beach advised City of Laguna Beach employees that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

The City of Laguna Beach further advised City of Laguna Beach employees of the fact that particles containing the virus can travel more than six (6) feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, including hand washing, in order to be effective.

Methods and Importance of Physical Distancing, Face Coverings, and Hand Hygiene

The City of Laguna Beach advised City of Laguna Beach employees of the methods and importance of physical distancing, face coverings, and hand hygiene, including hand washing.

Specifically, the City of Laguna Beach trained and instructed City of Laguna Beach employees on the importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

Further, the City of Laguna Beach trained and instructed City of Laguna Beach on the proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

PHYSICAL DISTANCING

The City of Laguna Beach requires that all City of Laguna Beach employees be separated from other persons by at least six (6) feet, except where the City of Laguna Beach can demonstrate that six (6) feet of separation is not possible and where there is momentary exposure while persons are in movement.

The City of Laguna Beach has adopted several methods by which it increases physical distancing including, but not limited to, the following: (1) providing City of Laguna Beach employees the opportunity to telework or engage in other remote work arrangements where feasible; (2) reducing the number of persons in an area at one time, including visitors; (3) posting visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; (4) adopting staggered arrival, departure, work, and break times; and (5) adjusting work processes or procedures, such as reducing production speed, to allow greater distance between employees.

When it is not possible for City of Laguna Beach employees to maintain a distance of at least six (6) feet, the City of Laguna Beach requires individuals to be as far apart as possible.

FACE COVERINGS**Face Covering Requirement**

The City of Laguna Beach provides face coverings to City of Laguna Beach employees and requires that such face coverings are worn by employees and individuals at City of Laguna Beach worksites and facilities.

City of Laguna Beach policy adheres to orders and guidance provided by the CDPH and the local health department, including as provided at the following web address:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

The City of Laguna Beach's policy on the use of face coverings ensures that they are worn over the nose and mouth when indoors, when outdoors and less than six (6) feet away from another person, and where required by orders from the CDPH or local health department.

The City of Laguna Beach's policy requires that face coverings are clean and undamaged. The City of Laguna Beach's policy allows for face shields to be used to supplement, and not supplant face coverings.

The City of Laguna Beach's policy provides for the following exceptions to the face coverings requirement:

When an employee is alone in a room.

While eating and drinking at the workplace, provided employees are at least six (6) feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible. Employees wearing respiratory protection in accordance with section 5144 or other title safety orders (8 C.C.R. 5144 is available at the following web address: <https://www.dir.ca.gov/title8/5144.html>).

Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.

Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six (6) feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

**Required Use of Effective Non-Restrictive Alternative for Employees
Exempted from Face Covering Requirement**

The City of Laguna Beach's policy requires that City of Laguna Beach employees who are exempted from wearing face coverings due to a medical condition, mental health condition, or disability wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

**Physical Distancing Required If Employee Is Not Wearing Face Covering or
Non-Restrictive Alternative**

The City of Laguna Beach's policy requires that any employees not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six (6) feet apart from all other persons unless the unmasked employees are tested at least twice (2x) weekly for COVID-19. However, the City of Laguna Beach does not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.

Prohibition on Preventing Employees from Wearing Face Covering

The City of Laguna Beach does not prevent any City of Laguna Beach employee from wearing a face covering when wearing a face covering is not required by this section, unless not wearing a face covering would create a safety hazard, such as interfering with the safe operation of equipment.

Communication to Non-Employees Regarding Face Covering Requirement

The City of Laguna Beach posts signage to inform non-employees that the City of Laguna Beach requires the use of face coverings at City of Laguna Beach worksites and facilities.

Policies to Reduce COVID-19 Hazards Originating from Persons Not Wearing Face Coverings

The City of Laguna Beach has developed COVID-19 policies and procedures to minimize employees' exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

These policies include requiring that employees and non-employees wear face coverings at City of Laguna Beach worksites and facilities and when in City vehicles, and that City of Laguna Beach employees wear face coverings at other times, maintain physical distance from person not wearing a face covering, and observe proper hand hygiene.

OTHER ENGINEERING CONTROLS, ADMINISTRATIVE CONTROLS AND PERSONAL PROTECTIVE EQUIPMENT (PPE)

Installation of Solid Partitions Between Workstations Where Physical Distancing is Not Possible

At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall provide cleanable solid partitions that effectively reduce aerosol transmission between the employees and other persons.

Maximization of Outdoor Air

As provided above at Section IV.B.5., for indoor City of Laguna Beach worksites and facilities, the City of Laguna Beach evaluated how to maximize the quantity of outdoor air.

Further, for City of Laguna Beach worksites and facilities with mechanical or natural ventilation, or both, the City of Laguna Beach has maximized the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency ("EPA") Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to City of Laguna Beach employees, for instance from excessive heat or cold.

Cleaning and Disinfecting Procedures

The City of Laguna Beach's cleaning and disinfecting policy requires the following:

Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels. The City of Laguna Beach will inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.

Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing will be minimized, and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles will be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.

Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

Further, the City of Laguna Beach requires that cleaning and disinfecting must be done in a manner that does not create a hazard to City of Laguna Beach employees or subcontracted employees.

Evaluation of Handwashing Facilities

In order to protect City of Laguna Beach employees, the City of Laguna Beach evaluated its handwashing facilities in order to determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer.

The City of Laguna Beach encourages City of Laguna Beach employees to wash their hands for at least 20 seconds each time.

The City of Laguna Beach does not provide hand sanitizers with methyl alcohol.

Personal Protective Equipment (PPE)

City of Laguna Beach policy provides for PPE.

The City of Laguna Beach evaluates the need for PPE, such as gloves, goggles, and face shields, to prevent exposure to COVID-19 hazards and provide such PPE as needed.

In accordance with applicable law, the City of Laguna Beach evaluates the need for respiratory protection when the physical distancing requirements, as provided herein, are not feasible or are not maintained.

In accordance with applicable law, the City of Laguna Beach will provide and ensure use of respirators in accordance when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action.

In accordance with applicable law, the City of Laguna Beach will provide and ensure use of eye protection and respiratory protection when City of Laguna Beach employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

REPORTING, RECORDKEEPING AND ACCESS

Reporting COVID-19 Cases to the Local Health Department

In accordance with applicable law, the City of Laguna Beach will report information about COVID-19 cases at the workplace to the local health department.

Further, the City of Laguna Beach will provide any related information requested by the local health department.

Reporting Serious COVID-19 Illnesses and Deaths to Cal/OSHA

In accordance with applicable law, the City of Laguna Beach will immediately record and report to Cal/OSHA any serious COVID-19-related illnesses or deaths of City of Laguna Beach employees occurring at a City of Laguna Beach worksite or facility or in connection with any employment.

Maintenance of Records Related to the Adoption of the CPP

In accordance with applicable law, the City of Laguna Beach will maintain records of the steps taken to implement this CPP.

Availability of the CPP for Inspection

The City of Laguna Beach will make this written CPP available to employees and employee organizations at City of Laguna Beach worksites or facilities.

Further, the City of Laguna Beach will make this written CPP available to Cal/OSHA representatives immediately upon request.

Records Related to COVID-19 Cases

The City of Laguna Beach will keep a record of and track all COVID-19 cases with the following information: (1) employee's name; (2) contact information; (3) occupation; (4) location where the employee worked; (5) the date of the last day at the workplace; and (6) the date of a positive COVID-19 test.

In accordance with the Confidentiality of Medical Information Act (CMIA) and applicable law, the City of Laguna Beach will keep the employees' medical information confidential.

In accordance with the CMIA and applicable law, the City of Laguna Beach will make this information available to employees and employee organizations with personal identifying information removed. The City of Laguna Beach will also make this information available as otherwise required by law.

EXCLUSION OF COVID-19 CASES

Exclusion of COVID-19 Cases from City of Laguna Beach Worksites and Facilities

The City of Laguna Beach will ensure that COVID-19 cases are excluded from the workplace until the individual satisfies the minimum return to work criteria provided for in Section IV.K.

Exclusion of Employees with Close Contact COVID-19 Exposures from City of Laguna Beach Worksites and Facilities

The City of Laguna Beach will exclude employees with close contact COVID-19 exposure from the workplace for a minimum of 10 days after the last known close contact COVID-19 exposure, so long as the employee does not present any symptoms associated with COVID-19 during the quarantine period.

During a critical staffing shortage, certain employees, including emergency response workers may discontinue quarantine and report back to the workplace after the seventh day following “close contact” exposure if: (1) the employee did not present any symptoms associated with COVID-19 during the quarantine period; (2) the employee received a PCR COVID-19 test no earlier than the fifth day following the “close contact” exposure; and (3) that test produced a negative result.

All asymptomatic employees who discontinue the quarantine prior to 14 days must observe the following:

- Adhere strictly to all recommended non-pharmaceutical interventions, including wearing face coverings and observing physical distancing and;
- Self-monitor for symptoms associated with COVID-19, and if such symptoms occur, immediately self-isolate, contact the local health department or their health care provider, and seek testing.

Additionally, the essential employees described above, who return to the workplace after the seventh day following the “close contact” exposure must wear a surgical face mask while at work and should continue to use a face covering when outside the home through the 14th day after the “close contact” exposure.

Provision of Benefits to City of Laguna Beach Employees Excluded from Work as a Result of a Positive COVID-19 Test or Diagnosis or a Close Contact COVID-19 Exposure

Employees Who Are Able to Telework During Isolation or Quarantine Period

The City of Laguna Beach will allow employees who are able to telework, and are able and available to work, to telework during the isolation or quarantine period. The City of Laguna Beach will provide these employees their normal compensation for the work that they perform for the City of Laguna Beach during the isolation or quarantine period.

Employees Who Are Unable to Telework During Isolation or Quarantine Period

The provision of benefits described below does not apply to either: (1) City of Laguna Beach employees who the City of Laguna Beach can demonstrate that the close contact COVID-19 exposure was not work-related; and (2) City of Laguna Beach employees who are unable to work for reasons other than protecting employees and non-employees at City of Laguna Beach worksites and facilities from possible COVID-19 transmission. Such employees may still use paid sick leave for the purpose of receiving compensation during the isolation or quarantine period if they elect to do so.

For other employees, the City of Laguna Beach will require that employees who are unable to telework, but are otherwise able and available to work, to use paid sick leave in order to receive compensation during the isolation or quarantine period. City of Laguna Beach employees retain their entitlement to elect not to use other earned or accrued paid leave during this time. The City of Laguna Beach may provide such employees who are unable to telework, but who do not have any paid sick leave available, paid administrative leave in order to receive compensation during the isolation or quarantine period.

For all employees who are subject to an isolation or quarantine because of a COVID-19 case or a close contact COVID-19 exposure, the City of Laguna Beach will maintain the employees' seniority and all other employee rights and benefits, including the employees' right to their former job status, during the isolation or quarantine period.

The City of Laguna Beach may consider benefit payments from public sources, including under the FFCRA and Labor Code section 248.1 (until December 31, 2020 or longer if FFCRA leave and/or Labor Code section 248.1 leave is extended), in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

Adherence with Laws, Policies, and/or Agreements Providing Excluded Employees Greater Protections

The obligations set forth in this section do not limit any other applicable law, City of Laguna Beach policy, or collective bargaining agreement that provides City of Laguna Beach employees with greater protections or benefits.

Provision of Information Concerning Benefits to Excluded Employees

At the time of exclusion, the City of Laguna Beach will provide the excluded employees the information on benefits to which the employees may be entitled under applicable federal, state, or local laws.

This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, [any applicable local governmental requirements], the City of Laguna Beach's own leave policies, and leave guaranteed by contract.

RETURN TO WORK CRITERIA**Minimum Criteria to Return to Work for Symptomatic COVID-19 Cases**

City of Laguna Beach policy requires that COVID-19 cases with COVID-19 symptoms remain at their home or place of residence and not report to any City of Laguna Beach worksite or facility until they satisfy each of the following conditions:

1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and
3. At least 10 days have passed since COVID-19 symptoms first appeared.

Minimum Criteria to Return to Work for Asymptomatic COVID-19 Cases

City of Laguna Beach policy requires that COVID-19 cases who tested positive but never developed COVID-19 symptoms not report to any City of Laguna Beach worksite or facility until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

COVID-19 Testing Not Required in Order to Return to Work

In accordance with CDC guidance concerning symptom-based strategies for the discontinuation of isolation, the City of Laguna Beach does not require employees submit to a COVID-19 test, or produce a negative COVID-19 test result, in order to return to work.

Minimum Criteria to Return to Work for Employees Directed to Self-Quarantine or Isolate by a State or Local Health Official

If employees are subject to an isolation or quarantine order issued by a state or local health official, City of Laguna Beach policy requires that the employees not report to any City of Laguna Beach worksite or facility until the period of isolation or quarantine is completed or the order is lifted.

If the order did not specify a definite isolation or quarantine period, then the period shall be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.

Allowance by Cal/OSHA for an Employee to Return to Work

If there are no violations of state or local health officer orders related to the employee's isolation or quarantine, the City of Laguna Beach may request that Cal/OSHA waive the quarantine or isolation requirement for essential employees and allow such employees to return to work on the basis that the removal of employees would create undue risk to a community's health and safety.

Where the absence of an essential employee from the City of Laguna Beach's worksite would cause a staffing shortage that would have an adverse on a community's health and safety and pose an undue risk to the community's health and safety as a result, Cal/OSHA may grant such waiver.

In order to request a waiver under such circumstances, the City of Laguna Beach will submit the written request to rs@dir.ca.gov. In the event of an emergency, the City of Laguna Beach may request a provisional waiver by contacting the local Cal/OSHA office while the City of Laguna Beach prepares the written waiver request.

The written waiver request must provide for the following information:

1. Employer name and business or service;
2. Employer point-of-contact name, address, email and phone number;
3. Statement that there are no local or state health officer orders for isolation or quarantine of the excluded employees;
4. Statement describing the way(s) in which excluding the exposed or COVID-19 positive employees from the workplace impacts the employer's operation in a way that creates an undue risk to the community's health and safety;
5. Number of employees required to be quarantined under the Cal/OSHA regulation, and whether each was exposed to COVID-19 or tested positive for COVID-19; and
6. The employer's control measures to prevent transmission of COVID-19 in the workplace if the employee(s) return or continue to work in the workplace, including the prevention of further exposures. These measures may include, but are not limited to, preventative steps such as isolating the returned employee(s) at the workplace and requiring that other employees use respiratory protection in the workplace.

In addition to submitting a request for a Cal/OSHA waiver, the City of Laguna Beach will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employees at the City's worksites or facilities and, if isolation is not possible, the use of respiratory protection in the workplace.

COVID-19 PREVENTION PROGRAM (CPP) POLICY ACKNOWLEDGEMENT

I have received, read, and understand the City's COVID-19 Prevention Program Policy. I understand this policy requires that City of Laguna Beach employees immediately report to their manager or supervisor or to the Human Resources Division any of the following: (1) the employee's presentation of COVID-19 symptoms; (2) the employee's possible COVID-19 close contact exposures; and (3) possible COVID-19 hazards at City of Laguna Beach worksites or facilities. I understand that I can also report this information anonymously, and request PPE and COVID-19 testing by contacting the Human Resources Division at (949) 497-0312, or via email to HRCOVID19@lagunabeachcity.net.

Date: _____

Name (print): _____

Signature: _____

DRESS CODE POLICY
“DRESS FOR YOUR DAY”

PURPOSE

This Dress for Your Day dress code policy provides guidelines for appropriate business attire at the City of Laguna Beach (herein referred to as the City). This policy provides employees with the flexibility to choose appropriate and professional work attire based upon their workday and anticipated meetings with customers, clients, vendors, City officers, colleagues, etc. Employees must use good judgment when deciding what to wear to work using basic guidelines. We all share the responsibility to portray a positive image for the City. Department heads and managers are responsible for fairly and consistently administering this policy and guidelines.

I. Policy

- A. Employees are expected to dress with the goal of appropriately representing the professional image and environment of the City.
- B. Business casual attire is allowed when an employee has a workday that does not include meetings with external customers, clients, vendors, or the like. The expectation is that employees will wear professional clothing appropriate for the nature of our business and the type of work performed.
- C. Business attire is required when an employee is meeting with customers, City Council Members, vendors, part of an interview panel, attending meetings of the City Council and other City bodies, or representing the City at outside community functions.
- D. Employees must maintain a clean, neat, and well-groomed appearance appropriate for the workplace and the work being performed. Employees are expected to maintain personal hygiene standards.
- E. These guidelines are intended for non-uniformed office workers at City Hall and other City office settings. These dress standards do not apply to those employees working in the field or those required to wear a uniform.

II. Definitions

- A. Business Attire – pant suits, skirt suits, dresses, long-sleeved dress

shirts, or any other type of pant, skirt, blazer, or sport coat in a business suitable fabric. In addition, any type of business shoe is appropriate in the work area (e.g., heels, flats, etc.).

- B. Business Casual Attire – long and short-sleeved woven shirts with collars, including polo shirts or golf shirts, blouses, sweaters, turtlenecks, slacks, khaki pants, skirts, or dresses. Hawaiian or tropical print shirts, sweaters, blouses, etc., may be worn. Additionally, loafers, work appropriate sandals, athletic shoes, or boots may be worn in the work area.
- C. Casual Friday Attire – In addition to Business Casual attire above, jeans shall be considered appropriate casual attire on Fridays, given they are clean, have no holes, no bleaching, no designs, and no frayed ends at the legs.
- D. Unacceptable Casual Attire – Shorts, bib overalls, halter tops, beachwear, workout attire/gym wear, tank tops, tee-shirts, hats, spandex, or other form-fitting pants, or distracting, offensive, or revealing clothes. Generally, beach-type or flip flop sandals, athletic/gym shoes, hiking boots, and Ugg-type boots are not acceptable. However, there may be some assignments and/or situations where they are acceptable.

III. Procedure

- A. Any employee whose appearance does not meet the standards set forth in this policy will be counseled by their supervisor or manager. If the appearance is unduly distracting, is not properly groomed, has poor hygiene, the clothing is unsafe, or does not reflect the professionalism of the City, the employee may be sent home to correct the problem on their own time.
- B. Department Heads and managers are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance is inappropriate.

IV. Exceptions

- A. Any employee who performs work assignments in the field must wear closed-toed shoes. These areas may include: operations, maintenance and general warehouse areas.
- B. Jeans can be worn at appropriate community events as approved by

the employee's Department Head or manager.

- C. Any other exceptions must be authorized by the City Manager or their designee.
- D. The City reserves the right to change this policy at any time without prior notice. The City has the authority to make exceptions to this policy as required by business needs or legal requirements.

V. Provisions and Conditions

Reasonable accommodation will be made on a case-by-case basis for employees' religious beliefs, gender, medical conditions and disabilities, and other qualifying circumstances whenever possible, consistent with the business necessity to present a professional appearance to the public. Requests for a reasonable accommodation shall be submitted for review by the employee's Department Head and the Human Resources Division.

VI. Related Documents

Not applicable.

If any employee has questions regarding appropriate attire and appearance or any of the foregoing guidelines, please contact your Department Head or manager and/or the City's Human Resources Manager.

PREPARATION OF AGENDA BILLS

PURPOSE: The purpose of this administrative policy is to prescribe the schedule and format for processing Council agenda bills.

PROVISIONS:1. **SCHEDULE FOR AGENDA ITEMS**

Departments will observe this schedule when preparing agenda bills for City Council meetings. The days listed all refer to **the week before** each regularly scheduled Council meeting.

12:00 Noon, Monday All agenda bills are due in the City Manager's office. The City Attorney should have already reviewed any agenda bills which require such review.

12:00 Noon, Tuesday The City Manager shall have returned to their originating departments all bills needing revision.

8:00 a.m., Wednesday Those agenda bills which required revision will be resubmitted to the City Manager.

9:00 a.m., Wednesday All agenda bills will be delivered to the City Clerk's office by the City Manager.

11:00 a.m., Thursday The agenda will be completed by the City Clerk, and the staff agenda meeting will be held.

4:00 p.m., Thursday Agenda packets will be ready for distribution.

2. **AGENDA ITEM FORMAT**A. **Basic Format**

Attachment A shows the format for all agenda bills. The Times New Roman font in 12 point will be used for agenda bills. Either a Councilmember, a Department Head or the City Manager will initiate an agenda bill.

B. **Recommended Action**

The recommended action should be a complete statement of what the City Council is being requested to do. The recommendation block on the agenda sheet should be stated as follows:

1. If the item is initiated directly by a Councilmember, then “It is recommended by Councilmember (Name) that the City Council:”
2. If the item is initiated by a Department Head or the City Manager, then “It is recommended that the City Council:”
3. If the item is initiated by a department as a result of action by the Planning Commission, Design Review Board or another commission, committee or task force, then “It is recommended by the [insert name of group] that the City Council:”

In the case of #3, the City staff will also have a recommendation contained within the text of the agenda bill. That recommendation will be clearly noted as a staff recommendation and, if the staff proposal differs from the position of the commission/committee, there will be an explanation of the staff recommendation.

C. ATTACHMENTS

Attachments should be single-sided, unstapled and 8.5” x 11”. If a larger attachment must be submitted, 19 copies are required. The additional copies should not be attached to the agenda bill.

D. ORIGINAL DOCUMENTS

Original documents which require signatures (e.g., ordinances, resolutions or contract) must be transmitted separately (not attached to the agenda bill) to the City Clerk with a copy attached to the agenda bill.

E. SECOND PAGE HEADING

For agenda bills which are more than one page, the heading on the subsequent pages will be as follows:

Subject of Agenda Bill
Meeting Date
Page Number

A sample of the second page heading is included in Attachment A.

F. ORDINANCE ADOPTION

The Times New Roman font in 12 point will be used for all ordinances.

Ordinances are of the City and the title should reflect that: AN ORDINANCE OF THE CITY OF LAGUNA BEACH . . .

Recommended Action

(Use these words for first reading)

Introduce the Ordinance which [Describe the action ex: prohibits climbing or trespassing in hazardous or endangered areas] by 1) asking the City Clerk to read the title of the Ordinance and 2) approving a motion to waive further reading of the Ordinance and to pass it to second reading.

(Use these words for second reading as consent calendar item)

Adopt the Ordinance [insert title] by approving a motion to waive further reading and adopt the ordinance.

G. RESOLUTION ADOPTION

Attachment B is the Resolution format used by the City of Laguna Beach. The Times New Roman font in 12 point will be used for Resolutions. Please note the Resolution number is located on line one and the title beings on line two.

Resolutions are of the City Council and the title should reflect that: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH

The format contained between line five and line twelve may need to be modified to accommodate a particular subject.

Always include the certification portion of the Resolution.

City of Laguna Beach
AGENDA BILL

03-01 Attachment A

No. _____

Meeting Date: _____

SUBJECT:

SUMMARY OF THE MATTER:

BACKGROUND:

(Continued)

RECOMMENDATION: It is recommended that the City Council:

Appropriations Requested: \$ _____

Submitted by: _____

Fund: _____

Title For Above
Coordinated with: _____

Attachments: _____

Approved: _____

City Manager

Title
Date
Page 2

Agenda Bill Checklist

City Council Meeting Date:	
Title of Item:	
Author of Bill:	
Submission Deadline:	
Y / N	Mark Yes (Y) or No (N) for each item below:
	Was the agenda bill turned in on time for City Manager review?
	Is legal notice required? If yes, attach notice to agenda bill and reference it in the agenda bill.
	Were any and all stakeholders related to this agenda bill noticed? If yes, reference those noticed in agenda bill.
	Was the City Attorney consulted (required for appeals)?
	Is an ordinance or resolution needed, attached and reviewed by the City Attorney?
	If a Specific Plan (ABH, Downtown, Diamond Crestview, Sarah Thurston Park, etc.) is involved, make sure it is addressed in the agenda bill.
	Are the pages consecutively numbered for agenda bills five or more pages for ease of reference by the City Council?
	Does the item involve the budget? If yes, have Finance Director sign off as "coordinated with".
	Does the item involve any other department? If yes, have Department Head sign off as "coordinated with".
	Did another coworker proofread document for grammar, font, and format? Who? _____
	Does the City Council agenda title reflect the general subject and recommendation of the agenda bill?
	Are there any known geographical conflicts of interest for the City Manager or the City Council?
	Is the item an appeal? If yes, include the page regarding the order of testimony.
	Does the item involve CEQA? If so, make sure it is addressed in the agenda bill.

Signature of submitting Department Head:

X _____

COUNCIL CONTACTS WITH CITY STAFF**PURPOSE**

To ensure that inquiries from Council members are answered in an accurate, timely and responsible manner.

GENERAL INFORMATION

In general, requests for information from Councilmembers should be directed to the City Manager's office. However, on occasion, a Councilmember may directly contact any management employee of the City for information requests of a simple nature that do not require significant staff time or research. It is essential that these requests be given the highest priority. Usually, the Department Head or his or her staff should respond to the question immediately. If some collection of data or checking of records is needed, then the response should be provided in the shortest possible time.

Any query or request that requires research, preparation of a report, or a significant diversion of staff resources should be referred to the City Manager's office. Except in cases involving minor questions, the management employee who responds to a Councilmember's inquiry should notify the City Manager's office and the Department Head by e-mail or phone of the nature of the inquiry.

TRAVEL AUTHORIZATION AND EXPENSE REPORTING**PURPOSE**

The purpose of this policy is to ensure the City complies with the provisions of Government Code Section 53232 *et seq.*, which (among other things) requires the City to have a written policy for expense reimbursements to City Council members.

GENERAL POLICY

This policy sets forth what occurrences qualify a City Council member to receive reimbursement of expenses for actual and necessary expenses incurred in the performance of official duties. These expenses include travel, meals, and lodging. This policy imposes related requirements, including the filing of expense reports, which are public records.

PROVISIONS

When authorized, the City may reimburse City Council members for actual and necessary expenses incurred in the performance of official duties.

The following general guidelines shall apply to City Council members for actual and necessary expenses incurred in the performance of official duties:

- A. Meals will be reimbursed at a per diem rate of \$65.
- B. If lodging is in connection with a conference or organized education activity conducted in compliance with subdivision (c) of Government Code Section 54952.2., by Article 2.4, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the City Council member at the time of the booking. If the group rate is not available, the City Council member shall use comparable lodging that is consistent with the following requirements:
 - City Council members shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.
- C. The City will reimburse mileage expenses incurred in the performance of official duties at a mileage rate equal to the standard mileage rate used by the Internal Revenue Service.
- D. The City will reimburse for actual and necessary expenses incurred in the performance of official duties when expense reports with supporting document are submitted. (See below)

Authorized expenses: Authorized expenses incurred by a City Council member in the performance of official duties require a reasonable connection with City-adopted policy positions, purposes, or goals. Authorized expenses shall generally include (without limitation) the following:

- Attending conferences, meetings or events at the direction or request of the City Council.
- Attending, when authorized in advance and when funds are budgeted, conferences, meetings or events of regional, state and national organizations whose activities involve or affect the City's interests (e.g., League of California Cities, National League of Cities, etc.).
- Attending, when authorized in advance and when funds are budgeted, educational seminars designed to improve City Council members' skill and information levels.
- Attending meetings or events of community organizations whose activities involve or affect the City's interests, and where the expense does not exceed the actual per-person cost of the meeting or event. Reimbursement of such expenses shall be contingent on the budgeting and availability of funds for this specific purpose, which currently is established in the amount of \$450 per year per Councilmember.
- Attending events for which the City is a sponsor or participant.
- Communicating with representatives of local, regional, state, or national government on policy positions adopted by the City.
- Communicating with representatives of business or community interests at the local, regional, state, or national level on policy positions adopted by the City.

Examples of unauthorized expenses include (without limitation) the following:

- Expenses not incurred in the performance of official duties.
- Political contributions or events.
- Charitable contributions.
- Family expenses.
- The personal portion of any trip.
- Entertainment expenses (e.g., theater, shows, movies, sporting events, golf, spa treatment, etc.).
- Non-mileage personal automobile expenses (e.g., repairs, insurance, gasoline, traffic or parking citations, etc.).
- Personal losses incurred while on City business.
- Expenses for which the City Council member receives reimbursement from another agency.

Expense Reports: Expense reports will document those expenses identify in this policy, adopted pursuant to Government Code Section 53232.2, for expenditure of public resources. City Council members shall submit expense reports within two months of incurring the expense and the report shall be accompanied by receipts documenting each expense.

Reporting Requirements: City Council members shall provide brief oral or written reports on meetings attended at the expense of the City at the next regular meeting of the City Council.

Public Records: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act.

Attachments: California Government Code Section 53232 *et seq.*
Travel and Expense Reporting Forms

**GOVERNMENT CODE
SECTION 53232-53232.4**

53232. For the purposes of this article, the following terms have the following meanings:

- (a) "Governing body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a special district.
- (b) "Legislative body" has the same meaning as specified in Section 54952.
- (c) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.
- (d) "Meeting" has the same meaning as specified in subdivision (a) of Section 54952.2.

53232.1. (a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

- (1) A meeting of the legislative body.
 - (2) A meeting of an advisory body.
 - (3) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).
- (b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.
- (c) This section shall not apply to any local agency that pays compensation in the form of a salary to members of a legislative body, including, but not limited to, those local agencies whose legislative bodies' compensation is subject to Section 36516 or 36516.1, subparagraph (B) or (C) of paragraph (2) of subdivision (a) of Section 21166 or Section 22840 of the Water Code, Section 11908.1 of the Public Utilities Code, Section 6060 of the Harbors and Navigation Code, or subdivision (b) of Section 1 or Section 5 of Article XI of the California Constitution.

53232.2. (a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

(e) Members of the legislative body shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.

(f) All expenses that do not fall within the adopted travel reimbursement policy or the Internal Revenue Service reimbursable rates as provided in subdivision (c), shall be approved by the governing body, in a public meeting before the expense is incurred, except as provided in subdivision (d).

(g) This section shall not supersede any other laws establishing reimbursement rates for local agencies.

53232.3. (a) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then a local agency shall provide expense report forms to be filed by the members of the legislative body for reimbursement for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel.

(b) Expense reports shall document that expenses meet the existing policy, adopted pursuant to Section 53232.2, for expenditure of public resources.

(c) Members of a legislative body shall submit expense reports within a reasonable time after incurring the expense, as determined by the legislative body, and the reports shall be accompanied by the receipts documenting each expense.

(d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

(e) All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

53232.4. Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies may include, but are not limited to, the following:

(a) The loss of reimbursement privileges.

(b) Restitution to the local agency.

(c) Civil penalties for misuse of public resources pursuant to Section 8314.

(d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

City of Laguna Beach

Mileage and Expense Reimbursement Report

Month of _____ 20____ Department _____

Name _____

	<u>Miles</u>	<u>Amount</u>
Local Trips	_____	
Other Trips <small>(Detail Below)</small>	_____	
	<u> </u>	Total Miles X \$.55 1/2 \$ _____

Other Expenses and Mileage:

<u>Date & Occasion</u>	<u>Miles</u>	<u>Detail of Other Expenses</u>

Total Other Trips

Total Other expenses

Grand Total \$

Charge to Account No. _____

Signed _____ Date _____

Approved _____
Department Head

Approved _____
City Manager

City of Laguna Beach

Conference Expense Report

Name _____ Department _____

Conference _____

Location _____

(City and State)

Dates _____

(Beginning and Ending)

Dates								Total Amount	Total Miles
Meals									
Lodging									
Transportation:									
Commerical									
Employee Vehicle:									
Miles Driven									
Miles X \$.55 1/2									
Registration									
Miscellaneous									
Daily Totals									

Grand Total \$ _____

Less Advance (_____)

Amount Returned _____

Reimbursement _____

Finance Use Only

Warrant Number _____

Warrant Date _____

Charge to Account No. _____

Signed _____ Date _____

Approved _____

(Department Head)

City of Laguna Beach

Request for Conference Expense Advance

(Submit Form in Duplicate)

Name _____ Department _____

Conference _____

Location _____

(City and State)

Dates _____

(Beginning and Ending)

Estimated Expenses

Amount

Meals \$ _____

Lodging _____

Transportation:
Commerical _____

Employee Vehicle:
Miles X \$.55 1/2 _____

Registration _____

Miscellaneous _____

Total Requested \$ _____

Finance Use Only
Warrant Number _____
Warrant Date _____

A Conference Expense Report is to be submitted with receipts attached to the Finance Department within five working days after return.

Charge to Account No. _____

Signed _____ Date _____

Approved _____

(Department Head)

CITY OF LAGUNA BEACH
RULES OF DECORUM AND CIVILITY POLICY
FOR CITY OFFICIALS, EMPLOYEES AND MEMBERS OF THE PUBLIC

PURPOSE

The purpose of the Rules of Decorum and Civility Policy is to promote mutual respect, civility, and orderly conduct among elected and appointed City officials, City staff, and members of the public. This policy is not intended to deprive any person of his or her right to freedom of expression, but to promote, to the extent possible and reasonable, open dialogue and positive communications while discouraging intimidating, demeaning, volatile, hostile or aggressive actions. The City expects locally elected and appointed officials and its employees to comply with this policy, and also seeks cooperation from members of the public.

RULES OF DECORUM AND CIVILITY POLICY FOR CITY OFFICIALS AND EMPLOYEES

The City holds numerous public meetings, such as meetings of the City Council and City commissions, boards and committees (hereinafter "Public Meetings"). In order to safeguard participatory democracy in Laguna Beach, all elected officials, appointed officials and City employees (hereinafter "City Officials") are expected to adhere to the following standards of conduct:

- Treat everyone courteously;
- Listen to others respectfully;
- Exercise self-control;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption; and
- Provide fair and equal treatment for all persons and matters coming before City bodies.

In furtherance of the foregoing standards of conduct, the rules of decorum set forth below shall be followed:

1. City Officials shall treat all members of the public with respect at all times during Public Meetings and shall not make belligerent, personal, impertinent, slanderous, threatening, intimidating, abusive, profane or disparaging comments towards members of the public or other City Officials. No shouting or physical actions that could be construed as threatening will be tolerated on the part of any City Official.
2. Every effort shall be made by City Officials to be fair and impartial in listening to public testimony. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. Expressing a final opinion or passing judgment prior to

- the close of presenting evidence and testimony at a Public Meeting casts doubt on the ability of members of a City body to conduct a fair review of the issue.
3. The same level of respect and consideration of differing points of view that is deemed appropriate for Public Meetings shall be maintained by City Officials in private conversations or communications, such as emails, voicemail messages, and text messages regarding matters of City business.
 4. The professional and personal conduct of City Officials shall be above reproach and avoid even the appearance of impropriety. City Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character of members of the public or other City Officials.
 5. All City Officials shall promote the use of and adherence to these rules at all Public Meetings.

RULES OF DECORUM AND CIVILITY POLICY FOR MEMBERS OF THE PUBLIC

Members of the public are expected to adhere to the following standards of conduct at Public Meetings and in interactions with City Officials in the workplace:

- Treat everyone courteously;
- Listen to City Officials and other members of the public respectfully;
- Exercise self-control and avoid threats of violence and loud, insulting, demeaning, or offensive communications;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate; and
- Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption.

In furtherance of the foregoing standards of conduct, the rules of decorum set forth below shall be followed:

1. No person attending a Public Meeting shall engage in disorderly or boisterous conduct, including, but not limited to, applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance, that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
2. All remarks by members of the public shall be addressed to the Mayor or the Chair of the City body (hereinafter "Presiding Officer") and not to any other member of the public or to any individual member of the City body unless in response to a question from that member.

3. Signs, placards, banners, or other similar items shall not be permitted in the audience during a public meeting if the Presiding Officer determines that the presence of such item disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
4. All persons attending a Public Meeting shall obey any lawful order of the Presiding Officer to enforce the Rules of Decorum.
5. All persons attending a Public Meeting shall listen courteously and attentively to all public discussions at the meeting and avoid interrupting members of the public addressing the City body or City Officials.
6. Members of the public while attending a Public Meeting shall refrain from abusive conduct, personal charges or verbal attacks upon the character of City Officials.
7. It is the responsibility of the Presiding Officer to keep comments on topic during Public Meetings. Individuals should honor efforts by the Presiding Officer to focus discussion on current agenda items. If there is disagreement about the agenda or the Presiding Officer's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

ENFORCEMENT OF RULES OF DECORUM AND CIVILITY POLICY

1. The Presiding Officer shall be responsible for maintaining the decorum and civility at Public Meetings and enforcing the Rules of Decorum in a uniform and even-handed manner.
2. The Presiding Officer may intervene to ensure that no City Councilmembers interrupt members of the public while speaking.
3. City Officials who intentionally and repeatedly do not adhere to these rules may be reprimanded by the Presiding Officer or formally censured by a majority of the members of the City body of which such City Official is a member. City Officials who are appointed by the City Council to a City body may be censured or removed by a majority vote of the City Council for a failure to adhere to these rules. The foregoing does not limit the power of the City Council to remove any appointed member of a City body with or without cause.
4. In the event that any member of the public breaches the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a Public Meeting, the Presiding Officer shall order that person to cease the offending conduct.
5. If any member of the public continues to breach the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a Public Meeting following an order from the Presiding Officer to cease the offending conduct, the Presiding Officer may order that person to leave the Public Meeting and may engage the efforts of law enforcement as necessary to carry out the order.

6. If a member of the public acts abusively towards a City employee outside of a public meeting but in the workplace, staff will issue an oral warning before taking further action in response to the abuse and provide that person with this policy. This warning, which should clearly identify both the offending behavior and the potential consequences that may occur if such behavior persists, shall provide the member of the public with an opportunity to improve his or her behavior before the City takes more serious action, such as removal from the premises.
7. If a member of the public does not improve his or her behavior in response to an oral warning, the City will ask the abusive individual to leave the premises for a short period of time (e.g., the remainder of the day).

The above-described remedies for compliance with the Rules of Decorum are not exclusive and shall not preclude the application or use of other remedies provided by State law or the Municipal Code.

A breach of the Rules of Decorum and Civility Policy shall in no event be a basis for the invalidation of any action taken by the City Council or any City board, commission or committee.

PROMOTING PUBLIC WORKSHOPS**PURPOSE**

The City of Laguna Beach strives to conduct the public's business in a manner that is accessible and transparent to its citizens. The City emphasizes a participatory approach by offering public workshops which engage residents and facilitate their understanding of the City's decision-making process. This policy outlines the process City staff should follow to promote these workshops.

GENERAL POLICY1. **CONTENT**

- a) Public workshop notices should include the following details:
 - i) The date and location of the workshop
 - ii) The workshop subject
 - iii) The workshop contact person

2. **SCHEDULE FOR POSTING WORKSHOP NOTICES**

- a) The public should be provided with at least two weeks' notice of a scheduled workshop.

3. **POSTING LOCATIONS**

Public workshops should be posted in the following locations:

- a) **City Weekly Update**
Submittals of workshop details for inclusion in the weekly update should be provided to the Executive Assistant by the end of day on the Wednesday two weeks in advance of the workshop and then again one week in advance
- b) **City Media Release**
 - i) Submit a draft of the media release to the City Manager for approval two weeks in advance of the workshop
 - ii) Obtain current media list from City Clerk
 - iii) Post media release on City website page for press releases
- c) **City Online Calendar**
Email the Director of Finance and Information Technology, with the details of the workshop and link to media release
- d) **City Facebook Page**
Request permission to place on Facebook page through Director of Finance and Information Technology
- e) **Chamber of Commerce Online Community Calendar**
Email lagunabeachchamber@gmail.com with the workshop details

f) **Post Public Notices at the Following Locations:**

- i) City Hall – contact City Clerk
- ii) Susi Q – contact Senior Services Coordinator
- iii) Animal Shelter – contact Kennel Manager
- iv) Orange County Public Library - Laguna Beach Branch

4. EMAIL THE WORKSHOP DETAILS TO THE FOLLOWING:a) **Boards, Commissions & Committees**

Email the workshop details to the staff liaison of every City Board, Commission, & Committee and request they forward the information to their members.

b) **Interested Residents**

Ask Community Development personnel to email the workshop details to residents maintained on their community email lists.

c) **Local Organizations:**

Laguna Beach Seniors, nadiababayi@thesusiq.org

Village Laguna, osbornes1@cox.net

Let Laguna Vote, ritamconn@gmail.com

Taxpayers Association, hovanesian@earthlink.net

Top of the World Neighborhood Association, pierowemyss@cox.net

CANDO, canyonklass@cox.net

d) **City of Laguna Beach Collective Bargaining Units**

Email the workshop details to the Personnel Services/Risk Manager and request the information be forwarded to Association representatives.

5. ADDITIONAL NOTICE OPTIONS

- a) Ask City Manager to mention workshop at City Council Meetings as appropriate
- b) Purchase and submit in local advertising (with City Manager approval)

RESPONDING TO PUBLIC INQUIRIES**PURPOSE**

The City of Laguna Beach strives to communicate clearly and efficiently when responding to the public. City staff should maintain a high level of accountability to the public they serve and should provide responses in a timely manner. This policy outlines the standards City staff should follow when responding to public inquiries received directly or referred by a supervisor.

GENERAL POLICY**1. RESPONSE TIME**

- a) An employee should initially respond to a voicemail or email within one business day of receiving the message
- b) An employee should continue correspondence no less than every five business days until inquiry is deemed resolved, with the exception of Department Head approval of a clearly established communication timeline with the member of the public

2. CONTENT

- a) Initial call back and email responses should include the following details:
 - i) The City department, division, and employee that will be researching the inquiry
 - ii) The resolution to the inquiry if available
 - (1) If not available, a brief status update of continued research required
 - iii) The anticipated date of future communication if necessary
 - iv) The city employee's contact information or standard email signature
- b) Additional call back and email responses should include the following details:
 - i) The resolution to the inquiry if available
 - (1) If not available, a brief status update of continued research required
 - ii) The anticipated date of future communication if necessary
 - iii) The city employee's contact information or standard email signature

3. EMAIL SIGNATURE

A City employee's email signature should include the employee's name, title, department, phone number, and email address.

* Response times may be extended with Supervisor approval. The City understands there are exceptions to each of these policy guidelines which may be caused by emergent circumstances. Should employees be unable to comply with the policy, such deviations will require supervisory notification via phone, email or personal contact. The ultimate goal of this policy is to provide a responsive level of customer service.

SERVICES OF CITY ATTORNEY

PURPOSE: To provide the City with access to legal opinions from its attorney.

GENERAL POLICY:

Requests for a written opinion from the City Attorney shall first be routed to the City Manager for approval. Oral requests, which can be answered with minimal research, may be made directly to the City Attorney.

Routine actions, such as code enforcement or the preparation of ordinances and resolutions are exempt from this policy and may be referred directly to the City Attorney.

When submitting a written request for an opinion, the format will include a signature block indicating the City Manager's approval of the request. The City Attorney shall not act on requests for opinion which do not bear the signature.

FEE SCHEDULE FOR CITY PROPERTY AND EMPLOYEE SERVICES

PURPOSE: To establish a fee schedule for work performed by City employees who are assigned to provide services to organizations or special groups and whose work is beyond the usual level of general services benefiting the entire community; and to establish a fee schedule for use of City personal property.

GENERAL POLICY:**Fee Schedule**

1. A fee shall be assessed for the services of City employees and City property assigned for any purpose arising out of or in connection with a special request for service.
2. The fee shall be in addition to the application for permit or license fee and shall be deposited with the Finance Officer or his authorized appointee at the same time as the application fee. The deposit shall consist of an estimate of the actual cost to the City to be incurred under this fee schedule for each day the permit or license is to be valid. Each portion of a calendar day constitutes one full calendar day for this purpose. The department supplying the property and employees' services shall prepare the estimate of charges.

If an extension of the permit is necessary, an additional deposit for employee services and property will be required in the same manner as prescribed above prior to the approval of an extension by the City Manager.

If the subject activities for which the permit was issued are completed prior to the original expiration date, the unearned portion of the deposit required for employee services shall be returned to the permittee upon written request directed to the City Manager.

3. The fee schedule shall be as follows:

A. **Salaries**

For each officer or employee of the City whose services are provided as described above, the fee shall be two times the hourly rate of the highest step in the range, payable by the City to that classification, times the total number of hours worked. In the case of management employees, whose salaries are not within a range, the amount shall be two times the hourly rate of the present salary of the management employee involved, times the total number of hours worked. A minimum of 3 hours per employee shall be charged, per day.

In cases of requests for work by City employees who are assigned to provide services for school events or local charitable organization activities, the rate for regular full time employees shall be at time and one-half at Level A for the classification of the assigned employee, and two times the salary of a part time employee.

B. Rentals

For each vehicle or item of equipment used in connection with providing employee services, the fee shall be the prevailing rate to rent a comparable vehicle or item of equipment from a private concern.

4. Exceptions to the provision of prior deposit of estimated costs may be approved by the City Manager.

PROCEDURE FOR PROCESSING LIABILITY CLAIMS

PURPOSE: To outline the procedure by which the City will process liability claims.

GENERAL POLICY:

1. The City Clerk receives the claim and records relevant information in a control log.
2. The City Clerk compiles any information available regarding the claim (i.e., accident report) and sends the claim and supporting information to the Human Resources/Risk Manager who will provide the information to the City's claims adjuster (George Hills), to the appropriate Department Head, to the City Manager or his/her designee and (if needed) the City Attorney.
3. The George Hills claims adjuster prepares a status report recommending approval or denial of the claim and transmits that report to the Human Resources/Risk Manager.
- 4a. If the George Hills claims adjuster recommends denial of the claim:
 - A. the Human Resources/Risk Manager, or their designee prepares an agenda bill for the City Council;
 - B. the City Council denies the claim and refers it to the claims adjuster;
 - C. the Human Resources/Risk Manager notifies the claimant of the Council's denial and sends a copy of that letter to the George Hills claims adjuster; and
 - D. if the claimant pursues further action, the Human Resources/Risk Manager notifies the George Hills claims adjuster which handles the case and recommends necessary action by the City.
- 4b. If the George Hills claims adjuster recommends settlement of the claim with a payment under \$10,000:
 - A. the Human Resources/Risk Manager obtains approval from the City Manager;
 - B. the Human Resources/Risk Manager or their designee notifies the George Hills claims adjuster of the authorization to settle;
 - C. the George Hills claims adjuster negotiates the actual settlement and obtains the necessary release forms;
 - D. upon written notification from George Hills claims adjuster, the Human Resources/Risk Manager or their designee prepares the claim vouchers, makes payment; and
 - E. every six months the City Manager prepares a status report on the major claims for the City Council.
- 4c. If the George Hills claims adjuster recommends settlement and the payment is over \$10,000:
 - A. the Human Resources/Risk Manager notifies the City Manager who, at a closed session of the Council, requests Council approval to settle;
 - B. the City Council authorizes negotiation of a settlement;
 - C.

- D. the Human Resources/Risk Manager notifies the George Hills claims adjuster of approval to settle;
 - E. the George Hills claims adjuster negotiates the actual settlement and obtains the necessary release forms;
 - F. the Human Resources/Risk Manager or their designee prepares the claim voucher and makes payment.
- 4d. If the George Hills claims adjuster recommends rejection of the claim for insufficiency, lateness, or a similar situation, the Human Resources/Risk Manager notifies the claimant and sends a copy of that letter to the claims adjuster.

* If it is not possible to settle the claim within 45 days of its receipt, the George Hills claims adjuster will so notify the Human Resources/Risk Manager, who will send a notice to the claimant stating that the claim is deemed denied by operation of law and the claimant has six months in which to file any legal action.

Attachment – Claim Form



CITY OF LAGUNA BEACH CLAIM AGAINST THE CITY

Claims for death, injury to person, or to personal property must be filed no later than **six months** after the occurrence (Government Code Section 911.1).

Claims for damages to real property must be filed no later than **one year** after the occurrence (Government Code Section 911.2).

**RETURN COMPLETED CLAIM FORM TO:
CITY OF LAGUNA BEACH – CITY CLERK’S OFFICE
505 FOREST AVENUE, LAGUNA BEACH, CA. 92651**

* Failure to provide sufficient information may result in delays in claim processing.

Name of Claimant **Phone Number**

Address

Mailing Address for Claimant if different than above OR if Claimant is represented by an attorney provide name and address

When did damage or injury occur? _____

Where did damage or injury occur? _____

How and under what circumstances did damage or injury occur? _____

What particular action by the City, or its employees, caused the alleged damage or injury? (Include names of employees, if known). _____

What sum do you claim? Include the estimated amount of any prospective loss, insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed. Attach estimates or bills, if possible.

_____ \$ _____
_____ \$ _____
Total Amount of Claim \$ _____

List names and addresses of witnesses, doctors and hospitals:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FACTS HEREINABOVE SET FORTH ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Date: _____ **Signature of Claimant**

NOTICE: Section 72 of the Penal Code provides that: "Every person who, with intent to defraud, presents for allowance or for payment to any . . . city . . . board or officer . . . any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine not exceeding one thousand dollars (\$1000), or by both such imprisonment and fine, or by imprisonment in the state prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

CITY OF LAGUNA BEACH WEB PAGE**PURPOSE:**

While each City department may individually create web pages which represent differing interests and purposes, collectively, they provide the outside world with an overall image of the City of Laguna Beach. All web pages published on the City's web site reflect upon the image and reputation of the City of Laguna Beach. Because of this, it is important that each department's web page is presented in a manner consistent with the City's image.

The following standards provide a great amount of artistic and intellectual freedom in the creation of web pages. These standards provide web developers with minimal limitations that allow web page designs and content that will present both their efforts and the City of Laguna Beach in the best possible manner. The following standards are designed to ensure all web pages are developed and maintained with order, consistency and accuracy.

PROVISIONS:

1. Required Attributes – The style, color, and content of the top bar and side bar as it exists on the current city homepage (see below, Web Page “Look and Feel”).
2. Link to City of Laguna Beach Home Page (<http://www.lagunabeachcity.net>)
3. Prohibited Content -- Advertising of any kind, content promoting private businesses, enterprises or entities, any content that is primarily political.
4. Restricted Content -- Restricted content requires City Manager approval. Such content includes, but is not necessarily limited to, links to any web site that conveys a political or inappropriate message.
5. City Manager Review -- All content is subject to City Manager review.
6. Conditionally Required Items -- The following items are conditionally required:
 - If copyrighted material is not owned by the web page author, permission for use of copyrighted material must be obtained and noted.
 - Date last reviewed.
 1. Any links should be active links.
7. Other – Suggestions & Guidelines

- Design graphics for the minimum size of 800 x 600 pixels. Images which require scrolling due to their size (vertically or horizontally) are annoying and should be avoided.
- A clear, coherent message should be presented along with good screen design. Well-conceived text, attractive screen layouts, and stimulating graphic designs are fundamental to attracting and retaining web site visitors. With this in mind, a web page site's content should be:
 - * Understandable, interesting, and valuable;
 - * Capable of capturing the user's attention;
 - * A skillful integration of text, graphics, audio, video, and information which is easily navigated;
 - * Unified in look and feel;
 - * Compliant with accessibility guidelines for people with disabilities

Web pages may contain information, photographic images, video, sound, animation, or any other media consistent with the Web Page Standards described above.

8. City of Laguna Beach Web Page "Look and Feel" – When using the Internet it is important users know when they are on or off the City's web pages. It is easy to inadvertently jump from one web site to another. With standardization, once a use becomes familiar with the "look and feel" of the City's web site, he or she will always know when he or she is on the City's site. The City **does not** want people to think they are still on the City web site when they are not.

STANDARD FORM CONSULTANT AGREEMENT

PURPOSE: To provide a Standard Form Consultant Agreement to be used by all City Departments.

GENERAL POLICY: All arrangements for personal services in an amount greater than \$5,000 must receive prior approval by the City Manager, even if the funding is already included in the adopted budget. Personal service contracts over \$10,000 must be approved by the City Council. For these uses of professional services, a formal contract must be signed. Attached is a general format which should be followed for those types of agreements. Each department may modify the standard format to suit its own purposes, provided that the basic provisions of the sample agreement are left intact.

For personal service agreements of less than \$5,000, it is up to a department's discretion as to whether a formal contract will be necessary. A department may wish to use a purchase order for a smaller amount. However, use of a standard format supplied by a consultant is to be avoided whenever possible. Those types of agreements favor the consultant; the City's format should be utilized. Obviously, the City's format, as prepared by the City Attorney, is intended to protect the City, especially as regards insurance requirements.

CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2005, by and between the City of Laguna Beach, a Municipal Corporation (hereinafter referred to as "CITY"), and _____, (hereinafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the CITY desires to engage CONSULTANT to render certain professional services described as follows:

as more fully identified in accordance with Appendix A, Scope of Services, attached hereto and included herein;

WHEREAS, CONSULTANT is qualified and agreeable to render the professional services desired by the CITY;

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises hereinafter expressed and intending to be bound hereby, the parties hereto do mutually agree as follows:

PART I

FUNDAMENTAL TERMS

Article 1. Engagement of Consultant

The CITY hereby agrees to engage CONSULTANT to perform the professional services as hereinafter set forth, and CONSULTANT agrees to perform those services in accordance with the terms and conditions of this Agreement.

Article 2. Scope of Services

In compliance with all terms and conditions of this Agreement, CONSULTANT shall perform all work necessary to complete in a manner satisfactory to the CITY the services described and set forth in Appendix A, Scope of Services, attached hereto and by reference incorporated herein and made a part hereof.

Article 3. Time of Performance

The services of CONSULTANT are to commence within _____ () days after this Agreement has been approved by the CITY and the CITY has authorized work to start by the issuance of a Letter to Proceed. The services of CONSULTANT shall be completed by _____.

Article 4. Payment and Limitation of Cost

The CITY shall compensate CONSULTANT for services performed under Article 2, as further defined in Appendix A, in accordance with the following schedule:

In order to receive payments, CONSULTANT shall submit to the CITY an invoice. The invoice will delineate the nature of services performed, the actual costs incurred to date and such other documentation as may be necessary to demonstrate that appropriate progress has been made toward completion of the services.

Adjustments of total cost of _____ for services will be permitted when the CONSULTANT establishes and the CITY agrees in writing that there has been or is to be a significant change in:

- a. scope, complexity or character of the services to be performed;
- b. conditions under which the work is required to be performed; or
- c. duration of work if the change from the time period specified in the Agreement for completion of the work warrants such judgment in accordance with Part II, Section 3, Paragraph 3.13, Extension of Time for Delay.

Article 5. Attachments

The provision set forth in Part II, "General Provisions," Appendix A, "Scope of Services," Appendix B, "Schedule of Reports" are by reference incorporated herein and made a part hereof.

Article 6. Integration

This Agreement represents the entire understanding of the CITY and CONSULTANT as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with regard to those matters covered by this Agreement. This Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements, and understandings, if any, between the parties, and none shall be used to interpret this Agreement.

IN WITNESS WHEREOF, persons executing this Agreement warrant and represent that they are authorized to do the same on behalf of the parties hereto and are authorized to bind those parties to the terms and conditions of this Agreement.

CITY OF LAGUNA BEACH

By _____
City Manager

ATTEST:

City Clerk

CONSULTANT

By _____

Title _____

Address _____

PART II

GENERAL PROVISIONS

SECTION ONE: SERVICES OF CONSULTANT

1.1 Scope of Services. In compliance with all terms and conditions of this Agreement, CONSULTANT should perform all work necessary to complete in a manner satisfactory to the CITY the services described and set forth in Appendix A, Scope of Services, attached hereto and by reference incorporated herein and made a part hereof, which may be referred to as “services.”

1.2 Changes and Additions to Scope of Services. The CITY shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or make changes by altering, adding to, or deducting from said services. No payment for extra services caused by a change in scope or complexity of work shall be made, unless and until such extra services and a price therefore have been authorized in writing and approved by the CITY. Such written approval shall set forth the changes of work, extension of time for preparation, and adjustment of the fee to be paid by the CITY to CONSULTANT. No claim for said additional work shall be made unless specifically authorized in writing by the CITY.

1.3 Specifications. All specifications, manuals, or standards, either attached to this Agreement or incorporated herein by reference, are deemed to be the version in effect as of the date of this Agreement and are binding as to the performance of the work in this Agreement unless they are changed by written amendment and this Agreement modified in writing to incorporate such changes. Any changes are subject to the CITY approval.

1.4 Standard of Performance. CONSULTANT hereby represents and warrants that it has the experience necessary to undertake the services to be provided herein. In light of such status and experience, CONSULTANT hereby covenants that it shall follow customary good professional standards in performing all services required hereunder and shall perform all work in a manner reasonably satisfactory to the CITY. CONSULTANT shall be responsible to ensure that all work performed, including by its employees if any, is performed to the standards set forth in this Agreement and that such work complies with the requirements of appropriate governmental agencies and applicable laws ordinances, codes and regulations of the federal, state and local governments in effect at the time such services are performed.

1.5 Personnel. CONSULTANT represents that it employs, or will employ, at its own expense, personnel required in performing the services required under this Agreement. All of the services required hereunder will be performed by CONSULTANT and all personnel engaged in the work shall be fully qualified and be authorized or permitted under state and local law to perform such services.

1.6 Prohibition Against Subcontracting or Assignment. CONSULTANT shall not contract with any other entity to perform in whole or in part the services required hereunder without the

express written approval of the CITY. In addition, neither the Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated, or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of the CITY. In the event of any unapproved transfer, the CITY may void the Agreement at the CITY's option in its sole and absolute discretion.

SECTION TWO: INSURANCE AND INDEMNIFICATION

2.1 Insurance. The CONSULTANT shall at all times during the term of this Agreement at its own cost and expense carry, maintain, and keep in full force and effect insurance to protect the CITY from claims under worker's compensation laws, and general liability claims for bodily injury, death, property damage, or any other loss, which may arise from or in connection with the performance of the services under the Agreement by CONSULTANT, its agents, representatives, and/or employees.

2.1.1 Insurance Coverage Required. These policies of insurance which CONSULTANT will maintain shall name the CITY (and its officials, employees, agents and representatives) as an additional insured and shall be in an amount of not less than One Million Dollars (\$1,000,000) for each occurrence.

2.1.2 Professional Liability Insurance. The CONSULTANT also agrees to maintain professional liability insurance to protect the CITY from CONSULTANT's errors or omissions of a professional nature in connection with the performance of the services under the Agreement.

2.1.3 Workers Compensation Insurance. If CONSULTANT is required to provide Workers' Compensation Insurance, the CITY shall file with CONSULTANT the following signed certification:

2.1.4 Evidence of Coverage. Prior to the performance of services under this Agreement, CONSULTANT must provide certificates acceptable to the CITY (Accord Form or similar) evidencing the amount of worker's compensation insurance, general liability insurance, and professional liability insurance and the provider of the same.

“I am aware of and will comply with, Divisions 4 and 5 of the California Labor Code by securing, paying for, and maintaining in full force and effect for the duration of the contract, complete Workers' Compensation Insurance, and shall furnish a Certificate of Insurance to the CITY before execution of the Agreement.”

In the event CONSULTANT has no employees requiring CONSULTANT to provide Workers' Compensation Insurance, CONSULTANT shall so certify to the CITY in writing prior to CONSULTANT's execution of this Agreement. The CITY and the CITY personnel shall not be responsible for any claims in law or equity occasioned by failure of the CONSULTANT to comply with this section or with the provisions of law relating to Workers' Compensation.

2.2 Indemnification. CONSULTANT shall indemnify, defend, and hold the CITY and the CITY personnel (including its Council, commissions, committees, boards, officers and employees) harmless from and against any and all actions, suits, claims, demands, judgments, attorney's fees, costs, damages to persons or property, losses, penalties, obligations, expenses or liabilities (herein "claims" or "liabilities") that may be asserted or claimed by any person or entity arising from or in connection with the willful or negligent acts, errors or omissions of CONSULTANT, its employees, agents, or representatives in the performance of the services provided under the Agreement, including reasonable attorney's fees and all costs incurred by the CITY in such action.

2.2.1 CONSULTANT shall defend any actions or actions filed in connection with any such claims or liabilities, and shall pay all costs and expenses, including attorney's fees incurred in connection therewith.

2.2.2 CONSULTANT shall promptly pay any judgment rendered against the CITY or any the CITY personnel for any such claims or liabilities.

2.2.3 In the event the CITY and/or the CITY personnel is made a party to any action or proceeding filed or prosecuted for any such damages or other claims arising out of or in connection with the negligent performance or a failure to perform the work or activities of CONSULTANT, CONSULTANT shall pay to the CITY any and all costs and expenses incurred by the CITY or the CITY personnel in such action or proceeding, together with reasonable attorney's fees and expert witness fees.

SECTION THREE: LEGAL RELATIONS AND RESPONSIBILITIES

3.1 Independent Contractor. It is expressly understood that in the performance of the services under the Agreement, CONSULTANT shall be, and is, an independent contractor, and is not an agent or employee of the CITY. The CITY shall not in any way or for any purpose become or be deemed to be a partner of CONSULTANT in its business or otherwise, or a joint venturer, or a member of any joint enterprise with CONSULTANT. CONSULTANT shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of the CITY. The CONSULTANT has and shall retain the right to exercise full control and supervision of the services, and full control over the employment, direction, compensation and discharge of all persons assisting CONSULTANT in the performance of required services. CONSULTANT shall be solely responsible and hold the CITY harmless for all matters relating to the payment of CONSULTANT's employees, including compliance with Social Security, withholding and all other regulations governing such matters. Neither CONSULTANT nor any of CONSULTANT's employees shall, at any time, or in any way, be entitled to any sick leave, vacation, retirement or other fringe benefits from the CITY; and neither the CITY nor any of its employees shall be paid by the CITY time and one-half for working in excess of forty (40) hours in any one week. Neither CONSULTANT or any of CONSULTANT's employees shall be included in the competitive service, have any property right to any position, or any of the rights an employee may have in the event of termination of this Agreement.

3.2 Non-Discrimination and Equal Employment Opportunity. During its performance under this Agreement, CONSULTANT agrees as follows:

3.2.1 Equal Employment Opportunity. In connection with its performance under this Agreement, CONSULTANT shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, marital status, sexual orientation, AIDS or AIDS-related symptoms (including HIV positive findings), physical disability, mental disability, mental condition, family care leave, sexual orientation, ancestry or national origin. Actions encompassed by this prohibition shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment, or recruitment advertising; layoff or termination; rate of pay, or other forms of compensation; and selection for training, including apprenticeship.

3.2.2 Sanctions for Noncompliance. In the event of the CONSULTANT's noncompliance with the non-discrimination provisions of this Agreement, CONSULTANT agrees that the CITY shall be authorized to impose such sanctions or penalties as the CITY may determine to be appropriate, including, but not limited to 1) withholding of payments to CONSULTANT hereunder until CONSULTANT complies with all applicable requirements and obligations, and/or 2) cancellation, termination or suspension of the Agreement, in whole or in part.

3.3 Proprietary Information. No reports, maps or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of CONSULTANT. All proprietary information developed specifically for the CITY by CONSULTANT in connection with, or resulting from, this Agreement, including but not limited to inventions, discoveries, improvements, copyrights, patents, maps, reports, textual material or software programs, but not including CONSULTANT'S underlying materials, software, or know-how, shall be the sole and exclusive property of the CITY, and are confidential and shall not be made available to any person or entity without the prior written approval of the CITY. CONSULTANT agrees that the compensation to be paid pursuant to this Agreement includes adequate and sufficient compensation for any proprietary information developed in connection with or resulting from the performance of CONSULTANT'S services under this Agreement. CONSULTANT further understands and agrees that full disclosure of all proprietary information developed in connection with, or resulting from, the performances of services by CONSULTANT under this Agreement shall be made to the CITY, and that CONSULTANT shall do all things necessary and proper to perfect and maintain ownership of such proprietary information by the CITY.

3.4 Retention of Funds. CONSULTANT hereby authorizes the CITY to deduct from any amount payable to CONSULTANT (where arising out of the Agreement or otherwise) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate the CITY for any losses, costs, liabilities or damages suffered by the CITY, and all amounts for which the CITY may be liable to third parties, by reason of CONSULTANT's negligent acts, errors, or omissions, or willful misconduct in performing or failing to perform CONSULTANT's obligations under this Agreement. The CITY in its sole and absolute discretion, may withhold from any payment due to CONSULTANT, without liability for interest, an amount sufficient to cover such claim or any lien. The failure of the CITY to exercise such

right to deduct or withhold shall not act as a waiver of CONSULTANT's obligation to pay the CITY any sums CONSULTANT owes the CITY.

3.5 Termination for Convenience of the CITY. The CITY may terminate this Agreement at anytime by giving written notice of CONSULTANT of such termination. In that event, all finished or unfinished documents and other materials shall at the option of the CITY, become its property. If this Agreement is terminated by the CITY as provided herein, CONSULTANT will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the CONSULTANT covered by this Agreement, less payments of compensation previously made.

3.6 Termination of Agreement for Cause. The CITY may, subject to the provisions of Paragraph 3.6.2, by written notice to CONSULTANT, terminate the whole or any part of this Agreement in any of the following circumstances: (1) if CONSULTANT fails to perform the services called for by this Agreement within the time(s) specified herein or any extension thereof; or (2) if CONSULTANT fails to perform the services called for by this Agreement or so fails to make progress as to endanger performance of this Agreement in accordance with its terms, and in either of these two circumstances does not correct such failure within a period of ten (10) days (or such longer period as the CITY may authorize in writing) after receipt of notice from the CITY specifying such failure.

3.6.1 In the event the CITY terminates this Agreement in whole or in part as provided in Paragraph 3.6, the CITY may procure, upon such terms and such manner as it may determine appropriate, services similar to those described in this Agreement.

3.6.2 Except with respect to defaults of subcontractors, the CONSULTANT shall not be liable for any excess costs if the failure to perform this Agreement arises out of causes beyond the control and without the fault or negligence of CONSULTANT. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes and unusually severe weather; but in every case, the failure to perform must be beyond the control without the fault or negligence of CONSULTANT.

3.6.3 If this Agreement is terminated as provided in Paragraph 3.5 or 3.6, the CITY may require CONSULTANT to provide all finished or unfinished documents, data, studies, services, drawings, maps, models, photographs, or reports, prepared by CONSULTANT. Upon termination as provided in Paragraph 3.6, CONSULTANT shall be paid the value of the work performed, less payments of compensation previously made.

3.6.4 If, after notice of termination of this Agreement under the provisions of Paragraph 3.6, it is determined for any reason that CONSULTANT was not in default under the provisions of Clause 3.6, or that the default was excusable under the provisions of 3.6, then the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to Paragraph 3.5

3.7 Waiver. No delay or omission in the exercise of any right or remedy by a nondefaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's

consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing.

3.8 Legal Actions. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted or maintained in the Municipal and Superior Courts of the State of California in the County of Orange, or in any other appropriate court with jurisdiction in such County, and CONSULTANT agrees to submit to the personal jurisdiction of the court. If any claims related to the performance hereunder be asserted against either party hereto, the party claimed against shall receive reasonable assistance from the other.

3.9 Rights and Remedies are Cumulative. The rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any rights or remedies for the same default or any other default by the other party.

3.10 Attorney's Fees. In any action between the parties hereto seeking enforcement of any of the terms of provisions of this Agreement or in connection with the performance of the work hereunder, the party prevailing in the final judgment in such action or proceeding, in addition to any other relief which may be granted, shall be entitled to have and recover from the other party its reasonable costs and expenses, including, but not limited to, reasonable attorney's fees, expert witness fees and courts costs. If either party to this Agreement is required to initiate or defend litigation with a third party because of the violation of any term or provision of this Agreement by the other party, then the party so litigating shall be entitled to its reasonable attorney's fees and costs from the other party to this Agreement.

3.11 Jurisdiction. This Agreement shall be interpreted in accordance with the statutes and laws of the State of California, the City of Laguna Beach and any other government agency applicable to the subject of this Agreement and the performance hereunder.

3.12 Non-liability of City Officers and Employees. No officer, official, employee, agent, representative, or volunteer of the CITY shall be personally liable to CONSULTANT, or any successor in interest, in the event of any default or breach by the CITY, or for any amount which may become due to the CITY or its successor, or for breach of any obligation of terms of this Agreement.

3.13 Extension of Time for Delay.

3.13.1 If the work is delayed at any time by reason of a suspension ordered by the CITY or because of any other act of the CITY, or because of neglect by the CITY without contributory fault or neglect on the part of the CONSULTANT, or if the work should be delayed at any time by reason of strikes, acts of God, the public enemy, acts of the CITY, fire, floods, epidemics, quarantine restrictions, freight embargoes, abnormal force, violence of the elements, or for any other unforeseen cause beyond the control and without the fault or negligence of the CONSULTANT, or for any other reason which in the opinion of the CONSULTANT is proper justification for such delay, then the

CONSULTANT shall be entitled to an extension of time equivalent to the time actually lost by such delay.

3.13.2 The CONSULTANT shall file a written request with the CITY for extension of time within ten (10) days following the beginning of such delay, and failure to do so shall constitute a waiver thereof, provided that in case of a continuing cause of delay, only one claim will be necessary. The CITY shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the CITY such delay is justified. The CITY's determination shall be final and conclusive upon the parties to this Agreement.

3.13.3 A request for an extension of time or the granting of an extension of time shall not constitute a basis for any claim against the CITY for additional compensation. The CONSULTANT shall be deemed to have waived any claims for additional compensation and does hereby so waive any such claims unless he shall, at the time of filing a request for an extension of time, likewise file a claim for additional compensation on account of such delay.

3.14 Interests of Members of the CITY and Others. No officer, member or employee of the CITY and no member of its governing body nor other public official of the governing body of the locality or localities in which the work pursuant to this Agreement is being carried out, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of the aforesaid work, shall (1) participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she has, directly or indirectly, any interest; or (2) have any interest, direct or indirect, in this Agreement or the proceeds thereof during his or her tenure or for one year thereafter.

3.15 Interest of Consultant. CONSULTANT hereby covenants that it has, at the time of the execution of this Agreement, no interest, and that it shall not acquire any interest in the future, direct or indirect which would conflict in any manner or degree or be inconsistent with the performance of services required to be performed pursuant to this Agreement. CONSULTANT further covenants that in the performance of this work no person having any such interest shall be employed.

3.16 Covenant Against Contingent Fees. CONSULTANT warrants that it has not employed or retained any company or person to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the making of this Agreement. In the event of a breach or violation of this warranty, the CITY shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation or consideration due CONSULTANT, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gifts or contingent fee.

3.17 Compliance with California Unemployment Insurance Code Section 1088.8. If CONSULTANT is a Sole Proprietor, then prior to signing the Agreement, CONSULTANT shall provide to the CITY a completed and signed form W-9, Request for Taxpayer Identification

Number and Certification. CONSULTANT understands that pursuant to California Unemployment Insurance Code Section 1088.8, the CITY will report the information from Form W-9 to the State of California Unemployment Development Department, and that the information may be used for the purposes of establishing, modifying, or enforcing child support obligations, including collections, or reported to the Franchise Tax Board for tax enforcement purposes.

SECTION FOUR: MISCELLANEOUS PROVISIONS

4.1 Records and Audits. CONSULTANT shall maintain complete and accurate records with respect to services performed (including, but not limited to, the identity of the person doing the work, a description by date and person of the work performed, and the amount of time expended on such work) and costs incurred under this Agreement. CONSULTANT shall also maintain its records supporting its cost proposals used and relied on to enter into this Agreement. CONSULTANT shall maintain records to show actual time and allowable costs with respect to each task set forth in the “Scopes of Services.” All such records shall be maintained on a generally accepted accounting basis and shall be clearly identifiable. CONSULTANT shall submit to the CITY such progress reports and final reports in the manner and time set forth in Appendix B attached hereto and by reference incorporated herein. The final report and CONSULTANT’s work product shall become the property of the CITY.

4.2 Access to Records. The CITY shall have access, upon reasonable notice, to the books and records of CONSULTANT related to CONSULTANT’s performance of this Agreement in the event any audit is required. The CONSULTANT shall allow inspection of all work data, documents, proceedings and activities related to the Agreement, and CONSULTANT’s performance hereunder, for a period of one (1) year from the date of final payment under this Agreement.

4.3 Ownership of Records. All drawings, original documents, methodological explanations, computer programs, designs and reports and other materials prepared by CONSULTANT in this performance of this Agreement (i) shall be the property of the CITY and shall be delivered at no cost to the CITY upon request of the CITY or upon the termination of this Agreement in accordance with accepted standards relating to public contracts, and (ii) are confidential and shall not be made available to any individual or entity without prior written approval of the CITY. Any additional copies will be the responsibility of the CITY.

4.4 Recycled Content. In compliance with Public Contracts Code, Chapter 4, Section 12169 and Section 12213, CONSULTANT is required to certify in writing the exact, or the minimum, percentage of recycled content in the reports and products produced by CONSULTANT for the CITY.

4.5 Notices. Unless otherwise provided herein, any notices required to be given under the Agreement shall be in writing with copies as directed herein and shall be personally delivered, or delivered by United States mail, prepaid, certified, return receipt requested, or by reputable document delivery service that provides a receipt showing date and time of delivery. Notices personally delivered or delivered by a mail document delivery service shall be effective upon

receipt. Any notice given by mail shall be deemed to have been given when deposited in the United States mails certified and postage prepaid, addressed to the party to be served as follows:

To CITY: City of Laguna Beach
Attn: _____
505 Forest Avenue
Laguna Beach, CA 92651

Notices to CONSULTANT shall be delivered to the address set forth below CONSULTANT's signature on Part I of this Agreement. Changes in the address to be used for receipt of notices shall be effected in accordance with this Section 4.5.

4.6 Severability. Each provision of this Agreement shall be severable from the whole. If any provision of this Agreement shall be found contrary to law, the remainder of this Agreement shall continue in full force.

4.7 Authority. The person(s) executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

4.8 Construction and Amendment. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The headings of sections and paragraphs of this Agreement are for convenience or reference only, and shall not be construed to limit or extend the meaning of the terms, covenants and conditions of this Agreement. This Agreement may only be amended by the mutual consent of the parties by an instrument in writing.

4.9 Extent of Agreement. This Agreement represents the entire integrated agreement between the CITY and the CONSULTANT and supersedes all prior negotiations, representations of agreements, either written or oral. This Agreement may not be modified or amended except by a writing signed by both the CITY and the CONSULTANT.

4.10 Special Provisions. Any additional or supplementary provisions or modifications or alterations of these General Provisions shall be set forth in Part III of this Agreement ("Special Provisions").

4.11 Precedence. In the event of any discrepancy between Part I ("Fundamental Terms") and Part II ("General Provisions") Part II shall take precedence and prevail over Part I.

COLOR SCHEME FOR CITY VEHICLES

PURPOSE: Chapter 2.39 of the Laguna Beach Municipal Code directs that, in the public interest, all City-owned vehicles be easily identifiable as such. In order to conform to this policy, the City has implemented the following:

PROVISIONS:

1. All City vehicles will be white with blue stripes, with the following exceptions:
 - Police patrol cars will be black and white
 - Police detective cars will be various colors
 - Fire engines will be red
2. In order to differentiate non-black and white police vehicles from other City vehicles, the stripes for non-police vehicles will be approximately two inches wide rather than the significantly wider stripes employed by the Police Department. Additionally, the blue used on the thinner stripes will be a different shade from that which is by the Police Department.
3. All City vehicles, with the exception of the detective cars, will have a City seal on each side, preferably on the door. Additionally, the City seal will be displayed on the rear of each vehicle if possible; a smaller seal can be used for that purpose.
4. Each City vehicle will be assigned a separate number. That number will be displayed on each side of the vehicle and on the rear. The numbering system will be:
 - Marine Safety Department, 5500-5599
 - Community Development Department, 1-10
 - Public Works & Water Quality Departments, 100-299
 - Police Department, 700 900
 - Fire Department, 8500-8599
5. The name of the department responsible for each vehicle will be shown on each side and on the rear of the vehicle, wherever feasible. The word "department" is not necessary; the reference will be to "Police," "Fire," "Public Works," "Community Development," "Water Quality," and "Marine Safety or Lifeguards". The buses will be referred to as the "Laguna Beach Transit."

It is the responsibility of each department to insure the following:

- Numbers are placed on vehicles in accordance with No. 4 above;
- City seals are affixed as described in No. 4 above;
- Lettering of the department is done in accordance with No. 5 above.

COORDINATION OF CAPITAL PURCHASES

PURPOSE:

Rather than having each department purchase items individually, the Finance Department will work with the various departments to purchase the items in a coordinated manner.

GENERAL POLICY: This policy has two goals:

- Standardization of equipment so that furniture and equipment can be more easily interchanged; and
- Reduction of costs by buying in larger quantities at one time.

PROVISIONS:

No department is to purchase any capital expenditure items (i.e., office furniture, passenger cars, pick-up trucks) without the approval of the Finance Department.

SMOKING IN PUBLIC FACILITIES**PURPOSE**

The purpose of the Policy is to ensure the City's compliance with the smoking provisions outlined in the Municipal Code Chapter 7.40 et seq. as well as the California Government Code sections 7596-7598 which regulate smoking in public facilities. The City of Laguna Beach finds that the smoking of tobacco, or any other weed or plant, is a positive danger to health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces. The intent of this policy is to protect public health, safety and welfare, prevent cigarettes and ashes from being thrown out of City vehicles, and to reduce the potential for wildfires. The declared purpose of this policy is to prohibit the smoking of tobacco, or any weed or plant, in public facilities, as stated and required in this policy.

DEFINITIONS

"Smoking" means the combustion of any cigar, cigarette, pipe or any similar article, using any form of tobacco or other combustible substance in any form.

"Public employee" means an employee of the City of Laguna Beach.

"Public building" means a building owned and occupied, or leased and occupied, by the City of Laguna Beach.

"Inside a public building" includes all indoor areas of a building, except for covered parking lots and residential space. "Inside a public building" also includes any indoor space leased to the City.

POLICY

No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit or entrance, or any operable window of a public building or in any vehicle owned or leased by the City of Laguna Beach.

CITY EMPLOYEE PARKING**PURPOSE**

This policy is intended to clarify City policy, ordinances and state laws which apply to employee parking.

REGULATIONS

1. In order to maximize the amount of public parking available in the downtown area, employees shall not park their personal vehicles in the on-street metered parking spaces or the City parking lots (excluding the City employees' parking lot) in the downtown area, which includes the parking spaces in front of City Hall while on duty without prior written authorization from the City Manager. This includes the red spaces in front of City Hall which are to be used for elected and appointed officials. Short duration parking in the aforementioned spaces of less than ten (10) minutes is permissible for the purpose of actively loading or unloading items being taken into or out of City Hall.
2. An employee may park a personal vehicle in the electric car charging spaces located in the Forest/Laguna Canyon City parking lot while on-duty, provided the personal vehicle is otherwise lawfully allowed to park in one of those spaces per CVC 22511.1(a) and LBMC 10.06.090, the vehicle is plugged in and actively charging, and the vehicle is parked there for no more than four (4) hours in a twenty-four (24) hour period.
3. All vehicles are required to display a City employee parking sticker on the left rear bumper. However, should the bumper be unsuitable for a sticker, it may be displayed on the left rear window. Employees of the Police Department may display a City employee parking sticker on an alternative location of their personal vehicle that is approved by the Chief of Police so long as the sticker is visible from the exterior of the vehicle.
4. If an employee prefers to back into a parking space, then the sticker may be displayed on the left front bumper or left front window if the bumper is unsuitable. Backing into a parking space is only permitted in straight parking spaces; backing into angled parking spaces is prohibited.
5. Only designated parking spaces may be used unless otherwise authorized by an on-duty parking lot attendant.
6. Posted "No Parking" spaces mean just that.
7. Vehicles shall be parked entirely within the marked lines of one parking space; using two spaces to park your vehicle is prohibited.
8. Front license plates are required on all automobiles.

9. Current vehicle registration is required.
10. The parking lot may not be used to display personal vehicles which are for sale.
11. Parking of a personal vehicle in the employee parking lot when the employee is not on-duty for longer than twenty-four (24) hours is prohibited unless the employee has received written authorization from the City Manager or Department Head to do so
12. During the summer festival season, employees shall not park their personal vehicles in the employee lot when they are not on-duty without prior authorization from the City Manager or Department Head. Employees attending evening meetings at City Hall, arriving to work after 6:00pm Monday through Friday or anytime Saturday or Sunday may use Department Head spaces as available. Departments shall utilize assigned spaces within their department when City vehicles are in service. During this time period, the employee lot is used by Festival employees during the evenings and on the weekends.
13. In order to maintain the safety and security of employees and employee vehicles, the City reserves the right to place video surveillance cameras in City employee parking areas where necessary and appropriate.
Employee parking areas may be monitored by the City as authorized by the City Manager.
 - a. Access to archived footage to investigate incidents of criminal activity or violation of the City's Personnel Rules and/or Administrative Policies is restricted to designated staff, as authorized by the City Manager.
 - b. Access is also allowed by law enforcement when pursuant to a subpoena, court order, or when otherwise authorized by law.

PROCEDURE

The Personnel Division will issue each eligible employee no more than two employee parking lot stickers. These stickers are not transferable. Temporary parking permits are issued by the Personnel Division, Community Services Department, and the Police Department.

Violations of the regulations listed above will normally be brought to the attention of the employee through the Department Head. Failure to observe the regulations outlined above may result in loss of parking privileges and/or disciplinary action.

Vehicles with an "Officials Only" parking sticker shall also be eligible to park in the employees' parking lot. During the summer festival season, all Council members, Commissioners and Design Review Board members, and members of other City bodies that meet in the Council Chambers shall park in the Lumber Yard lot during their meetings only. Evening Committee and other City meetings at the Laguna Beach Community and Susi Q. Center will park at the Susi Q. Center, not City Hall. Parking lot attendants assigned to the Lumber Yard and Laguna Beach Community and Susi Q. Center lots shall maintain this list and reserve spaces accordingly.

PERMIT APPLICATIONS**PURPOSE:**

To establish a uniform procedure by which applications for these permits may be reviewed:

Charitable Solicitations	Patrol Services
Massage Technicians	Alarm Systems
Massage Out Call Services	Loudspeakers
Massage Establishments	Fire and Close Out Sales
Entertainment	Amusement Devices
Dancing	Bathhouses
Tax Drivers (Passenger Carriers)	Outdoor Gatherings
Parades	Bingo Games
Auctions	Street Vendors

Police Permits (pawn broker, second-hand store, house moving, house-to-house solicitation of wares, private police or patrol systems, or peddling goods, wares or merchandise from house-to-house or upon the streets, as provided in Municipal Code Section 5.64)

GENERAL POLICY:

Applications for the permits listed above may be obtained from the Senior Clerk, Business License Division, who will attach the necessary paperwork, collect any required fees, route to other departments for review as needed, and forward the package to the Chief of Police for approval.

The Chief of Police will review the package and either approve or deny the permit. In the event a denial is being considered, the permit application and accompanying background investigation shall be forwarded to the City Manager for review and concurrence, amendment, or reconsideration for approval.

Applications for the following permits are available at the Community Services Department:

- Filming
- Park Weddings
- Irvine Bowl/Festival Grounds (requires prior approval by Festival of Arts)
- General Park Use
- City Facility Use

These applications will be reviewed and approved or denied by the Director of Community Services.

MANAGEMENT OF OPEN SPACE LANDS**PURPOSE:**

The City now owns more than 1,000 acres of land which is being preserved in its natural state, including large parcels such as Sycamore Hills, Brooks, Laguna Heights, DeWitt, and the Upper Irvine Bowl, as well as many small parcels throughout the community. To insure that these lands remain in their natural state, this administrative policy has been created. This policy is applicable to all parcels, large or small, in their natural state; however, it does not apply to City parks which have been developed for active or passive use, or to public beaches.

GENERAL POLICY:

This policy is intended to insure that the open space lands which have been acquired by the City are preserved in their natural state for future generations of Laguna residents and visitors. The intent of this policy is to preclude, whenever possible, any alteration of the land form or destruction of vegetation to the extent possible, with due consideration for public safety.

PROVISIONS:

1. No grading or other land form alteration of any nature is to be conducted without advance approval by the City Council. This includes grading for the maintenance of fire roads. The only exception to this policy is in case of a fire or other type of emergency such as a landslide, in which there is imminent danger to individuals, or to valuable public or private property.
2. No mechanical equipment whatsoever shall be utilized for any purpose including weed abatement, fuel modification, fire road maintenance, geological testing, tree planting, parking lot maintenance, litter removal, etc., without the express written approval of the City Manager. Exceptions to this policy are for the use of fire suppression equipment in an emergency such as a landslide when there is imminent danger to individuals, or to valuable public or private property. In the case of such an emergency, approval may be granted orally by the City Manager.

PERSONAL TELEPHONE CALLS

PURPOSE:

To establish a policy regarding the use of City telephones for personal calls.

GENERAL POLICY:

Employees shall limit their use of City telephones for personal calls in order to keep City telephone lines free for business use. The City's telephone system allows for the tracking and documentation of all incoming and outgoing calls. This information will be used to monitor telephone usage at each extension.

Employees shall be permitted to make and receive a limited number of brief personal telephone calls. When personal calls are necessary, employees should be encouraged to make them during break periods.

All personal, long distance telephone calls shall be made by use of a personal calling card or from a personal cell phone. In case of an emergency when a personal call must be made at the City's expense, an employee shall first obtain his or her supervisor's approval. All personal calls made at the City's expense will be subject to reimbursement by the employee.

Managers and supervisors shall review the periodic report of telephone usage for extensions in their respective departments for instances of excessive telephone use or abuse. The manager or supervisor shall then take appropriate action, up to and including disciplinary action, in order to eliminate any inappropriate use of the telephone.

PROCUREMENT AND WASTE REDUCTION**BACKGROUND:**

As a complement to the City's curbside recycling collection program which began in 1989, the City Council, in May 1990, adopted a "15 percent" purchasing policy for City Hall which favors products made from recycled materials. The purchase of products containing recycled materials is necessary to close the recycling "loop" – that is, recycling has not really taken place until the recycled material has been purchased and placed in use. Since state and local government purchases account for 12% to 13% of the gross national product and can have a direct and meaningful influence on the marketplace, governments should provide leadership in the purchase of recycled and recyclable products.

PURPOSE:

The intent of this administrative policy is to increase use at City Hall of products made of recycled and recyclable materials and to reduce waste.

GENERAL POLICY:

1. City departments are directed to purchase products made from recycled materials when available and economically feasible (not in excess of 15% of the cost of the same product manufactured from virgin materials).

Wherever practical, goods will be purchased which contain "post-consumer" recycled material rather than just "pre-consumer" recycled materials. "Post-consumer" means that the material has been made into a product, used, collected, and reprocessed. "Pre-consumer" means recycled material is composed of scraps and excess from the manufacturing process, and has never been in the waste stream.

2. In addition to the recycled content of a product, important selection criteria include:
 - a. the ability of a product and its packaging to be reused, reconditioned for reuse, or recycled through an existing collection program
 - b. low packaging volume and low toxicity of a product
3. A minimum recycled-content standard may be stated in City bid or procurement specifications. The Standard Consultant Agreement (Administrative Policy 5-5) has already been amended to require a contractor to specify the exact, or at least the minimum, recycled content, if any, of a product offered to the City.

4. Whenever practical, recycled products shall be labeled as such in a standard format. For example, City letterhead printed on recycled paper would bear the notation, “__% Recycled Paper.”
5. Departments will use waste reduction techniques (or “recycling”) to reduce the amount of trash generated. This policy is particularly applicable to City-sponsored and City-supported events, where reusable cups, dishes and other containers, rather than disposable, are to be used.

PROVISIONS:Purchasing Products

Many types of products used by the City are now made from recycled and recyclable materials. Departments will check the availability of an item with recycled content before purchasing one made with virgin materials. A partial list of such products includes:

- asphalt and concrete
- compost and mulch
- re-refined motor oil
- re-processed solvents
- janitorial supplies
- office supplies including file folders, writing tablets, computer paper, stick-on notes, paper of all kinds, storage boxes, plastic desk trays, waste and recyclable containers
- carpeting
- playground equipment, park benches, parking berms, and signs made from mixed plastics.

Suppliers of these products can be found in many places: office supplies catalogs, Government Products News, recycling journals, and a State-published Guide to Recycled Products. The Environmental Specialist in the Municipal Services Department can offer assistance.

Additionally, some items may be purchased through cooperative purchasing agreements with the County of Orange. Contact the Purchasing and Transportation Director, General Services Agency, County of Orange.

Finally, the State has begun a free materials exchange program, called CalMAX. A catalog of materials available and materials wanted in various areas of the state is published every other month and is available in the Municipal Services Department.

Reducing Waste

Good waste reduction practices which departments and individual employees will use wherever possible as a supplement to the purchase of recycled and recyclable products include:

- returning copier toner cartridges to be refilled
- cutting up used paper for scratch pads
- using rechargeable batteries
- using long-lasting compact fluorescent lights
- increased use of electronic mail
- using ceramic cups rather than disposables
- double-sided copying
- recapping tires
- bringing lunch in reusable containers

COMPUTER USE AND E-MAIL POLICY**BACKGROUND**

The City of Laguna Beach (the "City") relies on its computer network to conduct its business. This Computer Use Policy (the "Policy") has been adopted to ensure that the City's computer resources are used properly by its employees, independent contractors, agents and other computer users.

The rules and obligations described in this Policy apply to all users of the City's computer network, wherever they may be located. Violations will be taken very seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

It is every employee's duty to use the City's computer resources responsibly, professionally, ethically and lawfully.

DEFINITIONS

As used in this Policy, the following terms shall have the following meanings: The term "Computer Resources" refers to the City's entire computer network. Specifically, Computer Resources include, but are not limited to: host computers, file servers, application servers, map servers, communication servers, City cell phones, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, software, data files and all internal and external computer and communications networks (for example, Internet, commercial online services, value-added networks and e-mail systems) that may be accessed directly or indirectly from the City's computer network.

The term "Users" refers to all employees, independent contractors, consultants, temporary workers and other persons or entities who use the City's Computer Resources.

The term "Supervisor" refers to the city manager, department heads, division heads and other management employees.

POLICY

The Computer Resources are the property of the City and may be used only for legitimate City business purposes. Users are permitted access to the Computer Resources to assist them in performance of their jobs

In using or accessing the City's Computer Resources, all Users must comply with the following provisions:

1. No Expectation of Privacy

- A. Electronic data is the property of the City. The City reserves the right to access and disclose all messages sent over its electronic mail system for any purpose. The City

shall have the right to delete or retain any or all electronic mail messages or files of a City employee, including those no longer employed by the City.

- B. No expectation of privacy. The computers and computer accounts assigned to Users are to assist them in the performance of their jobs. Users should not have an expectation of privacy in anything they create, store, send or receive on the computer system. The computer system belongs to the City, and may be used only for business purposes. Under many circumstances, computer files and communications sent or received by e-mail may be subject to public disclosure under the Public Records Act or by litigation.
- C. Waiver of privacy rights. Users expressly waive any right of privacy in anything they create, store, send or receive on the computer or through the Internet or any other computer network. Users consent to allowing personnel of the City to access and review all materials Users create, store, send or receive on the computer or through the Internet or any other computer network. Users understand that the City may use human or automated means to monitor use of its Computer Resources.

2. Prohibited Activities

Computer resources are to be used only for business purposes. Examples of prohibited activities include but are not necessarily limited to the following:

- A. Inappropriate or unlawful material. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, threatening, intimidating, disrespectful, demeaning, defamatory or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication (such as bulletin board systems, newsgroups or chat groups) or displayed on or stored in the City's computer system. Users encountering or receiving this kind of material must immediately report the incident to their supervisors or the Personnel Services Manager.
- B. Commercial or personal uses. Without prior written permission from a Supervisor, Computer Resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating codes), political material, religious material or any other unauthorized use.
- C. Waste of computer resources. Users may not deliberately perform acts that waste Computer Resources or unfairly monopolize resources to the exclusion of others. These acts include but are not limited to sending mass mailings or chain letters, spending excessive non-official time on the Internet, engaging in online chat groups, printing multiple copies of documents instead of using copiers or otherwise creating unnecessary network traffic.
- D. Misuse of software. Without prior authorization from a Supervisor, Users may not do any of the following: (1) copy software for use on their home computers; (2) provide

copies of software or data to any independent contractors of the City or any third parties; (3) install software on any of the City's workstations or servers; (4) download any software from the Internet or other online service to any of the City's workstations or servers; (5) modify, revise, transform, recast or adapt any software; or (6) reverse-engineer, disassemble or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their supervisors.

- E. Communication of trade secrets. Unless expressly authorized by a Supervisor, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the City is strictly prohibited. Unauthorized dissemination of this information may result in substantial civil liability as well as severe criminal penalties.
- F. Use by employee unions/associations. Computer resources shall not be utilized by any of the City's employee unions/associations for correspondence to their existing or prospective members. However, union/association board members wishing to correspond with supervisory personnel may utilize computer resources in their official capacity and in an appropriate and professional manner. Certain types of union/association communication directed at the membership for purposes of expediently examining proposed changes in working conditions or benefits may also be permitted upon approval of the sender's supervisor.

3. Passwords

- A. List of passwords. The City has the right to ask for, receive and maintain a list of all Users' passwords. The password list shall be maintained in a confidential manner. The City has the right to inspect all electronic mail and files of the Users to correct service problems, ensure system security, retrieve records and/or transition work when responsible personnel are unavailable, and for other legitimate business reasons.
- B. Responsibility for passwords. Users are responsible for safe-guarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. Users may not access the computer system with another User's password or account without prior authorization.
- C. Passwords do not imply privacy. Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system. The City has global passwords that permit access to all material stored on its computer system regardless of whether that material has been encoded with a particular User's password.

4. Security

- A. Accessing other user's files. Users may not read, alter or copy a file authored by another User without first obtaining permission from the creator of the file. Ability to read, alter or copy a file created by another User does not imply permission to read, alter or copy that file. Users may not use the computer system to "snoop" or pry into the affairs of other users by unnecessarily reviewing their files and e-mail.
- B. Accessing other computers and networks. A User's ability to connect to other computer systems through the network or by a modem does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
- C. Computer security. Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the City's Computer Resources. This duty includes taking reasonable precautions to prevent intruders from accessing the City's network without authorization and to prevent introduction and spread of viruses.

5. Viruses

- A. Virus detection. Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into the City's computer system. To that end, all material received on floppy disk or other magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to the City must be scanned for viruses and other destructive programs before being placed onto the computer system. Users should understand that their home computers and laptops may contain viruses. All disks transferred from these computers to the City's network must be scanned for viruses.
- B. Accessing the Internet. To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to the City's network must do so through an approved Internet firewall. Accessing the Internet directly, by modem or similar device, is strictly prohibited unless the computer being used is not connected to the City's network.

6. Encryption Software

- A. Use of encryption software. Users may not install or use encryption software on any of the City's computers without first obtaining written permission from a supervisor. Users may not use passwords or encryption keys that are unknown to the City's system administrator.
- B. Export restrictions. The federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the

Internet or transmitted in any way outside the United States without prior written authorization from a supervisor.

7. General Provisions

- A. Checking email. E-mail account holders should check their mail at least once daily or per shift. Supervisory personnel are free to implement their own policies for checking email on a more frequent basis. It is not appropriate to use the email system for urgent communications.
- B. Education. All Users are responsible for attaining a reasonable level of skill and familiarity in the use of the e-mail system in order to send and receive basic communications.
- C. Retention. Users should endeavor to purge their systems of old email messages. The City may, in its discretion, purge any such mail on an automatic basis.
- D. Backups. Electronic mail is not backed-up on a permanent basis. The City stores electronic mail only to the degree that allows the City to restore current electronic mail in the event of a system failure. Electronic mail is not a permanent storage medium and Users are expressly forbidden to use it as such. If Users wish to maintain any electronic mail as a permanent record, they must save the electronic mail as a disk file or print it out in hard copy form for permanent filing.

8. Miscellaneous

- A. Attorney-client communications. E-mail sent from or to counsel or an attorney representing the City should include this warning header on each page: "ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION."
- B. Compliance with applicable laws and licenses. In their use of Computer Resources, Users must comply with all software licenses, copyrights and all other state, federal and international laws governing intellectual property and online activities.
- C. Other policies applicable. In their use of Computer Resources, Users must observe and comply with all other regulations, policies and guidelines of the City.
- D. Amendments and revisions. This Policy may be amended or revised from time to time as the need arises. Users will be provided with copies of all amendments and revisions.
- E. No additional rights. This Policy is not intended to, and does not grant, Users any contractual rights. This policy does not impose a duty for its enforcement on the part of the City.

REFERENCE: Refer to Administrative Policy 2-10, Official Job Title Use and Administrative Policy 2-16, Employee Use of City Offices and Property.

GUIDELINES FOR BODIES APPOINTED BY THE CITY COUNCIL**PURPOSE:**

These guidelines are intended to assist members of City commissions, boards, committees and other bodies appointed by the City Council in the performance of their duties. While the information in these guidelines is applicable to all such bodies, there may be occasions where the City Council has specifically authorized a modification of these guidelines for a specific body. Any questions regarding the guidelines should be directed to the staff member who serves as liaison to the body.

MEMBERSHIP:

Membership on City commissions, boards, committees and other bodies appointed by the City Council is limited to residents of Laguna Beach. Members of the bodies will be appointed by the City Council by majority vote after receipt of an application or resume. An individual may not serve on more than one body. This restriction does not apply to participation on ad hoc committees.

The City Council shall establish the number of voting members for each body, with a majority of the appointed members establishing a quorum. Each body will have a City staff person assigned as liaison. The staff will generally not be in a position to conduct detailed studies or prepare reports for the bodies unless those efforts are part of City Council assignments. Members of each body will need to participate actively in the endeavors of the body in order to assure a successful product.

OFFICERS:

Each body shall appoint a Chairperson, who should conduct the meetings and, with the assistance of the staff liaison, shall be responsible for preparing the meeting agendas.

Each body shall appoint a Vice Chairperson, who will conduct meetings in the absence of the Chairperson and shall assist the Chairperson as needed.

A member of the body shall be appointed to record action minutes of the meetings. Depending on time constraints, the staff liaison may record the brief action minutes instead of having that performed by a committee member.

APPEARANCE BEFORE GOVERNMENTAL AGENCIES:

No member of a body shall write to or appear before any county, state or federal governmental body without the express advance approval of the City Council (unless clearly identifying him/herself as speaking as an individual). Any correspondence shall be directed through the staff liaison, who shall be responsible for preparing, signing, and sending the correspondence. Correspondence from a body to the City Council should be routed through the staff liaison.

POLITICAL ENDORSEMENTS:

No member of a body may use his or her City title in any endorsement of any candidate for political office, or any ballot measure.

REGULAR MEETINGS OF BODIES SUBJECT TO THE BROWN ACT:

Each body that is subject to the Brown Act shall establish a regular meeting schedule on an annual basis. The staff liaison for each body shall notify the City Clerk of the time and place of regular committee meetings, all of which are open to the public. Any changes require 72 hours advanced notification to the City Clerk. The staff liaison shall inform members of extra meetings or any changes in the regular schedule. Meetings of each body subject to the Brown Act shall be held in a public place, preferably in a City building. At public meetings, an opportunity must be offered for the public to comment. Where action results in a recommendation by the body for City Council action, the recorded tally of the vote is required.

REPORTING RELATIONSHIPS:

Each body reports to the City Council. All items for the City Council agenda shall be processed through the staff liaison as part of the normal agenda process and schedule. The Chairperson or his/her appointed designee shall report the activities of his/her body to the City Council on an annual basis.

CITY COUNCIL LIAISON:

The City Council may appoint one of its members as a liaison to each standing body. The role of the Councilmember liaison is to provide guidance to the body. However, it is not expected that the Councilmember liaison will be present at all meetings of the body given other obligations fulfilled by Councilmembers.

ATTENDANCE BY MEMBERS:

Effective as of June 2, 2015, any member appointed by the City Council to a body who misses more than three meetings during any 12-month period shall be subject to removal from that body by majority vote of the City Council. Upon the member's fourth absence within a 12-month period, the matter shall be placed on the City Council's agenda for consideration and possible action. Such member shall remain on the body until, and unless, removed by formal action of the City Council. The City Council may determine not to require removal upon a demonstration of good cause for the absences.

FUNDRAISING:

No member of a body shall have the authority to raise and collect funds on behalf of the body or the City unless such action has been specifically approved in advance by the City Council. Any request for a committee to raise funds should be submitted to the City Council as an agenda item.

CONTRACTS:

No member of a body shall have the authority to enter into any contract with any agency, group or individual. All purchases, agreements and contracts shall be entered into by City staff in compliance with normal City purchasing procedures.

USE OF WIRELESS TELEPHONES IN THE WORKPLACEPURPOSE

Advances in wireless telephone technology have made wireless telephones affordable and convenient for many people to carry on a regular basis. Additionally, the City has issued wireless telephones to some personnel for emergency or work coordination purposes. Wireless telephones can, in certain situations, improve the efficiency of City operations; however, they can also present a distraction that can either create a hazard or interfere with work productivity. Hazards to City personnel and the public can be created when the use of wireless telephones distract those operating vehicles or equipment. Work productivity can also be impacted by excessive attention to outside activities via wireless telephone.

GENERAL POLICY

This policy establishes guidelines which will (1) allow employees to be accessible to friends or family in cases of urgency or emergency, (2) avoid the loss of productivity, and (3) avoid hazardous situations caused by distraction. This policy also incorporates laws relating to the use of wireless telephones and the City's Computer use and e-mail policy.

PROVISIONS

1. Mechanical Equipment and Machinery: No mechanical or motorized equipment or machinery should be operated while using a cell phone. If it is necessary for one operating such equipment to use a cell phone, then the operator should stop operating the equipment or machinery, and only if it is safe to do so.
2. Vehicle Operation: A person *over the age of 18* shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving. This prohibition includes wireless telephones with push-to-talk features. **A person may use a wireless telephone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.**

Exceptions:

- Individuals who operate a commercial motor truck or truck tractor (excluding pickups), that requires either a commercial class A or class B driver's license to operate may use a two-way radio operated by a push-to-talk feature which does not require immediate proximity to the ear of the user.

- Emergency services professionals may use a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties. Emergency services professionals may use a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties, providing the phone call being made is work related and, based upon events of that moment, it would not be safe to pull to the side of the roadway in order to complete the call.
- A person driving a transit vehicle may use a wireless telephone for work-related purposes, or for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity.

Additional Information:

A push-to-talk feature attached to a hands-free ear piece or other hands-free device is acceptable.

An individual may use the speaker phone function of his or her wireless telephone while driving.

A person *under the age of 18* shall not drive a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. Exception: Permitted in emergency situations to call police, fire or medical authorities.

3. Personal Business: Use of a cell phone for personal business during working hours is not allowed, except during regular breaks or for rare emergency situations.

References: Vehicle Code §§ 23123-23125

PROCEDURES FOR THE ACQUISITION OF CITY PROPERTY**PURPOSE:**

The purpose of this administrative policy is to delineate those steps that should be followed by the staff to ensure that the acquisition of real property is handled in accordance with applicable laws and regulations. This administrative policy identifies the steps that ordinarily should be taken and lists them in the order they should generally occur. Please note there may be exceptions to this policy.

GENERAL POLICY:

1. Preliminary Site Identification and Investigation of Value – In addition to those instances when private parties approach the City to propose the sale of real property, the City Manager may, from time to time, ascertain the availability of certain parcels of real property situated in or near the City and believed to be necessary or suitable for public purposes. The City Manager will typically utilize informal means, such as reported listing and broker information, for estimating the market value of the parcel in order to determine whether opportunities should be pursued.
2. Informal City Council Approval – In a closed session pursuant to Government Code section 54956.8, the City Council should authorize the City Manager to undertake negotiations for the acquisition of a particular parcel. The notice for the closed session and the agenda shall identify the subject real property and the person(s) with whom the City Manager may negotiate. Formal City Council approval at a public meeting will still be necessary at a subsequent stage of the process to finalize an acquisition.
3. Appraisal – For Significant Purchases, the City Manager shall retain the services of a qualified independent property appraiser (normally an M.A.I.) so that the City has a formal valuation of the parcel and is aware of the reasons supporting that value. Having an appraisal done provides assurance that a proposed acquisition will not result in a gift of public funds. The owner of the parcel shall be informed that an appraisal is being prepared and shall be given an opportunity to accompany the appraiser upon an inspection of the property. Generally, under State law, the City is required to offer the appraised value for the purchase of the parcel when acquisition by eminent domain is anticipated; however, there can be exceptions. Often, the City ends up paying more than the appraised value in order to conclude a transaction when there are competing opinions of value. In some cases involving State and Federal grants, a review appraisal will also be necessary. Public agencies with the power of condemnation frequently appraise properties for planning and other purposes; the fact that a parcel is being appraised does not necessarily mean that the city intends to acquire the parcel or use its eminent domain powers.

4. Negotiations and Agreement with Property Owner – After the City Council has authorized negotiations and the appraisal has been completed, the City Manager shall enter into negotiations with the owner of the parcel. In the event the property owner indicates a willingness to sell the parcel, there should be an informal letter of agreement between the parties which summarizes the terms and conditions of a sale.
5. Environmental Review – The acquisition of real property by a public agency is a project within the meaning of the California Environmental Quality Act, subject to certain exemptions (i.e., purchases for open space). In any event, the Community Development Department should be consulted to ensure that the appropriate environmental review is conducted and that any necessary environmental documentation is completed prior to a decision to acquire the parcel.
6. Preliminary Engineering Work – Preliminary engineering work should be done to compute the area of the parcel, to ascertain the property interest(s) to be acquired (fee, easement, etc.), and to provide the necessary legal description(s).
7. Preliminary Title Report – A preliminary title report for the parcel should be purchased so that the City is aware of any possible liens or encumbrances on the property, and to know the owners of record in order to ascertain the correct parties to the acquisition agreement. In most instances, a final title report and title insurance will be obtained at a later stage of the process.
8. Hazardous Materials – In certain cases, it may be necessary to perform a preliminary assessment of the parcel and to prepare appropriate documentation regarding the existence (and nature and extent) of any possible hazardous materials on the site or other environmental contamination. If such substances are detected, required clean-up costs and mitigation measures must be studied. These steps are particularly important when a building or property has been occupied for a purpose which might have involved the storage, use or disposition of hazardous or toxic materials.
9. Planning Commission Determination – The State Planning and Zoning Law requires the Planning Commission to make a recommendation to the City Council as to whether or not the proposed acquisition is in conformity with the City's General Plan.
10. Formal City Council Approval – At a public meeting, the City Council should formally announce the purchase of the real property and the relevant terms and conditions of the acquisition. The City Council should also authorize the city Manager to execute any necessary documents to effect the acquisition. Finally, the City Council should appropriate the funds required for the purchase.
11. Written Agreement – A formal written agreement, approved as to form and content by the City Attorney, delineating the terms and conditions of the purchase should be

prepared and signed by all parties. The agreement should then be provided to a title company in accordance with the accompanying escrow instructions.

12. Opening of Escrow – Once the written agreement has been signed, escrow can be opened. Ideally, there should be a purchase order for the payment of the real property and the required closing costs. However, in some cases this may not be possible (for example, time is short), in which case a warrant will be issued for those expenses.
13. Title Insurance – The City should obtain title insurance for most of the properties it purchases, although this policy may be reconsidered when the property is acquired for a nominal sum.
14. Certificate of Acceptance – The City Clerk should sign the certificate of acceptance as required by the Government Code and as authorized by City Council resolution.
15. Record Grant Deed – The grant deed, signed by the seller(s) in connection with the written agreement, and shall be recorded in the Officials Records of the County of Orange. This is normally done through the escrow company. The certificate of acceptance signed by the City Clerk should be attached to the recorded grant deed.
16. City Inventory – Once the purchase is completed and all documents have been signed and recorded as necessary, the City Clerk should add the property acquired to the inventory of City-owned parcels. The City Clerk should maintain copies of the written agreement, grant deed, and other related documents for the official City records.

ELECTRONIC RECORD RETENTION POLICY

PURPOSE: The purpose of the Electronic Record Retention Policy is to provide an electronic means for record keeping of personnel and financial records in a move towards the increasing trend of becoming a "paperless" society.

PROCEDURE:

1. Electronic records of personnel and financial records will be maintained so that they are completely accessible for review as long as required by statute.
2. The system for the electronic storage of personnel records will provide and ensure complete and accurate transfer of the records to the electronic storage system and contain a retrieval system that indexes, stores, preserves, retrieves and reproduces all transferred information.
3. The City of Laguna Beach will ensure that the electronic record storage system involves a reasonable quality control program that includes regular evaluations of the storage system and a method to ensure that data cannot be added or removed by unauthorized persons. This program will help to ensure the integrity, accuracy, and reliability of the records and electronic signatures.

References: United States Immigration and Customs Enforcement Agency (ICE)
Department of Homeland Security (DHS)
State of California Information Practices Act of 1977 (Civil Code Section 1798 et seq.)
State of California Public Records Act (Government Code Section 6250 et seq.)
State of California Penal Code, Sections 502 and 1523 et seq.

PASSWORD POLICY

PURPOSE This policy is intended to establish guidelines for effectively creating, maintaining, and protecting passwords for employees at the City of Laguna Beach. This includes passwords used to access workstations and devices that will be used to grant access to Laguna Beach City network.

GENERAL POLICY

The integrity of the City of Laguna Beach's computer network data can be undermined by unauthorized access or usage of parts of the system. In addition, certain federal and state laws require us to restrict access to certain information and documents. The success of the City of Laguna Beach depends on our ability to keep our information system secure and running effectively. Therefore, certain guidelines have been established for accessing the City of Laguna Beach's information systems.

PROVISIONS

This policy shall apply to all employees, contractors, and affiliates of the City of Laguna Beach and shall govern acceptable password use on all systems that connect to the city network or access or store city data.

- A. Access and Authorized Use:** Only City employees whose job functions require access or use of portions of the City Computer Network are permitted to access or use those systems. The authority to use any system is only granted through the Administrative Services Director. Individual supervisors, managers, or department heads do not have the authority to independently authorize employees to use systems. Unauthorized use of the City Computer Network by an employee is a serious matter, which will result in disciplinary action, up to and including termination of employment if circumstances warrant.
- B. Password Creation**
1. All user and admin passwords must be at least 20 characters in length. Use of passphrases is strongly encouraged.
 2. Passwords must be completely unique, and not used for any other system, application, or personal account.
 3. Default installation passwords must be changed immediately after installation is complete.
 4. Passwords should not contain your name, or a combination of commonly used related words. Examples would include "password, or Laguna, or Beach".
- C. Password Aging:** All User passwords must be changed every 365 days. Previously used passwords may not be reused.
- D. Password Protection**
1. Passwords must not be shared with anyone (including coworkers and supervisors) and must not be revealed or sent electronically.
 2. Passwords shall not be written down or physically stored anywhere in the office.

3. When configuring password “hints,” do not hint at the format of your password (e.g., “zip + middle name”)
 4. “Remember Password” feature on websites and applications should not be used.
- E. Enforcement:** It is the responsibility of the end user to ensure enforcement with the policies above.
- F. Changes in Employment Status:** The City of Laguna Beach will revoke access privileges when an employee’s employment status is changed or terminated.
- G. Computer Security:** Employees must lock down idle computer workstations to prevent unauthorized users from accessing City resources from unattended workstations.

If you believe your password may have been compromised, please **immediately** report the incident to IT@lagunabeachcity.net and change the password.

POLICY ON NEPOTISM AND FRATERNIZATION

PURPOSE: The purpose of this policy is to establish the nepotism and fraternization policy for the City of Laguna Beach. Public trust, safety and City morale require that this policy be in place to avoid conflict.

GENERAL POLICY:**Fraternization**

- A. Romantic Relationships between Managers and Subordinate Employees are prohibited.**

Romantic and/or sexual relationships, as described herein, between city managers and subordinate employees, are contrary to appropriate City goals of productivity and efficiency in the workplace. Therefore, romantic and/or sexual relationships between managers and subordinate employees within the same department are prohibited.

Public trust, safety and City morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other City employees. In order to promote efficient operation of the City and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale and possible claims of sexual harassment and/or gender based discrimination, all employees are instructed to avoid situations, which give rise to a conflict, or an appearance of a conflict.

For purposes of this policy "conflict" means, but is not limited to:

- (a) situations wherein a manager pursues a romantic or sexual relationship with a subordinate employee who is in the manager's direct chain of command.
- (b) Situations wherein a manager engages in a consensual romantic or sexual relationship with a subordinate in the manager's direct chain of command.

The following definitions apply to each section of this Policy:

- (a) A "romantic relationship" exists when two City employees become involved socially wherein the result can lead to dating, exchange of personal affection, emotional attachment, sexual or physical intimacy and cohabitation.
- (b) The term "dating" includes but is not limited to one or more social meetings under circumstances that may lead to exchange of personal affection, emotional attachment and sexual or physical intimacy.
- (c) "A social meeting: occurs when co-employees gather for purposes not related to work for the City.
- (d) "Cohabitation" applies to those employees who live together, share room and board, sire children, or share financial, recreational, social activities together without being married to one another.

- (e) A "significant other" means a relationship between an employee of the City and another individual as defined herein (a), (b), (c), and/or (d) and elsewhere in this policy.
- (f) "Departments" is defined as: Administrative Services; Public Works; Community Services; Water Quality; Community Development; Police Department; Fire Department; Marine Safety; City Manager

B. Romantic Relationships Between Co-Employees In The Same Department Are Prohibited

Romantic and/or sexual relationships, as defined herein, between City co-employees are contrary to appropriate City goals of productivity and efficiency in the workplace. Therefore, romantic or sexual relationships between co-employees in the same Department are prohibited.

Public trust, safety and City morale require that employees avoid relations, which may negatively impact the efficient operation of the City. In order to promote efficient operation of the City and to avoid formation of clique and factions, claims of sexual harassment and gender based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, all employees are required to avoid situations which may lead to the above negative conditions.

For purposes of this section, situations that may create a negative condition at the City include, but are not limited to, the following:

- (a) situations wherein an employee pursues a romantic or sexual relationship, as defined herein, with a co-employee in the same department;
- (b) situations wherein an employee engages in a consensual romantic or sexual relationship, as defined herein, with a co-employee in the same department;

C. Enforcement

If in fact a conflict of interest or other threat to the efficient operation of the City should develop, it is the duty of the involved employees to immediately notify their manager either in person or through the chain of command. The City reserves the right to reasonably investigate the situation to determine whether a romantic and/or sexual relationship exists and therefore threatens the working conditions at the City. If the City determines that the herein proscribed relationship exists, remedial and/or disciplinary measures, including but not limited to transfer, reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

1. The City retains the right to refuse to place employees engaged in relationships prohibited by this policy in the same department where such has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

2. In order to implement such policies, and where the above circumstances exist and mandate that employees shall not work in a prohibited relationship, the City will attempt to transfer one party to the proscribed relationship to a similar classified position in another City Department, should such a position exist, be available, and should the employee possess the skills and qualifications necessary to perform the essential duties of the position. Although the wishes of the involved parties as to which will be transferred will be given consideration by the City, the controlling factor in determining who is to be transferred shall be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal. Additionally, the transfer decision shall not be subject to any form of administrative appeal.
3. In lieu of a transfer from one department to another, or in situations where no similar counterpart classification exists to which an employee in a proscribed relationship can be transferred, said employee may continue to be employed within the same City department subject to approval by the Department Director and the City Manager or his/her designee. However, any such continuing employment is predicated upon both subject employees not reporting to the same immediate manager; not being supervised by each other; not working the same shift at the same work site; or, otherwise becoming involved in a work environment having the potential for adverse impact on supervision, safety, security or morale.
4. If continuing employment of employees engaged in proscribed relationships prohibited by this Policy cannot be accomplished consistent with the City's interest in promotion of safety, security, morale and efficiency, then the City retains sole discretion to separate one of the parties from City employ. Absent resignation by one affected employee, the less senior, in terms of overall City service, of the involved employees shall be subject to separation and the same shall not constitute discipline and shall not be subject to any administrative appeal.
5. The provisions of this fraternization policy are not applicable to individuals employed by the City on or before the date of adoption of these Rules in their current state of marriage or non-marriage. As such, a change in marital status/cohabitation, etc. of any current employee, will result in the applicability of this policy. Furthermore, said employees are subject to any and all employment-related actions by the city, which are permissible pursuant to existing City policies and procedures to address conduct, which is negatively impacting the work environment.

Nepotism

It is an express finding of the City that the situation specified in this Section; the employment of relatives as that term is defined herein, is contrary to appropriate City goals of safety and efficiency. The purpose of this section is to define those specific circumstances and to delineate the manner in which such employment issues will be addressed.

For purposes of this policy, "relative" means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, legal guardian, domestic partner and/or significant other as defined herein and in the fraternization policy, and/or any other individual related by blood or marriage living in the same household as the City employee.

An employee is defined as any person who received a City payroll check for services, full or part time, rendered to the City of Laguna Beach.

Relatives of employees shall not be employed in the same department of such a relative at any time by the City as further proscribed below.

City employees who are related as defined herein as of the effective date of this Policy shall not be affected in their current job status except when the City Manager or his/her designee determines that the circumstances of such employment raises an undue hardship upon the other employees within the particular work unit and that such employment is detrimental to the supervision, safety, security, and/or morale of the particular work unit.

It is found by the City that a business purpose exists and dictates that a prohibition on employment of relatives within City departments is essential to safety and efficiency when such employment results in any of the following:

- A supervisor-subordinate relationship
- The employees having job duties, which authorize performance of shared duties on the same or related work assignment
- Both employees being under the jurisdiction of the same immediate supervisor
- An adverse impact on supervision, safety, security and/or morale.

Effect of post-employment marriage or creation of other "relative" status of City employees

In determining rules and regulations governing the employment of City employees who become related, as defined herein, after commencement of City employ, the City is guided by the principles enunciated in the California Fair Employment and Housing Act which prohibits discrimination on the grounds of marital status. However, the Act and the Regulations defining the same do authorize restrictions being placed upon married City employees (or upon people deemed related as a result of marriage [i.e., in-laws]) where for business reasons of supervision, safety, security or

morale, the employer may refuse to place one spouse or other relative under the direct supervision of another spouse or other relative and refuse to place both spouses or other relatives in the same department, division, or facility if the work involves potential conflicts of interest or other hazards greater for married couples or other relatives than for other persons (2 Cal.Admin.Code Section 7292.5; Government Code Section 12940(a)(3)).

With the above principles being recognized, the City determines that "marital status" is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for purpose of this policy. Further, a "spouse" is defined as a partner in marriage as set forth in California Civil Code Section 4100.

The City retains the right to refuse to place one spouse or other relative under the direct supervision of the other spouse where there is a potential for creating adverse impact on supervision, safety, security or morale.

The City retains the right to refuse to place both spouses and other relatives in the same department where such has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

In order to implement such policies, and where the above circumstances exist and mandate that two spouses or other relatives shall not work in a prohibited relationship, the Personnel Department will attempt to do any of the following: Attempt to redefine the job responsibilities of the related employees within the Department to minimize the conflict, if such redefinition of job status is not feasible, will attempt to transfer one spouse or other relative to a similar classified position in another City department. Although the wishes of the involved parties as to which spouse or other relative is to be transferred will be given consideration by the city, the controlling factor in determining who is to be transferred shall be operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal.

In lieu of a transfer from one department to another, or in situations where no similar counterpart classification exists to which a spouse or other relative can be transferred, the City may request the voluntary resignation of one of the employees and if one of the employees does not voluntarily resign, the employee with the least employment experience/service with the City may be discharged by the City Manager or his or her designee. Married or other related employees may continue to be employed within the same City department subject to approval by the Department Director and the City Manager or his/her designee. However, any such continuing employment is predicated upon both spouses or other similarly situated relative as defined in this Policy reporting to the same immediate manager, not being supervised by each other, not working the same shift at the same work site; or, otherwise becoming involved at a work environment having the potential for adverse impact on supervision, safety, security or morale.

It is the duty of all involved employees that are in a situation prohibited under this policy to immediately notify their manager either in person or through the chain of command that a situation exists wherein the involved employee may be in violation of this policy. The City reserves the right to reasonably investigate the situation and determine whether or not the employee has violated this policy.

PROCEDURES FOR THE SALE OF REAL PROPERTY**PURPOSE:**

The purpose of this administrative policy is to delineate those steps that should be followed by the staff to ensure that the sale of real property is handled in accordance with applicable laws and regulations. This administrative policy identifies the steps that ordinarily should be taken and lists them in the order they should generally occur. Please note there may be exceptions to this policy.

GENERAL POLICY:

1. California Government Code section 3750 declares that “[a] city may . . . control and dispose of [real property] for the common benefit.” This broadly stated power allows a city to sell property essentially in any way and under any terms it chooses so long as there is a valid public purpose for doing so.
2. A city is not legally required to obtain an appraisal before selling property. However, an appraisal or market data survey of some kind may help to ensure that the City is obtaining a reasonable price and can prevent a challenge that the sale constitutes a gift of public funds.
3. The proposed sale, as possible “project,” must be reviewed in accordance with the provisions of the California Environmental Quality Act (Public Resources Code section 2100 et seq.)
4. The City’s planning commission must prepare a report (under Government Code section 65402) as to whether the proposed disposition of property conforms to the general plan.
5. The City may wish to obtain a preliminary title report, but this step generally is the responsibility of the prospective buyer.
6. The City may wish to perform a preliminary environmental assessment of the property to disclose the existence (and nature and extent) of any possible hazardous materials on the site or other environmental contamination.
7. If the property is listed on an inventory of surplus property (see Government Code section 50569), then before disposing of the property, the City must send a written offer to sell or lease the property to certain entities within whose jurisdiction the land is located. (Government Code section 54222; e.g., housing providers.) However, a failure to comply with such provisions will not invalidate a sale to a bona fide purchaser. (Government Code section 54230.5.)

8. Prior to the close of escrow, the City will need to prepare a Real Property Report pursuant to the provisions of Chapter 14.76 of the Laguna Beach Municipal Code and furnish the RPR to the prospective buyer.
9. Sales require formal City Council approval and authorization at a public meeting.

RESTITUTION POLICY

PURPOSE: To provide a systematic method of seeking reimbursement for damage to City property.

GENERAL POLICY:

1. When the Police Department takes a report of damage to City property, a copy of the report will be forwarded to the Finance Officer who will maintain such reports in a central repository.
2. The department whose property was damaged will give the Finance Officer a rough approximation of the value of the damage.
3. The Finance Officer will decide whether or not to pursue a claim against the damaging party based on the extent of the damage and the likelihood of collecting reimbursement.
4. The Finance Officer will follow up as necessary to collect the money.
5. The Finance Officer will keep track of the open cases.

VIDEO MONITORING SYSTEMS

PURPOSE The City of Laguna Beach is committed to enhancing the quality of life by integrating the best practices in conjunction with the latest technology. A critical component of the City's comprehensive security plan is the utilization of video monitoring systems in appropriate public areas.

The Police, Fire, Marine Safety, Public Works and Water Quality Departments presently use video monitoring systems to deter crime, protect citizens and property and assist staff investigating criminal, civil or administrative incidents. Other departments may also consider video use in the future.

This City policy addresses these public safety and security needs while also respecting and preserving individual privacy rights.

To ensure the protection of individual rights in accordance with state and federal laws, the City of Laguna Beach is formalizing the procedures for handling, viewing, dissemination, and destruction of video records.

GENERAL POLICY

City personnel have the responsibility to maintain and enhance the City's public image and to use the video monitoring systems in a productive, responsible, and professional manner. Any improper use of the systems is unacceptable and will not be tolerated.

As part of this practice, Department Heads have the authority to select, coordinate, operate, manage, and monitor all video monitoring systems pursuant to this policy and the provisions noted below.

Any video camera system used to monitor locations, gatherings, or public property should have direct oversight from a Department Head or designated supervisor who will oversee the site location, coordination, operation, management and monitoring.

The City Manager or his designee shall approve fixed camera installations.

PROVISIONS

Installation and maintenance of City video monitoring systems shall comply with the following:

- 1) Camera installations are likely to occur in public areas where people congregate or near public roadways. Each camera location will be selected so that personal privacy is always maximized consistent with the public purposes sought to be achieved by the video monitoring systems.

- 2) Camera positions and views of residential housing shall be limited. The view of residential property must not violate the standards of reasonable expectations of privacy. All equipment will employ digital blocking of private property unless otherwise authorized in writing by the affected private property owner.
- 3) Unless the camera is being used for criminal investigations, monitoring in the following locations is prohibited:
 - *Areas where the public would have a reasonable expectation of privacy
 - *Personal housing units that can clearly be viewed by camera from a public area
 - *Bathrooms/Restrooms/Toilets/Showers, other than outdoor showers
 - *Locker Rooms/Changing Areas
 - *Offices/Private Spaces
- 4) All video cameras should be visible to the public unless a criminal investigation necessitates a camera being hidden from view.
- 5) All recording or monitoring of activities or groups by City cameras will be conducted in a manner consistent with applicable local, state and federal laws, and will not be based on the subject's personal characteristics, including age, color, disability, gender, national origin, race, religion, sexual orientation, or other protected characteristics.
- 6) All recording or monitoring will be conducted in a professional, ethical, and legal manner. All personnel with access to the video monitoring systems should be trained in the effective, legal, and ethical use of the equipment.
- 7) Only authorized personnel will have the ability to control the cameras in real-time or via program presets. These authorized personnel will be given system privileges to control the cameras only when their official duties and responsibilities require it, and only after being trained in the proper use of the system.
- 8) Staff members will monitor developments in the law, and in security industry practices, to ensure that video monitoring systems are being operated consistent with the best practices and in compliance with all applicable laws.
- 9) Department Heads or their designees will review and investigate any complaints regarding the utilization of surveillance camera systems and determine whether this policy is being followed, and shall report their determinations to the City Manager.
- 10) Information obtained from the cameras shall be used for official business only for purposes of protecting the public and property or conducting investigations.

Information must be handled with an appropriate level of security to protect against unauthorized access, alteration, or disclosure.

- 11) All appropriate measures must be taken to protect an individual's right to privacy. Staff will never be allowed to utilize video monitoring systems for personal benefit or to observe members of the public for prurient or inappropriate reasons.
- 12) The copying, duplication and/or retransmission of live or recorded video shall be limited to authorized persons.
- 13) Retention of video shall comply with current City standards and departmental policies, and be in accordance with applicable state and federal laws.
- 14) City employees having access or operating the camera systems, will be required to acknowledge that they have received and reviewed this policy through their signature. The Police Department may utilize their electronic *Lexipol* system for employee acceptance of the policy.

The existence of this policy does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

ADMINISTRATIVE POLICY 5-23 EXHIBIT

Acknowledgement:

"I acknowledge that I have received a copy of the following administrative policies:

- *5-23, Video Monitoring Systems*

I understand that it is my responsibility to read and abide by this policy.

I understand that if I have any questions I must direct my questions to my immediate Supervisor and/or Department Manager or the Personnel Services Manager."

Signed: _____
Print Employee Name

Employee Signature

Job Title: _____

Date: _____

This form must be signed by the employee and returned to your manager and forwarded to the Personnel Office.

VEHICLE REPLACEMENT

PURPOSE

This policy provides for the planned replacement of all vehicles and equipment, their attachments and implements. The policy will be based on an established Vehicle Replacement Schedule, criteria and rating system as defined in the Vehicle Replacement Model Guidelines.

GENERAL POLICY

Objectives

1. Provide the basis for the establishment of a Vehicle Replacement Fund for vehicle replacement in advance of need.
2. Smooth the outflow of capital funding and the rotation of incoming and outgoing vehicles to prevent spikes in cash and asset flow.
3. Maximize fleet resources by providing acquisition and disposal of vehicles and equipment.
4. Ensure the city has the optimum number and type of vehicles and equipment and the fleet growth is planned and controlled.
5. Optimize vehicle utilization and promote standardization of fleet.
6. Reduce per unit maintenance costs by maintaining an adequate vehicle replacement.
7. Obtain the optimum usage of every vehicle and piece of equipment and thereby reduce the size of the City's fleet.

Vehicle Replacement Schedule

When a vehicle is purchased, certain factors (in service date, useful life) are recorded in order to establish the initial vehicle replacement schedule. The Vehicle Replacement Plan contained within the City's budget will be based on the Vehicle Replacement Schedule.

The Public Works Department shall inspect the equipment annually after the vehicle/equipment has reached its useful life to determine the appropriateness of replacing each piece of equipment in conjunction with the assigned Department.

It shall be the policy of the City that the funding and replacement of all vehicles/equipment shall be normally based on the expected service life and condition of the vehicle described on the following schedule:

Vehicle/Equipment	Schedule for Replacement
Police Patrol / Traffic Vehicles	3 years

Vehicle/Equipment	Schedule for Replacement
Police Motorcycles	4 years
ATV/UTV	8 years
Police Detective / Plain Vehicles	6 years
Sedans / SUVs	10 years
Hybrids (non-safety) *	10 years
Pickup Trucks / Vans	10 years
Dump Trucks	20 years
Beach Cleaners	10 years
Street Sweepers	6 years
Heavy Equipment	10 years
Transit Buses	10 years
Trolleys	12 years
Sewer Cleaning Truck (Vactor)	8 years
Sewer Rodder	10 years
Fire Engines - Frontline	15 years
Fire Engine – Reserve	5-7 years

* Hybrid replacement schedule pending further evaluation

Vehicle Replacement Criteria

In addition, the following criteria will be evaluated when planning for and considering a vehicle for replacement:

1. Age
2. Miles traveled or hours in use
3. Type of service (frequently used or periodically used)
4. Reliability

5. Maintenance Costs

6. Condition

Attachment A is the Vehicle Replacement Model Guidelines that uses the above criteria to determine an overall rating of the vehicle that is being considered for replacement. This model should be used when budgeting and prioritizing vehicles for replacement.

Source: Vehicle Replacement Schedule is based on City comparison conducted in June 2018

VEHICLE REPLACEMENT MODEL GUIDELINES

MAKE	El Dorado	Vehicle Number	114
MODEL	MST Bus		
DEPARTMENT	Transit	Input Cells	
YEAR PURCHASED	2004	Calculation	
CLASSIFICATION	Transit Bus		
Value Remaining in Vehicle	\$5,500	http://www.kbb.com/ Kelley Blue Book (use trade-in value)	

General Information

Current Number of Miles	260,000	<i>Input current Miles</i>
Average Annual Mileage	21,667	<i>"Current Number of Miles" divided by "Age of Vehicle"</i>
Expected Mileage After 10 Years	216,667	<i>"Average Annual Mileage" times "Expected Life of Vehicle"</i>
Age of Vehicle (in years)	12	<i>Input vehicle age</i>
Interior/Exterior Condition	5	<i>Input scale of 1-5, with 1 being excellent</i>
Type of Use	5	<i>Input scale based on type of service. Vehicles with the lightest use are rated 1, moderate use 3, and heavy use 5</i>

(see page 2 for explanation)

Depreciation Information

Original Purchase Price	\$152,130	<i>This can be obtained from the Capital Asset spreadsheet from Finance</i>
Expected Life of Vehicle (in years)	10	<i>This can be obtained from the Capital Asset spreadsheet from Finance</i>
Annual Depreciation (if any)	\$0	<i>Straight-line depreciation</i>
Amount of Depreciation Left	\$0	

Cost Information

Maintenance Cost-to-Date	\$183,872	<i>This can be obtained from Fleet Maintenance Supervisor</i>
Number of Hours in Shop	533.00	<i>This can be obtained from Fleet Maintenance Supervisor</i>
Cost as a Percent of Original Price	120.9%	<i>"Maintenance Cost-to-Date" divided by "Original Purchase Price"</i>
Unused Mileage	-160,000	<i>Based on a 100,000 mile minimum</i>

City of Laguna Beach Rating

(see page 2 for explanation)

Age	12.00	<i>For every year of chronological age, 1 point is added</i>
Miles/Hours	26.00	<i>For every 10,000 miles or 300 hours, 1 point is added</i>
Type of Use	5.00	<i>Based on the "Type of Use" above</i>
Reliability	5.00	<i>Based on the "Number of Hours in Shop" above</i>
Maintenance & Repair Costs	5.00	<i>Based on "Maintenance Cost as a Percent of Original Price" above</i>
Condition	5.00	<i>Based on "Interior/Exterior Condition" above</i>
Total	58.00	

Overall Rating Needs immediate consideration *Rating scale on page 2*

Current CIP Replacement Schedule 2017-2018

This spreadsheet template can be found on the City Tile in the Human Resources Division folder.

Rating Scale

<u>Factor</u>	<u>Points</u>
Age	1 point for each year of chronological age based on in-service date.
Miles/hours	1 point for each 10,000 miles or 300 hours of use.
Type of service	1, 3, or 5 points are assigned based on the type of service that vehicle receives. For instance, a public works vehicle may be given a 5 because it is in very frequent duty service. In contrast, an administrative sedan that is part of the city pool may be given a 1.
Reliability	Points are assigned as 1, 3, or 5 depending on the frequency that a vehicle is in the shop for repair. A 5 would be assigned to a vehicle that is in the shop two or more times per month on average, while a 1 would be assigned to a vehicle in the shop an average of once every month or so.
M&R Costs	1 to 5 points are assigned based on total life M & R costs (not including repair of accident damage). A 5 is assigned to a vehicle with life M & R costs equal to 80 % or greater than the vehicle's original purchase price, while a 1 is given to a vehicle with life M & R costs equal to 20% or less of its original purchase price.
Condition	This category takes into consideration body condition, rust, interior condition, accident history, anticipated repairs, etc. A scale of 1 to 5 points is used with 5 being poor condition.

Point Ranges

Under 19 points	Condition I	Excellent	Code = Exc.
20-24 points	Condition II	Good	Code = Good
25-29 points	Condition III	Qualifies for replacement	Code = QFR
30 points and above	Condition IV	Needs immediate consideration	Code = NIC

NOTE: *This scale was provided by the American Public Works Association (APWA)*

This spreadsheet template can be found on the City Tile in the Human Resources Division folder.

CONTRACT SUBMITTAL PROCEDURE

PURPOSE: To establish a uniform policy and procedure for the submittal of contracts, agreements and purchase order amendments to the City Manager for his/her signature or approval.

GENERAL POLICY: To assure that all contracts, agreements and purchase order amendments submitted to the City Manager are expedited as quickly as possible. Departments will observe this procedure when preparing contracts for the City Manager's signature.

PROVISIONS: The following items shall be submitted (if applicable) at the time a contract, agreement or purchase order amendment is sent to the City Manager for signature:

1. A memorandum briefly describing the need for the contract/agreement/purchase order amendment along with the date of Council approval (Attachment A).
2. A copy of the signed/approved Agenda Bill (Attachment B).
3. A copy of the City Council Minutes or Recap listing the item and how the Councilmembers voted on the issue (Attachment C).
4. A prepared Purchase Order statement reflecting the amount of the contract and the account number being charged (Attachment D). This is not required for a *purchase order amendment*. Just attach the completed amendment instead.
5. A copy of the Scope of Work or a copy of the Proposal (Attachment E).
6. A copy of the Certificate of Insurance and all the required insurance documents listed on the contract (Attachment F).
7. The original contract/agreement to be signed (Attachment G).

The items listed above should also be properly identified on the right margin of the page with tabs clearly identifying the documents (Attachment H). For example, the following tabs (if applicable) should be attached to the applicable page on the right margin and extend beyond the width of the paper's edge (Attachment I).

1. Agenda Bill
2. Minutes/Recap
3. Purchase Order or Purchase Order Amendment
4. Scope of Work
5. Insurance

A check off list has been created to assist staff with making sure all the necessary documents are submitted at the same time (Attachment J).

All documents requiring the City Manager's signature, should first be initialed by the department head responsible for the contract. This could include, but not limited to, the contract, the Purchase Order and any other documents requiring the City Manager's signature.

MEMORANDUM

DATE: July 16, 2018
TO: John Pietig
FROM: Mariann Tracy
SUBJECT: FRIENDSHIP SHELTER CONTRACT RENEWAL

Per Council approval at the June 12, 2018, meeting, attached is the latest contract renewal for the ASL.

The City Council approved the City Manager to execute the Second Amendment to the Amended and Restated Service Provider Contract with the Friendship Shelter for services related to the operation of the ASL through June 2019.

City of Laguna Beach

Consent

AGENDA BILL

8

No. _____

Meeting Date: 6/12/2018

SUBJECT: EXTENSION OF SERVICE PROVIDER CONTRACT FOR THE ALTERNATIVE SLEEPING LOCATION

SUMMARY OF THE MATTER:

Background

The City of Laguna Beach (City) has operated the Alternative Sleeping Location Emergency Shelter (ASL) for nine years. The ASL provides safe shelter, laundry and shower facilities, storage for belongings, three meals daily, transportation, and a variety of case management and other supportive services for approximately 45 participants every night of the year. For Fiscal Year 2018-19, the City's costs to operate the ASL will be approximately \$400,000. This amount does not include funding for two Community Outreach officers, indirect staff time, and litigation expenses totaling more than \$1.5 million since the emergency shelter facility was established.

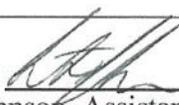
The ASL has been operated through a service provider contract with the Friendship Shelter, Inc. Under the existing Amended and Restated Service Provider Contract, the City pays the Friendship Shelter \$18,720 monthly to operate the ASL from 5 p.m. to 10 a.m. daily. Additionally, the City funds 50% of the program manager position, at a cost of \$2,392 monthly. The City also reimburses the Friendship Shelter \$2,235 per month for consumable supplies as well as \$2,263 per month to transport homeless persons to and from the ASL and specified locations in a van purchased by the City. For Fiscal Year 2017-18, the City is contracted to pay the Friendship Shelter \$307,320 to operate the ASL.

The current Service Provider Contract with Friendship Shelter, Inc. terminates on June 30, 2018. The City Manager is authorized to extend the contract for another year if the terms remain the same. City staff communicated with the Friendship Shelter regarding a possible one-year extension through June 30, 2019.

(Continued)

RECOMMENDATION: It is recommended that the City Council authorize the City Manager to execute the Second Amendment to the Amended and Restated Service Provider Contract with Friendship Shelter, Inc. for services related to the operation of the City of Laguna Beach Alternative Sleeping Location (ASL) through June 30, 2019, increasing compensation as described in the agenda bill.

Appropriations Requested: \$ 0

Submitted By: 
Christa Johnson, Assistant City Manager

Fund: _____

Coordinated with: Phil Kohn, City Attorney

Attachments: _____

Approved: 
John Pietig, City Manager

EXAMPLE ONLY

Extension of the Service Provider Contract for the Alternative Sleeping Location
Page 2 of 2

The Friendship Shelter is requesting additional compensation related to monthly operational costs and the program manager position. Staff evaluated the request and determined the requested increase is reasonable. Due to the proposed change in the terms of the contract, the City Council is asked to authorize the City Manager to execute a Second Amendment to the Amended and Restated Service Provider Contract.

Discussion

The proposed Second Amendment to the Amended and Restated Service Provider Contract would increase the compensation to the Friendship Shelter as follows:

Operations

The Friendship Shelter is requesting a change in compensation for line staffing to accommodate a 2% cost of living adjustment. The proposed change in compensation would increase the current contract amount by \$374 per month, or \$4,488 per year.

Program Manager

The Friendship Shelter is requesting a 25% increase in compensation for the program manager position to implement the results of a salary survey that determined the existing compensation is below the market median. The City provides funding for half of the position. The proposed change in compensation would increase the current contract amount by \$599 per month, or \$7,188 per year.

Consumables

The Friendship Shelter is not requesting an increase in compensation for consumables for the upcoming fiscal year.

Van Service

The Friendship Shelter is not requesting an increase in compensation for the van service for the upcoming fiscal year. The City Council will recall that it recently authorized the purchase of a new, wheelchair-accessible van and transferred ownership of the vehicle to the Friendship Shelter for its use at the ASL while serving as the operator of the ASL program.

Funding

No additional appropriation is requested because the increases described above can be absorbed into the current FY 2018-19 ASL operations budget. Additionally, the City has been approved for federal CDBG funding in the amount of \$125,856 for FY 2018-19 to offset a portion of the City's cost to own, operate, and maintain the ASL. Lastly, it should be recognized that CDBG funding can fluctuate dramatically on an annual basis due to several factors, and should not be considered a reliable, ongoing funding source.

8. EXTENSION OF SERVICE PROVIDER CONTRACT #10-25 FOR THE ALTERNATE SLEEPING LOCATION

Authorized the City Manager to execute the Second Amendment to the Amended and Restated Service Provider **Contract #10-25** with Friendship Shelter, Inc. for services related to the operation of the City of Laguna Beach Alternative Sleeping Location (ASL) through June 30, 2019, increasing compensation as described in the agenda bill.

9. REPLACEMENT OF DAMAGED POLICE VEHICLE

Accepted the bid from Santa Margarita Ford; authorized the City Manager to purchase one Ford Interceptor police vehicle; and appropriate \$60,023 from the Vehicle Replacement Fund for the purchase, car conversion, and equipment replacement costs.

REGULAR ORDER

10. WATER-WISE POCKET PARK/GARDEN DEMONSTRATION PROJECT

The City Council reviewed the proposed concept for the pocket park/garden demonstration project and accepted the presentation from the project team. No motion was made.

11. TABLED THE REVIEW OF THE ABANDONMENT OF AN APPROXIMATE 1,992 SQUARE-FOOT PORTION OF UNIMPROVED ANITA STREET RIGHT-OF-WAY LOCATED ADJACENT TO 1007 GAVIOTA DRIVE Request for more time to review the project.

Moved by Mayor Pro Tem Zur Schmiede seconded by Mayor Boyd and carried unanimously 5/0 to table the review of the proposed abandonment of a portion of Anita Street unimproved right-of-way.

12. LOT LINE ADJUSTMENT 16-2718, COASTAL DEVELOPMENT PERMIT 16-2719 AND NEGATIVE DECLARATION FOR 749 MARLIN DRIVE Proposal to modify the location of a shared property line between two commonly owned vacant parcels.

Moved by Councilmember Dicterow seconded by Councilmember Whalen and carried 3/2 to adopt **Resolution No. 18.028** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT 16-2718, COASTAL DEVELOPMENT PERMIT 16-2719 AND THE NEGATIVE DECLARATION AT 749 MARLIN DRIVE."

Roll Call:

Ayes: Dicterow, Whalen, Boyd
Noyes: Iseman, Zur Schmiede



PURCHASE ORDER
No. 0000012089

VENDOR:	SHIP TO:	BILL TO:
Friendship Shelter, Inc. PO Box 4252 Laguna Beach, CA 92652	City of Laguna Beach 505 Forest Avenue Laguna Beach, CA 92651-2394	City of Laguna Beach 505 Forest Avenue Laguna Beach, CA 92651-2394

VENDOR NO.	VENDOR PHONE NUMBER	TERMS	DATE	REQUIRED DELIVERY DATE			
FriendS		0	06/27/2018				
SHIPPING INSTRUCTIONS							
(none)							
ITEM	QTY	U/M	DESCRIPTION/TASK	PRD CODE	ACCOUNT	UNIT PRICE	AMOUNT
1	0.00		FY18-19 FS PROGRAM MGR		110-50-5103-8195	35,892.00	35,892.00

SUBTOTAL: 35,892.00
TAX: 0.00
SHIPPING: 0.00

TOTAL: 35,892.00

TAXABLE: No
CONFIRMING:



AUTHORIZED SIGNATURE

IMPORTANT: OUR ORDER NUMBER MUST APPEAR ON EVERY INVOICE AND PACKAGE

Please Check Box if Vendor Preapproved through On Call Consultant Services. (Agenda Item Approved City Council Meeting 1/24/2017, contracts approved for three year from date of execution, expiration approximately mid 2020)

This purchase is given upon the representation and guaranty that no breach of any State or Federal Law or Regulation has occurred in connection with the manufacturing, processing, branding, labeling or transportation of the merchandise herein mentioned. If such breach occurs the buyer shall be entitled to rescind the order and return the unused merchandise and shall also be held harmless by the manufacturer or seller against any penalty incurred

City of Laguna Beach Amended and Restated Service Provider Contract

EXHIBIT "A"

SCOPE OF SERVICES

The Service Provider will be responsible for the following:

1. Designate a qualified executive of FSI who will oversee the operations of the program and serve as the primary contact with the City for matters related to the operation of the program.
2. Open the facility each night to homeless individuals meeting the local criteria as discussed in Section 14.5 of the Contract, or staying temporarily in the ASL, at 6:00 p.m. and close it at 10:00 a.m. the following morning. The facility should be in a clean and orderly condition when closed each morning.
3. Supervise paid staff, whose responsibilities are outlined in the attached job description Exhibit "A.1," and any on-site volunteers. Homeless individuals shall not be allowed to work or volunteer at the facility without direct supervision by a qualified and employed staff member of FSI.
4. Provide two qualified and paid staff members when the facility is open under FSI's management, except for six (6) hours each night when only one paid Site Supervisor will be on-site.
5. Facilitate and monitor the storage of client belongings in designated duffle bags.
6. Supervise volunteer activities on-site.
7. Maintain adequate supplies and facilitate ordering of needed supplies to clean and operate the facility.
8. Coordinate daily cleaning of the facility, including rest rooms and trash removal.
9. Maintain and notify City of any need for repair of building and City-provided equipment on a timely basis.
10. Maintain database of clients and assistance provided, and submit written reports providing this information to the City on an as-requested basis.
11. Input client data into Orange County's HMIS data system.
12. Use best efforts to prevent loitering and other nuisance behavior around the ASL and 20652 Laguna Canyon Road.
13. Provide qualified drivers as necessary to transport homeless individuals eligible to use the ASL every day of the year, including weekends and holidays.
14. Be solely responsible for maintenance and repair of the van.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/18/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Rancho Mesa Insurance Services, 250 Riverview Parkway #401, Santee, CA 92071. CONTACT NAME: Rancho Mesa Insurance Services, PHONE: 619-937-0164, FAX: 619-937-0168. INSURER(S) AFFORDING COVERAGE: Great American Insurance (NAIC # 16691), New York Marine & Gen'l Ins Co (NAIC # 16608).

COVERAGES CERTIFICATE NUMBER: 1 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include Commercial General Liability, Abuse Liab, Automobile Liability, Umbrella Liab, Workers Compensation, and Professional Liab.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: LAGUNA BEACH COMMUNITY & SUSI Q CENTER, BOARD OF DIRECTORS MEETING, 380 THIRD STREET, LAGUNA BEACH, CA 92651. CITY OF LAGUNA BEACH, ITS OFFICERS, OFFICIALS, EMPLOYEES AND VOLUNTEERS ARE INCLUDED AS ADDITIONAL INSURED PER FORM CG 89 70 ATTACHED. PRIMARY AND NON-CONTRIBUTORY WORDING APPLIES.

CERTIFICATE HOLDER: CITY OF LAGUNA BEACH, 380 THIRD STREET, LAGUNA BEACH, CA 92651. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: [Signature]

City of Laguna Beach

AMENDED AND RESTATED SERVICE PROVIDER CONTRACT

**with
FRIENDSHIP SHELTER, INC.**

**(Services for Alternative Sleeping Location
at 20652 Laguna Canyon Road)**

THIS AMENDED AND RESTATED SERVICE PROVIDER CONTRACT ("Contract") entered into July __, 2017, by and between the City of Laguna Beach ("City"), a California municipal corporation with its principal place of business at 505 Forest Ave., Laguna Beach, CA, 92651, and Friendship Shelter, Inc. ("FSI"), a non-profit organization (referred to as the "Service Provider") with its principal place of business at P.O. Box 4252, Laguna Beach, CA, 92651.

The City and the Service Provider are sometimes individually referred to as "Party" and collectively as "Parties."

RECITALS

WHEREAS, the City has determined that an urgent need exists to provide a temporary alternative sleeping location for homeless residents (the "ASL"); and

WHEREAS, the Service Provider is qualified by reason of experience, preparation, organization, staffing, and management to operate programs on behalf of homeless individuals, and is familiar with existing homeless services in the City; and

WHEREAS, the City desires to engage the Service Provider to render such services for the ASL as set forth in this Amended and Restated Contract; and

WHEREAS, the City and the Service Provider entered into a Service Provider Contract ("Original Contract") on May 20, 2010; and

WHEREAS, the Original Contract was amended on October 16, 2011, July 16, 2013, July 2, 2015, and June 30, 2016; and

WHEREAS, the parties wish to amend and restate the Original Contract in its entirety;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth and the mutual benefits to be derived therefrom, the Parties agree as follows:

Minutes

Minutes

Minutes

Minutes

Agenda Bill

Agenda Bill

Agenda Bill

Agenda Bill

Insurance Documents

Insurance Documents

Insurance Documents

Insurance Documents

Recap

Recap

Recap

Recap

Purchase Order

Purchase Order

Purchase Order

Purchase Order

MEMORANDUM

DATE: June 13, 2018
TO: John Pietig
FROM: Mariann Tracy
SUBJECT: CONTRACT FOR THE PURCHASE OF EQUIPMENT

Attached for your signature is a contract and purchase order with ABC Company in the amount of \$50,000 for the purchase of new computers.

The City Manager is authorized to sign the contract based on the award of contract by the City Council on June 1, 2018. A copy of the agenda bill and meeting recap are attached for your reference.

Attachments

Agenda Bill
Recap
Purchase Order
Agreement
Insurance Documents

City Manager's Office Contract/Agreement/PO Amendment Check-off List

√		
	Memo to CM	Explaining/justifying the expense/contract/agreement/amendment.
	Contract/Agreement	Place signature arrows at all locations where the City Manager (CM) needs to sign. Be sure to include arrows on the first page of the contract where the CM needs to hand-write in the date (if applicable).
	Purchase Order	Should be completed ahead of time and a signature arrow attached.
	Agenda Bill	Copy of complete Agenda Bill should be attached.
	Minutes or Recap	Attach only the page where this particular item is listed (it is not necessary to attach the entire minutes or recap document).
	Scope of Work	If applicable.
	Proposal	If applicable.
	Insurance Documents	Make sure all documents are attached including the endorsement naming the City as an additional insured, primary and non-contributory endorsement, and waiver of subrogation for worker's comp (if specified in the contract/agreement). This is not required for a purchase order amendment.

**PROCEDURES RECOMMENDING AND IMPLEMENTING CHANGES TO
PACIFIC COAST HIGHWAY AND LAGUNA CANYON ROAD****PURPOSE**

To outline the procedures by which the City will follow in proposing any changes or modification to Coast Highway or Laguna Canyon Road.

GENERAL POLICY

In proposing any changes or modifications to Coast Highway or Laguna Canyon Road, staff should be aware that the State of California holds ownership of these two roads and has absolute control over them. Staff should not implement any changes to these roads without seeking City Council approval to request that Caltrans consider a change and (unless directed otherwise by the City Manager) and then by seeking authorization and approval from Caltrans in writing.

“Change” is defined as modifications to:

- Road configuration, lane geometry and striping;
- Parking configuration, Placement of Parking meters and bus stops;
- Establishment of loading or no parking zones;
- Sidewalks;
- Intersection geometry;
- Signage;
- Crosswalk;
- Any Traffic Control Devices;
- Landscape and Trees;
- Drainage Improvements;
- Easements and Dedications;
- Any other changes not listed above

PROVISIONS: The following Protocol should be followed for all non-emergency Changes:

- Appropriate City staff from Public Works, Community Development staff, and Police staff should meet internally to discuss and evaluate the proposed change by the Public, Developer, PTC or Police Personnel. If determined that the Change is desirable, then the Change should be recommended to City Council for direction to staff to proceed with Caltrans if required.
- Staff leading the Change Process, should document the need for the Change and meet in person or contact the appropriate staff at Caltrans to either ask Caltrans to implement the change or seek their concurrence for City to implement the Change.
- If agreed to by Caltrans staff verbally and by the City for the City or the Developer to implement the Change, then an Encroachment Permit should be obtained from Caltrans by City staff or by the Developer leading the Change prior to the Change being implemented.

- If Caltrans determines that the Encroachment permit is not needed, staff or the Developer should then obtain a letter or email from Caltrans Deputy Chief of Traffic and Maintenance with approval to proceed with the change.

Emergency Conditions:

If the Director of Public Works or Chief of Police determine that the Change has to be implemented immediately due to imminent risk to public safety, then the following process should be followed:

1. Ask PW Admin staff to call-in a work order request to Caltrans Dispatch by calling 949-936-3600.
2. Send a request in writing to Caltrans Deputy Director of Operation and Maintenance (Bobi Hettick at bobi.c.hettick@dot.ca.gov), requesting that the change be made and provide a time-frame for the change to be implemented.
3. Follow up with Caltrans Deputy Director if the change has not been made within the requested time frame.
4. Contact the City Manager and City Attorney to determine if the City should move forward with the Change if Caltrans is not willing to make the change in the requested time frame.

Repairs:

For any non-emergency repairs needed, Public Works Administrative staff should submit a Maintenance Service Request on-line at <http://www.dot.ca.gov/hq/maint/msrsubmit/> and obtain a work order number.

Public Works Administrative staff should then follow up with Caltrans within five business day and every five days thereafter to ensure that the repairs have been made.

Signal Timing:

For any signal timing adjustment requests, Public Works Administrative should submit a request to Caltrans Traffic Management Center by calling 949-936-3600 to see if the signal timing request is warranted and can be implemented by Caltrans.

A follow up email should be sent to Caltrans Deputy Director of Operation and Maintenance (Bobi Hettick at bobi.c.hettick@dot.ca.gov), to inform her of the request.

SOCIAL MEDIA POLICY

PURPOSE: This policy establishes and governs the use of social media by City of Laguna Beach employees when posting for or on behalf of the City of Laguna Beach.

DEFINITION: Social media is defined as communication through which users participate in online communities to share information, ideas, images, messages, and other content.

GENERAL POLICY: The City of Laguna Beach uses social media to communicate, connect, and engage with our residents, businesses, and visitors. It enhances life in Laguna Beach by keeping social media users apprised of events, items of interest, and disruptions. Our goal is to build trust as a community ally by fostering engagement with our community. An active social media presence will also promote and enhance Laguna Beach's image and reputation. Social media is a communications tool that works in tandem with the City's other communication tools to further the goals and objectives of the City and each department. The City of Laguna Beach has an overriding interest in what is posted for or on behalf of the City on social media.

PROVISIONS:**POSTING GUIDELINES AND BEST PRACTICES**

The Digital Communications Coordinator and the City Manager's Office oversee activity and actively manage the City's official social media accounts in direct coordination with City departments.

City Department Heads are responsible for overseeing fresh and up-to-date content on the City's social media pages in coordination with the Digital Communications Coordinator and Account Administrators.

Communications on the City's social media pages are the property of the City of Laguna Beach. While the City's social media pages are administered by the City, the content on the pages is not entirely controlled by the City. The City does not endorse any links or advertisements on its social media pages placed by the page owners or their vendors or partners.

Guidelines for posts to the City's social media pages are as follows:

- Each social media account shall have a designated Account Administrator.
- Employees must be authorized to post on behalf of the City of Laguna Beach by the City Manager, the City Manager's designee, the Digital Communications Coordinator, and/or Department Heads of departments with social media accounts.
- Any employee authorized to post or plan posts to any of the City's social media pages shall review, be familiar with, and comply with the City's Social Media Policy (this document).
- Any employee authorized to post or plan posts to any of the City's social media pages shall not share the City's social media passwords without express permission.

- The City's website (<http://www.lagunabeachcity.net>) shall remain the City's primary and predominant internet presence. Whenever possible, the City's social media posts shall link to the official City of Laguna Beach website for information, forms, documents, online services, and other materials necessary to conduct business with the City of Laguna Beach.
- The City of Laguna Beach's social media pages shall comply with all appropriate City of Laguna Beach policies and procedures.
- The City of Laguna Beach's social media activities shall adhere to applicable federal, state, and local laws, regulations, and policies.
- The City shall secure rights and permissions before posting, sharing, or distributing copyrighted materials, including but not limited to photographs, video, music, and art.
- The City's social media pages shall share only factual information, not rumors, innuendo or unconfirmed information.
- Content on the City's social media pages shall support the City's values, image, and interests.
- Content shall be appropriate for all audiences.
- Staff shall not respond directly to hostile, aggressive, or rhetorical posts. (See below: Moderation, Removal, and Blocking of Third-Party Content.)

Best Practices for posts to the City's social media pages are as follows:

- Accuracy is of primary importance, and always takes precedence over urgency.
- When possible, acknowledge every comment in some way, either with a "like" or a reply, because the public appreciates a response, even to simple affirmative comments.
- Timely responses are important. It is acceptable to post a response stating that we are looking into the issue and will respond again later with more information.
- No matter the comment or quality of conversation, treat everyone with respect. Even if you have seen a comment many times before, treat it the same way you would the first time.
- If you identify a mistake or misinformation on one of the City's social media pages, contact the Digital Communications Coordinator or designated Account Administrator, who shall correct the error as soon as possible.
- Don't use the City's social media pages to promote commercial products, entities or causes unrelated to the City's values, image, and interests; promote personal financial interests; or promote personal or Employee Association positions.
- All official City-related communications through social media should be professional, but posts should be written in a fun, friendly, and conversational tone, as appropriate. It's okay to say "hi" and "thanks" on social media. Humor may be used with caution.
- Although posts are created by different individuals and different departments, the public doesn't know that. The Digital Communications Coordinator and Account Administrators try to keep a cohesiveness among our social media posts that showcases a clear, coherent voice and visual presence for each social media page. This includes but is not limited to the length, language, and tone of posts; use of fonts, colors, graphics, and memes; and types of images (e.g., limited use of stock photography and GIFs).

To avoid potential liability for the employee and the City, staff shall not post or make comments that:

- Discriminate on the basis of race, creed, color, age, religion, gender, marital status, sexual orientation, gender identity, disability, national origin, weight, height, or genetic information.
- Are sexual in nature.
- Compromise the safety or security of the City or individuals, or contain any confidential information of the City, or confidential information covered by a Non-Disclosure Agreement.
- Support or oppose a political candidate or ballot measure.
- Express personal views or concerns. Postings shall reflect the views of the City. (See below: Personal Use.)
- Contain religious messages or advocate or promote religious beliefs.
- Promote illegal activity or violate any local, state or federal laws.
- Violate another party's privacy, copyright, trademark or other protected property, including, but not limited to images, graphics, and music.
- Violate a person's right to privacy, such as HIPAA (the Health Insurance Portability and Accountability Act), which protects a person's health information. Seek advice from legal counsel before posting any personal information.

MODERATION, REMOVAL, AND BLOCKING OF THIRD-PARTY CONTENT

Social media platforms have tools for moderating comments, including blocking users, banning users, and hiding or deleting individual posts. The First Amendment of the United States and the California Constitution may prevent some of these actions because public agency web pages are considered a forum for speech. Many governments social media managers find it helpful to look at social media moderation along the same lines as moderation of comments at a public meeting: while it is acceptable for the public to criticize and disagree with agency actions, if the speech becomes disruptive, agencies will enforce "rules of decorum."

To avoid First Amendment issues, staff shall review comments or posts suspected of violating the City's Social Media Policy with the Digital Communications Coordinator, City Manager designee, and appropriate Department Head to determine if the post should be removed, if the user should be blocked, and/or if the involvement of legal counsel is warranted.

DELETING COMMENTS: User comments shall not be deleted solely because they criticize or are unpleasant towards the City or a City official, employee or department. They may be deleted if they violate the Social Media Policy and after verifying that they have been properly archived in compliance with California's public record retention laws. (See below: Archiving)

HIDING COMMENTS: The City of Laguna Beach shall delete comments instead of hiding them. Hiding comments does not remove them from the original poster's page and can allow the conversation to continue unseen by the City.

The City reserves the right to delete inappropriate content if it contains inappropriate or disruptive content. This includes content that:

- Uses abusive, vulgar, offensive, profane, sexual, threatening, or defamatory language or content;
- Uses terms that target specific individuals or groups based on race, creed, color, age, religion, gender, marital status, sexual orientation, gender identity, disability, national origin, weight, height, or genetic information.
- Compromises the safety or security of the public or public services or facilities, City officials, or City employees;
- Contains personal or sensitive identifying information;
- Contains a malicious code, virus, or any other item that may interfere or disrupt the City of Laguna Beach's technology services, servers, computer systems, or networks;
- Incites or promotes violence or illegal activities;
- Advertises or promotes a commercial product or service;
- Promotes or opposes a political candidate or ballot measure;
- Violates another party's copyright, trademark, or other protected property.

Banning or blocking individual users shall be a last resort and in consultation with legal counsel. Users will only be blocked after verifying that their posts have been properly archived in compliance with California's public record retention laws.

ARCHIVING

The City of Laguna Beach's social media postings and comments are subject to California's civil discovery statutes and the California Public Records Act. Retention of social media records shall fulfill the following:

- Social media records shall be captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking page.
- Social media records shall be maintained in an authentic format. The ideal format is the native technical format provided by the social network along with complete metadata.
- Social media records shall be archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- The City utilizes an automated archiving service by an outside agency, ArchiveSocial, to comply with the above, and applicable public records laws and civil discovery statutes as well as to fulfill record retention requirements
- The Digital Communications Coordinator and the Director of Administrative Services have access to ArchiveSocial and can use it to fulfill relevant Public Records Act requests.

ELECTED AND APPOINTED OFFICIALS AND THE BROWN ACT

The City's social media presence shall be managed in accordance with the Brown Act. The Brown Act, a California law established in 1953, protects the public by, among other things, assuring their right to attend, observe and participate in all public meetings of local legislative bodies, guaranteeing that meeting topics will be properly noticed to the public, and prohibiting non-public meetings of official bodies unless otherwise specifically authorized.

In certain circumstances, social media activities may be considered meetings or serial meetings, in which case they would be subject to the restrictions of the Brown Act. Serial meetings generally take place as hub-and-spoke meetings or daisy chain meetings in which a majority of the members of official bodies are ultimately involved in the discussion. When a five-member body is involved, hub and spoke meetings occur when member A privately talks to member B, and then member A talks separately to member C on the same subject. Daisy chain meetings happen when member A privately talks to member B, who then talks to member C on the same subject. Both scenarios could play out on social media to inadvertently create a meeting or serial meeting.

Social media commenting, replies, and likes may be considered statements of expression. Therefore, regarding items of official business that are currently being heard, discussed, deliberated, or acted on, or that could be heard, discussed, deliberated, or acted on in the future, members of the City Council, Planning Commission, Design Review Board, Arts Commission, Heritage Committee, and other City advisory bodies should refrain from commenting on, sharing, liking, tweeting, retweeting, or otherwise participating in social media posts or other digital public communications because such responses could create a meeting or serial meeting in violation of the Brown Act.

PERSONAL USE

This policy does not govern or regulate the use of social media by City employees in their non-work capacity or associated privacy rights.

City employees may have personal social networking accounts. These pages should remain personal in nature and be used to share personal opinions and non-work-related information; however, City employees may use their personal social media accounts to share information about pending employment opportunities with the City of Laguna Beach. Following this principle helps ensure a distinction between shared personal and City views. City employees must never use their agency e-mail account or password in conjunction with a personal social media page.

Although it is advisable for City employees to refrain from commenting on City issues on social media, the decision whether to do so on a personal social media account rests with the individual. City employees should be mindful that inappropriate usage of official agency social media can be grounds for disciplinary action.

NEW PLATFORMS AND ABANDONING ACCOUNTS

Social media is always evolving, and over time new platforms will emerge that the City is not currently using. If and when the desire to use a new platform arises, the Digital Communications Coordinator, the City Manager's designee, and other staff as appropriate shall determine whether or not the new account furthers the City's goals and whether or not adequate resources are available to manage and monitor the account.

City social media accounts that have been inactive for 30 days may be considered for abandonment. Before cancelling an account, the Digital Communications Coordinator, the City Manager's designee, and other staff as appropriate shall determine that the account is no longer useful as a communication tool and should be abandoned. Before cancelling any account, the account must be properly archived.