

**PALOS VERDES LIBRARY DISTRICT**

**NON-REPRESENTED  
CONFIDENTIAL AND MANAGEMENT  
PERSONNEL POLICIES**

Adopted October 17, 2019  
Per Resolution 2019-11

*This page intentionally left blank*

# TABLE OF CONTENTS

ADMINISTRATION OF THE PERSONNEL SYSTEM .....	1
GENERAL .....	2
2.1 Vision.....	2
2.2 Mission .....	2
2.3 Personnel Policy .....	2
2.4 Applicability .....	2
2.5 No Contract.....	2
GLOSSARY .....	3
3.1 Administrative Leave.....	3
3.2 Appointing Authority.....	3
3.3 At-Will Employee.....	3
3.4 Classification. ....	3
3.5 Classification Series.....	3
3.6 Demotion. ....	3
3.7 Demotional Introductory Period. ....	3
3.8 Domestic Partner. ....	3
3.9 Discharge .....	3
3.10 Exempt Employee.....	3
3.11 Full-Time Employee.....	3
3.12 Immediate Family.....	3
3.13 Non-Exempt Employee. ....	4
3.14 Non-Represented Confidential .....	4
3.15 Non-Represented Management .....	4
3.16 Part-Time Hourly Employee.....	4
3.17 Part-Time Salaried Employee in the Public Employees’ Retirement System (PERS).....	4
3.18 Part-Time Salaried Employee not in the Public Employees’ Retirement System (PERS).	4
3.19 Position. ....	4
3.20 Probationary Employee. ....	4
3.21 Probationary Period. ....	4
3.22 Promotion .....	4
3.23 Promotional Probationary Period. ....	4
3.24 Reclassification.....	5
3.25 Regular Employee. ....	5
3.26 Suspension.....	5
3.27 Temporary Employee. ....	5
RECRUITMENT AND SELECTION .....	6
4.1 Recruitment .....	6
4.2 Application. ....	6
4.3 Examination.....	6
4.4 Termination of Process.....	6
4.5 Employment. Employment.....	6
4.6 Employment Forms .....	6
4.7 Employment of Relatives .....	6
4.8 Temporary Employees.....	7
PROBATIONARY PERIOD .....	8
5.1 Purpose. ....	8
5.2 Rejection.....	8

5.3	Probation.....	8
5.4	Promotional Probation.....	8
5.5	Demotion in Lieu of Layoff.....	8
5.6	Transfer in Lieu of Layoff.....	8
5.7	Extension.....	8
5.8	Performance Evaluation.....	8
PERSONNEL POLICY VI COMPENSATION.....		10
6.1	Salary-Step Schedule.....	10
6.2	Salary Placement upon Initial Hire.....	10
6.3	Passport Agent Differential.....	10
6.4	Step Increases.....	10
6.5	Salary upon Promotion.....	11
6.6	Temporary Employees.....	11
6.7	Salary upon Acting Assignment.....	11
6.8	Recording Time Worked.....	11
6.9	Paydays.....	12
6.10	Pay Checks.....	12
6.11	Direct Deposit.....	12
6.12	Mileage & Expense Allowance.....	12
6.13	Overtime.....	13
HOURS OF WORK.....		13
7.1	Flexibility of Hours.....	14
7.2	Scheduled Work Hours.....	14
7.4	Change of Scheduled Work Hours.....	14
7.5	Meal Breaks.....	14
7.6	Rest Breaks.....	15
7.7	Early Quit.....	15
7.8	Tardiness.....	15
7.9	Lactation Break.....	15
PAID LEAVES OF ABSENCE.....		15
8.1	Holidays.....	15
8.2	Personal Holidays.....	17
8.3	Vacation.....	18
8.4	Sick Leave.....	21
8.5	Sick Leave on Separation from Employment.....	22
8.6	Bereavement Leave.....	22
8.7	Jury Duty Leave.....	22
8.8	Voting Leave.....	23
UNPAID LEAVES OF ABSENCE.....		24
9.1	Family and Medical Leave.....	24
9.2	Military Qualifying Exigency Leave.....	34
9.3	Leave for Disability Related to Pregnancy, Childbirth or Related Medical Condition....	35
9.4	Catastrophic Leave Bank.....	36
9.5	Leave of Absence without Pay.....	37
EMPLOYEE BENEFITS.....		40
10.1	Retirement.....	40
10.2	Medical Benefits.....	40
10.3	Dental Insurance.....	41
10.4	Vision Care Insurance.....	41

10.5	Long Term Disability Insurance	41
10.6	Life Insurance	41
10.7	State Disability Insurance	42
10.8	Worker’s Compensation	42
10.9	Borrowing Privileges	41
10.10	Personal Purchase Discounts	42
10.11	Other Deductions	42
10.12	Continuing Education. Regular	42
10.13	Deferred Compensation	43
10.14	Membership and Professional Associations	43
10.15	Temporary Employee Benefits	43
10.16	Cell Phone Policy	43
STANDARDS OF CONDUCT		46
11.1	Equal Employment Opportunity	46
11.2	Injury and Illness Prevention Program	47
11.3	Harassment/Discrimination/Retaliation Prevention Policy	48
11.4	Affordable Care Act (ACA)	54
11.5	Religious Discrimination	55
11.6	Disability Discrimination	56
11.7	Accommodation	57
11.8	Violence in the Workplace	59
11.9	Drug and Alcohol Policy	62
11.10	Maintaining a Current Driver’s License and Insurance	64
11.11	Telecommunications and Computer Systems and Equipment	65
11.12	Dress Code	67
11.13	Name Badges	68
PERFORMANCE REVIEWS		70
12.1	Performance Reviews	70
TRANSFER		71
13.1	Transfer	71
NON-DISCIPLINARY SEPARATION FROM EMPLOYMENT		72
14.1	Layoff	72
14.2	Job Abandonment	73
14.3	Resignation	73
DISCIPLINARY AND GRIEVANCE PROCEDURES		74
15.1	Grounds for Discipline	74
15.2	Procedure for Discipline	76
15.3	Grievance Procedure	78
REINSTATEMENT		80
16.1	Reinstatement	81
16.2	Reappointment	82
16.3	Order of Reinstatement	81
16.4	Expiration of the Right to Reinstatement	81
16.5	Notice to Palos Verdes Library District	81
PERSONNEL RECORDS		82
17.1	General	82
17.2	Notifying the Palos Verdes Library District of Changes in Personal Information	82
17.3	Medical Information	82
17.4	References and Release of Information in Personnel Files	82

17.5 Employee Access to Personnel File.....	83
17.6 Supervisor/Manger’s File .....	83
DISTRICT LIBRARIES .....	84
APPENDIX A .....	85
NON-REPRESENTED PERSONNEL .....	85
APPENDIX B.....	86
HEALTH INSURANCE .....	86
APPENDIX C.....	87
SAFE HARBOR.....	87

*This page intentionally left blank*

PERSONNEL POLICY I  
ADMINISTRATION OF THE PERSONNEL SYSTEM

Pursuant to California Education Code Section 19647 the Board of Library Trustees establishes the number of employees, sets his/her duties and power, and fixes his/her compensation. The Board of Library Trustees delegates administrative authority to the District Director.

The District Director has authority, subject to Board of Library Trustees approval, to revise these policies.



PERSONNEL POLICY II  
GENERAL

- 2.1 Vision. The Palos Verdes Library District will be an innovative leader and community partner in providing outstanding library services that connect people, information and ideas.
- 2.2 Mission. The mission of the Palos Verdes Library District is to provide a welcoming and open access to library services and materials that encourage lifelong learning, support the educational, informational, cultural and recreational needs of our diverse Palos Verdes community and facilitate the preservation of the Peninsula's history.
- 2.3 Personnel Policy.
- 2.3.1 The Palos Verdes Library District shall seek the best applicants for employment based on qualifications and provide equal opportunity for all persons who compete for employment.
- 2.3.2 The Palos Verdes Library District will not discriminate in its employment practice in regard to race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law
- 2.3.3 The Palos Verdes Library District will not discriminate in its employment practices against a qualified individual with a disability who can safely perform the essential functions of the job with reasonable accommodations.
- 2.3.4 The tenure of an employee covered by the rules is subject to proper behavior, satisfactory work performance, and necessity for the work.
- 2.4 Applicability. Unless a policy indicates otherwise, these policies apply to all Non-Represented Confidential and Management employees except the District Director.
- 2.5 No Contract. The personnel policies do not create any contract of employment, express or implied or any rights in the nature of a contract.

PERSONNEL POLICY III  
GLOSSARY

Unless otherwise required by the context, words used in these rules shall have the following meaning.

- 3.1 Administrative Leave. Temporary separation of an employee from the workplace with pay at the discretion of the District Director. During periods of administrative leave the employee shall be available by telephone during regular working hours.
- 3.2 Appointing Authority. The Board of Library Trustees, the District Director or the person to whom his/her authority has been delegated.
- 3.3 At Will Employee. Those employees who are employed at the will of the appointing authority and may be removed at any time without cause or right of appeal. These employees include probationary employees, temporary employees, and all part-time hourly employees.
- 3.4 Classification. Classification means a group of positions sufficiently similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and applying common standards of selection and compensation. (See Appendix A).
- 3.5 Classification Series. Shall mean a group of classifications of the same character of work but differing as to level of difficulty and responsibility.
- 3.6 Demotion. The voluntary or involuntary reduction of an employee to a classification with a lower salary range.
- 3.7 Demotional Probationary Period. A trial period of six (6) months of actual service during which a demoted employee is required to demonstrate that continued employment is appropriate by satisfactory performance of the duties of the position.
- 3.8 Domestic Partner. An employee who meets the requirements of Family Code Section 297, et seq.
- 3.9 Discharge. The involuntary separation of an employee from employment as a result of disciplinary action.
- 3.10 Exempt Employee. An employee in a job classification that is exempt from overtime under the Fair Labor Standards Act.
- 3.11 Full-Time Employee. An employee who is normally scheduled to work 40 hours per week scheduled at the convenience of the Palos Verdes Library District and is paid a salary.
- 3.12 Immediate Family. Spouse, child (ren), parent, step-parent, father-in-law, mother-in-law, grandparent, grandchild, legal dependent, domestic partner, sister, step-sister, brother and step-brother.

- 3.13 Non-Exempt Employee. An employee in a job classification that is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.
- 3.14 Non-Represented Confidential. An employee of the Palos Verdes Library District who is designated a Confidential Employee by the District Director, based on the confidential nature of his/her responsibilities and is not represented by Local Union SEIU 721. (e.g., Executive Assistant, Sr. Administrative Assistant, Sr. Accounting Clerk, Human Resources Analyst and Payroll and Benefits Analyst).
- 3.15 Non-Represented Management. An employee of the Palos Verdes Library District who is designated a Management Employee by the District Director, based on the managerial and confidential nature of his/her responsibilities and is not represented by Local Union SEIU 721 (e.g., Information Technology Manager, Facilities Manager, Director of Finance & Administration, and Deputy Director).
- 3.16 Part-Time Hourly Employee. An employee paid at an hourly rate and scheduled to work less than 40 hours per week and does not work more than 999 hours per fiscal year unless excluded from PERS coverage.
- 3.17 Part-Time Salaried Employee in the Public Employees' Retirement System (PERS). An employee scheduled to work at the convenience of the Palos Verdes Library District for no more than 999 hours per fiscal year (July 1 through June 30) who is already a member of PERS, or an employee scheduled to work at the convenience of the Palos Verdes Library District for no more than 960 hours per calendar year and who receives PERS benefits.
- 3.18 Part-Time Salaried Employee not in the Public Employees' Retirement System (PERS). An employee scheduled to work at the convenience of the Palos Verdes Library District for no more than 999 hours per fiscal year (July 1 through June 30) who does not receive PERS benefits.
- 3.19 Position. A combination of duties and responsibilities assigned to a single employee.
- 3.20 Probationary Employee. An employee serving a probationary period of twelve (12) months may be removed at any time without cause or right of appeal.
- 3.21 Probationary Period. A probationary period of twelve (12) months of continuous service during which an employee is required to demonstrate that continued employment is appropriate by satisfactory performance of the duties of the position. Passing the probationary period does not change an employee's "at will" status for temporary or part-time hourly employees.
- 3.22 Promotion. The advancement of an employee after a competitive process from a position in one class to a position in another class having a higher salary.
- 3.23 Promotional Probationary Period. A trial period of six (6) months during which a promoted employee is required to demonstrate that continued employment in the position is appropriate by satisfactory performance of the duties of the position.

- 3.24 Reclassification. A significant change in duties and responsibilities through gradual accretion, which results in a change in classification, title and salary.
- 3.25 Regular Employee. An employee who has successfully completed the probationary period. Regular employees can be full-time salaried employees or part-time salaried employees.
- 3.26 Suspension. A temporary separation of an employee from the workplace without pay, as a result of disciplinary action.
- 3.27 Temporary Employee. An employee who is hired to work for a limited duration. A temporary employee may work part-time (i.e., working less than 999 hours per fiscal year), or full-time (i.e., working 40 hours per week). A temporary employee will only provide temporary services arising out of a special project, abnormal workload, an emergency, or the temporary absence of a Palos Verdes Library District employee.

PERSONNEL POLICY IV  
RECRUITMENT AND SELECTION

4.1 Recruitment.

4.1.1 Goal of Recruitment Process. The Palos Verdes Library District's goal is to hire the most qualified employees for Palos Verdes Library District positions.

4.1.2 Declaring a Vacancy. When a vacancy or new position is created, the department manager, who wants to fill the position, must complete an Open Requisition form using the Palos Verdes Library District's on-line application system.

4.1.3 Advertising and Posting. The Human Resource Manager will be responsible for determining the method of announcing the opening and soliciting applicants. The Human Resources Analyst must approve all advertisements for the open position, including the job announcement, employment ads and advertising sources. All vacant positions will be filled after open competitive or promotional recruitment at the discretion of the District Director.

4.2 Application. All applicants must complete an on-line employment application using the Palos Verdes Library District's on-line application system. After the application date for the position closes, the applications will be forwarded to the department hiring managers, who along with the Human Resources Analyst will be responsible for establishing the steps to be followed in reviewing applications and selecting candidates.

4.3 Examination. All interviews and/or tests will be job-related. Job-related means that any question and/or test given to the applicants will be designed to determine whether the applicant can perform the duties of the position. The Palos Verdes Library District will determine the need for, method, type and number of tests and/or interviews for each available position. The Palos Verdes Library District will determine the weight, which is given to each test and/or interview question in determining the qualifications of candidates. All persons employed by the Palos Verdes Library District who meet the minimum qualifications of the position are welcome to apply.

4.4 Termination of Process. The Palos Verdes Library District may terminate any recruitment, test and/or interview at any time for any reason. The Palos Verdes Library District may select one of the qualified candidates, repost the position, or leave the position unfilled.

4.5 Employment. Employment is contingent upon satisfactory completion of a background check, and verification of U.S. Citizenship or right to work in the United States.

4.6 Employment Forms. Once an applicant is selected to be employed, the applicant must submit a W-4 form, an I-9 form, and any other form required by law or library procedure.

4.7 Employment of Relatives. Relatives or domestic partners of employees or library Trustees will not be eligible for employment with the Palos Verdes Library District when actual or potential problems of supervision, safety, security, morale, or actual or potential conflicts

of interest exist and the problem cannot be resolved by reasonable accommodation. “Relatives” are defined as an individual’s parents, child(ren), spouse, registered domestic partner, brothers, sisters, in-laws, grandparents and step relationships.

If two employees marry, become related, or become domestic partners, and the potential or actual problems noted above exist, only one of the employees will be permitted to remain employed by the Palos Verdes Library District unless reasonable accommodation will eliminate the actual or potential problems. The decision as to which relative or cohabitant will remain employed by the Palos Verdes Library District must be made by the two employees within thirty (30) calendar days of the creation of the relationship. If no decision has been made by the end of the thirty (30) calendar days, the Palos Verdes Library District will select the employee to be terminated.

If an employee and a volunteer marry, become related, or cohabit, and the potential or actual problems noted above exist, only one of the individuals will be permitted to perform services for the Palos Verdes Library District as an employee or volunteer unless reasonable accommodations will eliminate the actual or potential problems. The decision as to which individual will be allowed to continue to provide services to the Palos Verdes Library District must be made by the two individuals within thirty (30) calendar days of the creation of the relationship. If no decision has been made by the end of the thirty (30) calendar days, the Palos Verdes Library District will select the individual whose relationship with the Palos Verdes Library District will be terminated.

If a Library Trustee and an employee or volunteer marry, become related, or become domestic partners, and the potential or actual problems noted above exist, the employee or volunteer will be permitted to remain employed by the Palos Verdes Library District or to volunteer services to the Palos Verdes Library District if reasonable accommodation will eliminate the actual or potential problems. If the actual or potential problems cannot be eliminated by reasonable accommodation, or the resignation of the Library Trustee, the employee will be terminated or the volunteer will no longer be allowed to volunteer services to the Palos Verdes Library District.

If accommodations are made for any of the above situations, these accommodations will be documented in writing.

- 4.8 Temporary Employees. The Palos Verdes Library District may follow any process it deems appropriate to recruit, select and appoint temporary employees.

PERSONNEL POLICY V  
PROBATIONARY PERIOD

- 5.1 Purpose. A probationary period for the employee's /manager to determine whether continued employment is appropriate based on an assessment of the employee's performance of the duties of the position.
- 5.2 Rejection. The Palos Verdes Library District can reject the employee at any time during the probationary period for any reason, without cause and without right of appeal.
- 5.3 Probation. Employees serve a probationary period of twelve (12) months of continuous service.
- 5.4 Promotional Probation. Employees who are promoted serve a six (6) month probationary period. A written performance evaluation will be submitted to the Human Resources Office, three (3) months and five (5) months after the employee is promoted. If the employee is unsuccessful in completing the promotional probationary period and reject, the employee can return to the position held prior to promotion at the range and step previously held, if possible, unless he/she is terminated for cause.
- 5.5 Demotion in Lieu of Layoff. If an employee is demoted in lieu of layoff, the employees must serve a six (6) month probationary period. If not successful during this period and rejected, the employee will be laid off without right of appeal.
- 5.6 Transfer in Lieu of Layoff. If an employee is transferred in lieu of layoff, the employee must serve a six (6) month probationary period. If not successful during this period and rejected, the employee will be laid off without right of appeal.
- 5.7 Extension. The District Director may extend an employee's probationary period, not to exceed three (3) months. An extension of an employee's probationary period does not affect the Palos Verdes Library District's right to reject the employee during the extended probationary period without cause or right of appeal. The District Director may consider extending the probationary period for longer than three (3) months in situations where the employee has an extended absence.
- 5.8 Performance Evaluation. During the probationary period, a written performance evaluation will be submitted to the Human Resources Office after the probationary employee has completed three (3) months of employment. If the probationary employee fails to achieve a satisfactory performance evaluation after three (3) month of employment, the Palos Verdes Library District may evaluate the employee again after six (6) months of the probationary employment, and after nine (9) months of probationary employment, as determined by the Palos Verdes Library District. All probationary employees will receive a written performance evaluation eleven (11) months after the employee begins his or her probationary employment. Nothing herein shall limit the at-will status of the probationary employees, or the Palos Verdes Library District's right to separate a probationary employee, with or without cause and without right to appeal, at any time during the probationary period. Employees who have successfully completed the probationary period may be evaluated every six (6) months during his/her second year of

employment and annually thereafter.



PERSONNEL POLICY VI  
COMPENSATION

- 6.1 Salary-Step Schedule. Each non-represented Management or Confidential position (apart from the District Director whose compensation is governed by an employment contract) is assigned to a classification based on the work of the position and market factors. The classifications for non-represented employees are:

Accountant  
Administrative Assistant I-III  
Manager-Human Resources  
Payroll & Benefits Analyst  
Director of Finance  
Manager- Facilities  
Manager-Information Technology  
Deputy Director

Salary-Step Structure. The Palos Verdes Library District maintains a 10-step salary structure with a 2.5% base compensation increase between steps. All step increases for employees hired on or before July 1, 2008, will take effect on July 1<sup>st</sup> annually.

Classifications for non-represented employees will be reviewed as part of the annual budget preparation process and may be adjusted based on economic and market conditions, the District's financial circumstances, and /or to ensure equity with represented employees.

- 6.2 Salary Placement upon Initial Hire. An employee will be hired at or promoted to Step 1 of the appropriate range for the classification unless the District Director determines that based on training, experience, and market conditions the employee should be placed above step 1. Employees who completes the probationary period for his/her position to a satisfactory standard will be eligible to move to the next higher step in his/her classification at the discretion of the District Director. The effective date of a step increase will be the beginning of the next pay period following the anniversary date of the change. This will not alter the employee's original anniversary date.

- 6.3 Passport Agent Differential. Non-FLSA exempt employees who are certified and actively serving as Passport Agents shall earn \$.50 per hour differential for all hours worked.

FLSA exempt employees who are certified and actively serving as Passport Agents shall receive a salary adjustment of one-step in their current classification.

For both non-exempt and exempt employees, the Passport Agent differential shall apply only while the employee is serving as an active Passport Agent and will cease, without any appeal rights, if the employee stops serving in this capacity for any reason.

- 6.4 Step Increases. The District Director will review Management and Confidential salaries annually prior to submission of the 3<sup>rd</sup> reading of the budget and will determine what step increases, if any, will be granted. The budgetary impact of any increases will be incorporated into the annual budget process. Step increases are not automatically granted.

Step increases may be granted based on:

- the employee's work performance
- economic and market conditions for that position
- issues of internal equity

Step increases may also be granted at any time based on changes to the responsibilities of the position.

- 6.5 Salary upon Promotion. A full-time Management or Confidential employee who is promoted to a new classification will be placed on the lowest step of the new classification pay range that results in at least a five percent 5% increase in monthly salary.
- 6.5.1 Part-Time Salaried Promotion. A promoted part-time employee shall be placed on the lowest step of the range that results in at least a five percent (5%) increase in monthly salary.
- 6.5.2 Salary upon Demotion. A Management or Confidential employee who is demoted to a lower classification will be placed at the step within the pay range for the new classification that least reduces his/her pay when compared to his/her pay rate immediately prior to demotion.
- 6.6 Temporary Employees. Temporary employees will be paid at the rate set by the Palos Verdes Library District.
- 6.7 Salary upon Acting Assignment. An employee who is temporarily required to serve in a higher classification and is appointed to that classification shall be compensated at a higher rate of pay as set forth below:
- 6.7.1 To be eligible the employee must first work 10 consecutive days in the higher class. Permanent, full-time employees who are not appointed to and required to serve in a higher classification shall be entitled to additional compensation, as set forth in Personnel Policy 6.7.3, if the following criteria is met:
- 6.7.2 The work assigned includes the key distinguishing characteristics of the higher classification and constitutes at least 80% of the essential job duties of the higher classification. The work in the higher classification is assigned or approved by the District Director or his/her designee.  
The assignment of additional duties normally performed by incumbents of the employee's class shall not qualify for this additional compensation.
- 6.7.3 If the criteria set forth above is met, the employee shall receive pay at the lowest step of the range for the position assumed, which results in at least a 5% increase in salary upon the 11<sup>th</sup> day and until temporary assignment is completed.
- 6.8 Recording Time Worked. Non-exempt employees will be required to record their time worked by clocking in and out using the electronic time clock system. Exempt employees will only record their exceptions (vacation, sick, personal holiday, etc.). Every employee will protect his/her username and password according to section 11.5 Telecommunication

and Computer Systems and Equipment policy. Employees shall not clock in or out on another employee's time report.

- 6.9 Paydays. Salaries are paid semi-monthly with paydays falling on the 10<sup>th</sup> and 25<sup>th</sup> of each month. Payday on the 10<sup>th</sup> of the month covers hours worked from the 16<sup>th</sup> to the end of the previous month; payday on the 25<sup>th</sup> of the month covers hours worked from the 1<sup>st</sup> through the 15<sup>th</sup> of that month. When the 10<sup>th</sup> or 25<sup>th</sup> falls on Saturdays, Sundays, or holidays when Palos Verdes Library District libraries are closed, payday will fall on the preceding workday.
- 6.10 Pay Checks. At the discretion of the District Director, if a salaried employee is on vacation or is absent from the Palos Verdes Library District on one or more paydays, the employee may receive an advance paycheck if the employee is not paid through direct deposit. The employee must request such payment in writing to the Director of Finance & Administration ten (10) calendar days in advance of the payday, which falls prior to employee's vacation. The pay will be distributed on the last working day prior to the start of vacation.
- 6.11 Direct Deposit. Automatic direct deposit of paychecks may be arranged at the employee's discretion.
- 6.12 Mileage & Expense Allowance. Employees shall receive mileage allowance consistent with that of the IRS's standard mileage rates for travel on official library business, providing the travel has been pre-approved.
- 6.12.1 On approved airplane trips, employees will be reimbursed up to cost of one round trip coach airfare. If the destination is within reasonable driving distance, the Palos Verdes Library District's mileage allowance shall be applicable or limited to an equivalent round trip coach air fare, whichever is less expensive. Related parking, taxi or bus transportation will also be paid.
- 6.12.2 Employees may be reimbursed for some or all expenses incurred for attendance at professional meetings, workshops, conferences, etc., on library time or on the employee's own time, providing requests for such reimbursements and/or time have been approved in advance by the District Director.
- 6.12.3 The Palos Verdes Library District will pay a single room rate or otherwise lowest available rate for each participant while attending a conference. Actual meal expenses will be reimbursed up to \$65.00 per day. The Palos Verdes Library District will not reimburse for alcoholic beverages.
- 6.12.4 Request for reimbursement for any or all expenses must be documented with original receipts submitted to the business office along with appropriate expense reimbursement forms.

Every effort will be made to allow staff members to attend appropriate professional conferences, provided that adequate staffing of the library can be maintained.

6.12.5 The District Director must approve attendance of employees at major conferences, such as the California Library Association, the American Library Association, or Public Library Association.

6.13 Overtime. Non-exempt employees will be paid at time and one-half their regular hourly rate of pay for hours worked in excess of 8 hours in a day or 40 hours in a work week. Such hours must be scheduled and approved in advance by the employee's immediate supervisor/manager.

Under special circumstances, the District Director may grant compensatory time off in lieu of overtime pay at the request of the employee.

If a non-exempt employee is asked to return to duty following the termination of his/her shift, the employee shall receive a minimum pay of four (4) hours work at the rate of time and one-half (1 ½) the employee's regular hourly rate of pay.

## PERSONNEL POLICY VII HOURS OF WORK

- 7.1 Flexibility of Hours. In order to meet the mission of the Palos Verdes Library District, employees are expected to be willing to be flexible in work assignments and scheduled work hours so that the Palos Verdes Library District can meet its obligation of service to the community.
- 7.2 Scheduled Work Hours. An employee's work week is defined as a recurring consecutive seven-day period beginning on Sunday 12:01 a.m. and ending Saturday midnight. However, the Palos Verdes Library District retains the right to set a different workweek for alternative work schedules. Regularly scheduled workdays and hours for employees are established according to the needs of the Palos Verdes Library District. An employee is required to be at his/her assigned workstation for the hours scheduled, at the time his/her shift is scheduled to begin.
- 7.3 Alternative Work Schedules. The Palos Verdes Library District recognizes that alternative work schedules may offer benefits to both employees and the Palos Verdes Library District. The implementation of alternative work schedules will occur only if authorized by the Department Manager with mutual agreement from the Deputy Director or District Director. Management may assign, or employees may request, subject to Palos Verdes Library District approval, to work a four /ten, five/forty, nine/eighty or other work schedule, including but not limited to non-consecutive days off.

The Palos Verdes Library District shall allow employees to adjust their work schedules to make up for approved temporary time off during the same work week with the approval of their immediate supervisor. The Palos Verdes Library District retains the exclusive right to designate the workweek for each non-exempt employee and to identify the time of day and day of the week on which the employee's workweek begins. The Palos Verdes Library District cannot make changes to an employee's workweek that are designed to evade the overtime requirements of the Fair Labor Standards Act, nor shall the District make changes to an employee's workweek for retaliatory or non-business related reasons.

- 7.4 Change of Scheduled Work Hours. During holiday work weeks, vacation, illnesses, or emergencies, regularly scheduled hours may have to be changed by supervisors/managers. Occasionally, employees may be asked to work part of a day at one location and part of a day at another location. When this occurs, a per-mile allowance consistent with the current I.R.S. allowance will be granted for the expense of traveling between locations. Employees will be given travel time up to a maximum of half-hour between locations. Travel time contemplated beyond a half-hour requires consultation and approval by the employee's supervisor. Employees are expected to commence work immediately upon arrival at the assigned location.

When a staffing emergency occurs, an employee may be asked to work a split day, i.e., morning and evening hours at the same or different locations.

- 7.5 Meal Breaks. Subject to departmental staffing needs, employees classified as non-exempt will be granted the option to take either an hour or half-hour unpaid meal breaks on a consistently scheduled basis. Employees working more than six hours are required to take a minimum of half-hour for a meal break. Staffing conditions may require an employee to take a half-hour meal break rather than the employee's scheduled hour meal break and the

employee may be required to arrive half-hour later or leave half-hour earlier than scheduled.

Management Employees are encouraged to take appropriate meal breaks.

- 7.6 Rest Breaks. Employees classified as non-exempt shall take a 15-minute break for each four (4) hour work period. The rest period shall be taken at a time chosen by the employee, unless otherwise designated by the employee's supervisors. The scheduled rest break may not be used for other purposes, i.e., combined with other rest breaks, to make up time for tardiness, to extend meal breaks, to arrive late, or to leave early.
- 7.7 Early Quit. Employees classified as non-exempt are prohibited from leaving their job assignment earlier than their scheduled time off without the approval of their supervisor or a higher-level employee in the chain of supervision.
- 7.8 Tardiness. If an employee is late arriving to work, the employee must report immediately to his/her supervisor/manager or to the next higher level of supervision in the chain of supervision if the supervisor/manager is not available. If the employee is going to be more than 15 minutes late, the employee must call the supervisor/manager, and give the reason for the tardiness and expected time of arrival at work.

Based on the recommendation of the supervisor/manager, time lost for tardiness for non-exempt employees will be made up either through rescheduling of the employee's hours in the same week, use of the employee's vacation time, or time lost without pay. All tardiness is to be noted on time sheets.

- 7.9 Lactation Break. A non-exempt employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. (Labor Code § 1030; 29 USC §207 (r).) Those desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonable delayed if they would seriously disrupt operations. (Labor Code § 1032). Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The Palos Verdes Library District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The Palos Verdes Library District will attempt to find a location in close proximity to the employee's work area, and the location will be other than a toilet stall. Employees occupying such private areas 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. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

PERSONNEL POLICY VIII  
PAID LEAVES OF ABSENCE

- 8.1 Holidays.

8.1.1 Authorized Palos Verdes Library District Holidays.

All Palos Verdes Library District locations will be closed on New Year's Day,, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, and Christmas Day.

If New Year's Day, Independence Day, Christmas Eve or Christmas Day falls on Sunday, the Library will be closed Sunday and Monday. Salaried employees will receive holiday pay for only one day. Palos Verdes Library District libraries will close at 5:00 p.m. on New Year's Eve.

8.1.2 Regular Full-Time Employees. Regular full-time employees regularly scheduled to work on the day on which a holiday falls shall receive pay as if the day had been worked. If the holiday (policy 8.1.1) falls on a Saturday, employees not scheduled to work Saturday will receive 8 hours compensatory time, which must be used in accordance with policy 8.1.4.

8.1.3 Regular Part-Time Salaried Employees. Regular part-time salaried employees regularly scheduled to work on a day on which a holiday falls shall receive four (4) hours holiday pay as if the day had been worked. If his/her regular work schedule is less than four (4) hours, the employee will receive holiday pay for the hours the employee is regularly scheduled to work and credited with compensatory time for the difference between the regularly scheduled work hours and four (4). If his/her regular schedule is more than four (4) hours, he/she will be given the four (4) hours holiday pay and have the choice of working additional hours on other days during the same pay period or using vacation or personal holiday time to make up the missing shift hours. It is the employee's responsibility to inform his/her manager of which option they chooses to make up the shift hours.

If a regular part-time salaried employee is not regularly scheduled to work on a day on which a holiday falls, they shall receive compensatory holiday time of four (4) hours per policy 8.1.3 and schedule compensatory time off per policy 8.1.4.

8.1.4 Compensatory Time. Subject to Personnel Policy 8.1.2 & 8.1.3 a non-exempt employee may opt to accrue compensatory time in lieu of cash payment for overtime worked if his/her supervisor agrees prior to overtime work being performed. Compensatory time off accrues at the rate of 1.5 hours for each hour, or fraction thereof, worked after 40 hours of actual work with the employee's designated work week. Compensatory time off cannot be accumulated in excess of 40 hours at any given time. Time in paid leave status does not count toward compensatory time off.

Accrued compensatory time must be taken in the three (3) months following the accrual and should be scheduled by the employee and his/her manager, so long as the scheduling of the time off does not interfere with maintaining service to the community. Exception: Employees credited with compensatory time as a result of holidays in the last three (3) months of any calendar year may be permitted to take such time in the first three (3) months of the next calendar year. The Palos Verdes

Library District reserves the right to cash out an employee’s accrued compensatory time off at any time. During employment, compensatory time off is cashed out at the employee’s current regular rate of pay. Employees separating from the Palos Verdes Library District shall be compensated for all accrued, unused compensatory hours at their current regular rate of pay, or their average regular rate for the prior three years, whichever is higher.

8.2 Personal Holidays.

Personal holidays may be carried over from year to year, but accrual of personal holiday time shall cease when the employee accrues the “maximum accrual” levels until such time that the employee’s accrued personal holiday balance falls below the maximum amount. The maximum accrual levels are set forth below.

**Employee Long Service Recognition.** Effective January 1, 2017, employees who have ten (10) or more years of service shall receive an additional eight (8) hours of personal holiday time per year in recognition of his/her service to the Palos Verdes Library District. Employees who reach ten (10) years of service after January 1, 2017 shall receive eight (8) hours of additional personal holiday time, as set forth herein, on January 1<sup>st</sup> following the anniversary date upon which the employee reached 10 years of service.

During employment, employees shall not be entitled to “cash out” any accrued and unused personal holiday pay, but shall be entitled to be paid for any accrued and unused personal holiday pay upon separation from employment.

8.2.1 Regular Full-Time Employees. Regular full-time employees are granted 56 hours of personal holiday time per year. However, employees who have ten (10) or more years of service with the Palos Verdes Library District shall be granted 64 hours of personal holiday time per year. Employees employed by the Palos Verdes Library District on January 1 will receive all personal holiday time on January 1 of each year. New employees hired during the year shall be granted personal holiday time on a pro-rated basis of 4.66 hours for each full month remaining in the calendar year (e.g., a new employee who begins employment on June 6 would receive 27.96 hours of personal time (4.66 X 6 months).

Regular Full-time employee who receives Long Service Recognition	64 hours maximum accrual
Regular Full-time employee who does not receive Long Service Recognition	56 hours maximum accrual

8.2.2 Regular Part-Time Salaried Employees. Regular part-time salaried employees are granted 28 hours of personal holiday time per year. However, employees who have ten (10) or more years of service with the Palos Verdes Library District shall be granted 36 hours of personal holiday time per year. Employees employed by the Palos Verdes Library District on January 1 will receive all personal holiday time on January 1 of each year. New employees hired during the year shall be granted personal holiday time on a pro-rated basis of 2.33 hours for each full month



remaining in the calendar year (e.g., a new employee who begins employment on June 6 would receive 13.98 hours of personal time (2.33 X 6 months)).

Regular Part-time salaried employee who receives Long Service recognition	36 hours maximum accrual
Regular Part-time salaried employee who does not receive Long Service Recognition	28 hours maximum accrual

8.2.3 Regular Part-Time Hourly Employees. Effective January 1, 2017 part-time hourly employees shall be granted 4 hours of personal holiday time per year. Part-time hourly employees who receive Long Service Recognition shall receive an additional 8 hours of personal holiday time per year. Total hours are granted on January 1. New employees hired during the year shall be granted personal holiday time on a pro-rated basis of .34 hour for each full month remaining in the calendar year (e.g. a new employee who begins employment of June 6 would receive 2.04 hours of personal holiday time (.34 x 6 months)).

Regular Part-time hourly employee who receives long Service Recognition	12 hours maximum accrual
Regular Part-time hourly employee who does not receive Long Service Recognition	4 hours maximum accrual

8.2.4 The Use of Personal Holidays. The use of personal holidays is requested by employees and approved by the manager per policy 8.3.2. If the employee has made a good faith effort to schedule his/her personal holidays but the Palos Verdes Library District is unable to grant the time off, the employee may convert personal holidays into vacation time, upon approval from his/her Manager and the District Director, up to the maximum vacation accrual limits noted in Personnel Policy 8.3.

### 8.3 Vacation.

8.3.1 Vacation Accrual. Except as otherwise provided in this section, vacation time accrues each pay period beginning with the date of hire for salaried employees. Hourly employees do not accrue paid vacation time. Vacation time may not be used until after the employee successfully completes the first six (6) months of his/her probationary period. Exceptions may be made with the District Director’s approval.

Full Years of Service (Regular Full-time)	Annual Accrual Rate	Maximum Accrual
---	---------------------	-----------------

0 through 4	80 hours 3.34 per pay period	160 hours
5 through 10	120 hours 5.00 per pay period	200 hours
More than 10	160 hours 6.67 per pay period	240 hours

Full Years of Service (Regular Part-time Salaried)	Annual Accrual Rate	Maximum Accrual
0 through 4	37 hours 1.54 per pay period	74 hours
5 through 10	55.50 hours 2.31 per pay period	92.50 hours
More than 10	74 hours 3.08 per pay period	111 hours

The policy and practice of the Palos Verdes Library District is to grant employees the opportunity to use accrued vacation, so long as the scheduling of vacation does not interfere with the Palos Verdes Library District's interest in maintaining service to the community. In all circumstances, management must approve the time off before it is taken.

Employee vacation accruals will cease when the employee accrues the "maximum accrual" levels identified above until such time that the employee's accrued balance falls below the maximum amount. It is the employee's responsibility to keep track of the employee's accrual balances. The Palos Verdes Library District has the right to require employees to use vacation if the employee reaches the vacation cap applicable to the employee. Mandatory vacation days shall be scheduled with input from the employee.

In extraordinary circumstances if the employee has made a good faith effort to schedule his/her vacation but the Palos Verdes Library District is unable to grant the time off, the employee may accrue more than the maximum accrual with written approval from the District Director.

- 8.3.2 Vacation/Personal Holiday Request. All employees will be required to use "Request Time Off" forms in the timekeeping/payroll system. Temporary employees are not entitled to accrued paid leave of any kind.

- 8.3.3 Scheduling Vacation/Personal Holiday. All salaried employees will be required to Request Time Off (per policy 8.3.2) as early as possible. The department manager will consider (approve or deny) the request as soon as practical, except when the request spans an authorized Palos Verdes Library District Holiday (Policy 8.1.1), in which case policy 8.3.4 Holiday Periods will apply. Once a department schedule has been posted, no further time off requests will be accepted for the scheduled period (except in emergency circumstances).
- 8.3.4 Holiday Periods. Vacation requests filed in accordance with 8.3.2 for any time period spanning an authorized Palos Verdes Library District Holiday will be considered no sooner than 90 days before that Holiday. The priority will be maintaining adequate coverage so that service to the community is not affected. If more than, one employee from a department requests time off over the same Holiday period priority will be given to employees who **did not** take time off over that Holiday the previous year.
- 8.3.5 Vacation Denial. When an employee's vacation request cannot be approved, the department manager shall schedule the employee's vacation at the next earliest date requested by the employee and deemed appropriate by the manager based on the Palos Verdes Library District's interest in maintaining service to the community.
- Previously approved vacation/personal holiday requests may be cancelled or rescheduled, if inadequate staffing levels in the department occur due to unforeseen circumstances.
- 8.3.6 Employees may use vacation or personal holidays for religious holidays.
- 8.3.7 Voluntary Vacation Cash Out Employees have the option of cashing out a portion of their accrued vacation balance once per year at the start of the fiscal year. Requests to cash out will be submitted from July 1-10 and payment will be in the employee's second paycheck in July. Available cash out balances are based on Annual Accruals. Employees must leave a minimum of forty (40) hours of vacation leave in their banks and vacation cash outs will be capped at sixty (60) hours per fiscal year.
- 8.3.8 Change from Full-Time to Part-Time. If an employee has been working full-time, earning vacation on a full-time basis, and subsequently drops to part-time salaried employment, the employee will retain the unused, accrued vacation hours up to the applicable maximum accrual allowed for part-time salaried employees and will be required to cash out any additional unused, accrued vacation hours earned during the full-time employment. If the employee drops to part-time hourly employment, the employee will be paid for the hours of vacation accrued and will cease earning vacation as of the date of hourly employment.
- 8.3.9 Change for Part-Time to Full-Time. If an employee has been working part-time, earning vacation on a part-time basis, and subsequently promotes to full-time employment, the employee will retain the unused, accrued vacation hours earned as a part-time employee.

8.3.10 Payment upon Termination. Employees terminating employment with the Palos Verdes Library District will be paid for all unused, accrued vacation.

8.3.11 Hourly Employees. See Policy 9.3.7 regarding leave of absence without pay.

#### 8.4 Sick Leave.

##### 8.4.1 Purposes for Sick Leave.

Sick leave may be used by employees for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee. Salaried employees (full-time and part-time) may use up to 50% of their annually accrued sick leave to care for the employee's spouse, registered domestic partner, child, parent, grandparent, grandchild, sister, brother, mother-in-law and father-in-law. Hourly employees may use up to 24 hours of sick leave per calendar year to care for the employee's spouse, registered domestic partner, child, parent grandparent, grandchild, sister, brother, mother-in-law, and father-in-law. Sick leave may be used for medical and dental appointments.

Up to twenty-four (24) hours of sick leave may also be used for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health, safety or welfare of the employee or his or her child; ii) obtain medical attention or psychological counseling; services from a shelter; program or crises center; or participate in safety planning or other actions to increase safety.

8.4.2 Regular Full-Time Employees. Regular full-time employees earn 96 hours of paid sick leave per year accrued at the rate of 8 hours per month.

Regular full-time employees who have an accrued sick leave balance of 212 hours or more at the end of each calendar year may elect to convert up to 32 hours of sick leave to vacation, which will be added to the employee's accrued vacation balance, subject to the employee's accrued vacation limits.

8.4.3 Regular Part-Time Salaried Employees. Regular part-time salaried employees earn 48 hours leave per year accrued at a rate of 4 hours per month.

Regular part-time salaried employees who have an accrued sick leave balance of 106 hours or more at the end of each calendar year may elect to convert up to 16 hours of sick leave to vacation, which will be added to the employee's accrued vacation balance, subject to the employee's accrued vacation limits.

8.4.4 Regular Part-Time Hourly Employees. Regular part-time hourly employees will be granted 24 hours of sick leave on their first date of employment. Part-time employees employed by the Palos Verdes Library District on January 1 will be granted 24 hours of additional paid sick time on January 1 of each year to a maximum accrual of 48 hours. Any unused sick leave from the prior calendar year may carry over provided the total sick leave balance does not exceed 48 hours.

Regular part-time hourly employees are not eligible to use any sick leave until they have worked for the Palos Verdes Library District for at least 90 calendar days.

- 8.4.5 Sick Leave Reporting. If the need for sick leave is foreseeable, an employee must give his/her immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for sick leave as soon as practicable. Additionally, if no advance notice is provided, and an employee is ill and schedule to work that same day, the employee must telephone his/her supervisor/manager or the designated department voicemail box by no later than 9:00 a.m. and report illness. If the employee is scheduled to work before 9:00 a.m., the employee must call at least one hour before the employee's scheduled start time. It is the employee's responsibility to make every effort to report an illness to the Librarian-in-charge on Sundays. If an employee is ill more than one day, the employee must call in daily until returning to work, and keep his/her supervisor informed as to the date the employee expects to return t work. This will not be required if an employee reports an absence of one (1) or more weeks from the workplace and provides medical verification for such absence, or otherwise is on a leave pursuant to Personnel Policy IX (Unpaid Leaves of Absence).. While the employee is responsible for informing the Palos Verdes Library District of any absences from work due to sickness as outlined herein, the employee may request that someone else contact the Palos Verdes Library District. Under certain circumstances, the supervisor/manager and/or the District Director may nevertheless find it necessary to contact the employee concerning the absence. If an employee is ill for five (5) or more regularly scheduled workdays, a medical certificate for sick leave absence will be required. Failure to report or request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave and subject to separation.
- 8.4.6 Medical Verification. The Palos Verdes Library District reserves the right to request medical verification or other documentation, in accordance with applicable law, to confirm appropriate use of sick leave after the employee has used 24 hours of sick leave within the year to care for the illness of the employee or immediate family member.
- 8.5 Sick Leave on Separation from Employment. Unused sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment. Unused sick leave may be converted to retirement service credits only as may be permitted under applicable retirement system laws and regulations.
- 8.6 Bereavement Leave. The Palos Verdes Library District allows regular full-time and regular part-time regular salaried employees to take up to five (5) days of bereavement leave with pay following the death of an immediate family member: spouse, child (ren), parent, step-parent, father-in-law, mother-in-law, grandparent, grandchild, legal dependent, domestic partner, sister, step-sister, brother and step-brother. If additional time is necessary, vacation hours may be used for this purpose.
- 8.7 Jury Duty Leave. Every employee must notify his/her supervisor/manager and the Human Resources Office immediately upon notice of being summoned for Jury Duty.

Every employee will be required to provide a copy of the original summons to the Human Resources Office.

Upon completion of jury duty, the employee is responsible for providing a copy of the "Certification of Jury Service" to the Human Resource Office.

- 8.7.1 Payment. The Palos Verdes Library District will pay regular full-time and regular part-time salaried employees for up to ten (10) working days within a two-year period for service on a jury. The Palos Verdes Library District does not pay mileage or other additional expenses incurred while serving as a juror.
- 8.7.2 Arrangement of Hours. While on jury duty, employees whose regularly scheduled hours fall outside the schedule of jury duty hours will be allowed to adjust their work hours so their time at the workplace is reduced by the number of hours they served on jury duty that day. Employees are expected to return to work when excused by the court before noon, unless alternative arrangements are made with the employee's immediate supervisor. If an employee serves five (5) consecutive calendar days on jury duty the employee may not be required to work more than one (1) day on the following weekend.
- 8.8 Voting Leave. If an employee does not have sufficient time outside the assigned working hours to vote at any general election, the employee may request up to two (2) hours working time without loss of pay in order to vote. The employee must request the time off at least two (2) working days prior to the Election Day. Prior approval by the District Director is required and the District Director may require the employee to take voting time at the beginning or end of a shift. The employee's supervisor/manager may also ask the employee to present a voter's receipt before being paid for voting time off.

PERSONNEL POLICY IX  
UNPAID LEAVES OF ABSENCE

9.1 Family and Medical Leave.

9.1.1 To the extent not already provided for under current leave policies and provisions, the Palos Verdes Library District will provide family and medical care leave for eligible employees as required by state and federal law. Rights and obligations, which are not specifically set forth below, are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "leave" under this article shall mean leave pursuant to the FMLA and CFRA.

9.1.2 Definitions:

9.1.2.1 "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

9.1.2.2 "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

9.1.2.3 "Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis (in place of a parent).

9.1.2.4 A child is "incapable of self-care" if they require active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

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

9.1.2.6 "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage. Domestic Partner, as defined by Family Code sections 297 and 299.2, shall have the same meaning as "spouse" for purposes of CFRA Leave.

9.1.2.7 "Serious health condition" means: an illness, injury impairment, or physical or mental condition that involves:

9.1.2.7.1 Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

9.1.2.7.2 "Continuing treatment by a health care provider" means a serious health condition involving continuing treatment by a health care provider that includes any one or more of the following:

9.1.2.7.2.1. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to a serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves;

9.1.2.7.2.2 Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

9.1.2.7.2.3 Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over-the-counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

9.1.2.7.2.4 Any period of incapacity due to pregnancy or for prenatal care (Note that pregnancy is a "serious health condition" only under the FMLA). Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.



9.1.2.7.2.5 Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one, which;

9.1.2.7.2.5.1 Requires periodic visits (defined as at least twice a year) for treatment by a health care provider.

9.1.2.7.2.5.2 Continues over an extended period of time (including recurring episodes of a single underlying condition); and

9.1.2.7.2.5.3 May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

9.1.2.7.2.5.4 A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

9.1.2.7.2.5.5 Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

9.1.2.8 "Health Care Provider" means:

9.1.2.8.1 A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

9.1.2.8.2 Individuals duly licensed as a physician, surgeon, or Osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;

9.1.2.8.3 Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and

performing within the scope of their practice as defined under California State law;

9.1.2.8.4 Nurse practitioners, nurse midwives, clinical social workers, and physician assistant who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

9.1.2.8.5 Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

9.1.2.8.6 Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

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

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

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

9.1.2.12 Next of Kin of a Covered Service member means: the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

9.1.2.13 Serious Injury or Illness: 1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness

that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or 2) in the case of a veteran who as a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

9.1.3 Reasons for Leave: Leave is only permitted for the following reasons:

9.1.3.1 The birth of a child or to care for a newborn of an employee;

9.1.3.2 The placement of a child with an employee in connection with the adoption or foster care of a child;

9.1.3.3 Leave to care for a child, parent, spouse or domestic partner who has a serious health condition; or

9.1.3.4 Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position.

9.1.3.5 Leave for a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is on covered active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation (under FMLA only, not the CFRA); or

9.1.3.6 Leave to care for a spouse, son, daughter, parent of "next of kin" who is a covered service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks on unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

9.1.4 Employees Eligible for Leave: An employee is eligible for leave if the employee:

9.1.4.1 Has been employed for at least 12 months; and

9.1.4.2 Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

9.1.5 Amount of Leave: Eligible employees are entitled to a total of 12 work weeks (or 26 work weeks to care for a covered service member) of leave during any

12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

9.1.5.1 Minimum Duration of Leave: If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

9.1.5.1.1 Minimum Duration of Leave for Military Leave: If leave is requested for a “covered service member” serious injury or illness, the basic minimum duration of FMLA leave is 26 work week entitlement and is a one-time entitlement applied on a per-service member, per injury basis, meaning that an eligible employee may take 26 work weeks of leave to care for one service member in a single 12-month period.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

9.1.5.2 Spouses Both Employed By Palos Verdes Library District: In any case in which a husband and wife both employed by Palos Verdes Library District are entitled to leave, the aggregate number of work weeks of leave to which both may be entitled may be limited to 12 work weeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

9.1.5.2.1 In any case in which a husband and wife both employed by the Palos Verdes Library District are entitled to leave, the aggregate number of work weeks of leave to which both may be entitled may be limited to 26 work weeks during any 12-month period if leave is taken to care for a covered service member. Except as noted above, this limitation does not apply to any other type of leave under this policy.

9.1.5.3 Employee Benefits While on Leave: Leave under this policy is unpaid. While on family and medical care leave, employees will continue to be covered by the group health insurance (which includes dental and vision) to the same extent that coverage is provided while the employee is on the job for up to 12 weeks each leave year. If the employee is disabled by pregnancy, coverage will continue to be covered up to 4 months each leave year. In the event an employee is disabled by pregnancy and also uses leave under CFRA for baby-bonding, the Palos Verdes Library District will

maintain the employee's health benefits while the employee is disabled by pregnancy (up to four (4) months or 17 1/3 weeks) and during the employee's CFRA leave (up to 12 weeks). However, employees will not continue to be covered under the Palos Verdes Library District's non-health benefit plans such as long term disability insurance or life insurance.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the Palos Verdes Library District will inform you whether the premiums should be paid to the carrier or to the Palos Verdes Library District. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premiums payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the Palos Verdes Library District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The Palos Verdes Library District shall have the right to recover premiums through deduction from the employee (e.g. unpaid wages, vacation pay, etc.).

9.1.6 Substitution of Paid Accrued Leaves: Pursuant to the terms and restrictions set forth in the Personnel Policy, Section 9.1 (Family and Medical Leave), during the first five (5) days of leave under this policy for the same qualifying reason, an employee is required to concurrently use his/her accrued sick leave time. For the remainder of the employee's leave under this policy, the employee may elect, but is not required to, concurrently use paid accrued leaves, such as sick, vacation, or personal holiday time. The Palos Verdes Library District may also require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

9.1.6.1 Employee's right to use paid accrued leaves concurrently with Family Leave. Where an employee has earned or accrued paid vacation, administrative leave, compensatory time, or personal or family leave ; the Palos Verdes Library District will permit employee to use accrued leave days for family leave purposes), that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy. As for sick leave, an employee is entitled to use sick leave concurrently with leave under personnel policy 9 to the extent allowable under personnel Policy 8.4 (Sick Leave).

9.1.6.1.1 Employees being paid pursuant to a disability plan that pays a portion of the employee's salary while on leave may use accrued paid leave to cover the unpaid portion of the disability leave benefit; and

9.1.6.1.2 Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

9.1.6.1.3 Palos Verdes Library District's right to require an employee to exhaust FMLA/CFRA Leave concurrently with other leaves. If an employee takes a leave of absence for a reason which is FMLA/CFRA qualifying, the Palos Verdes Library District may designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

9.1.6.1.4 Palos Verdes Library District and employee's rights; if an employee requests accrued leave, other than accrued sick leave, without mentioning either the FMLA or CFRA. If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than accrued sick leave, without reference to a FMLA/CFRA-qualifying purpose, the Palos Verdes Library District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the Palos Verdes Library District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, The Palos Verdes Library District may inquire further into the reason for the absence. IF the reason is FMLA/CFRA-qualifying, the Palos Verdes Library District may require the employee to exhaust accrued leave as described above.

9.1.7 Medical Certification. Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by Palos Verdes Library District.

If the leave is requested because of the employee's own serious health condition, the written certification from the health care provider must include a statement that includes all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the Palos Verdes Library District may require the employee to obtain recertification if additional leave is requested.

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

Employees who request leave to care for a covered service member who is a child, spouse, parent or “next of kin” of the employee must provide written certification from a health care provider regarding the injured service member’s serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, the Palos Verdes Library District may require the employee to provide a copy of the military member’s active duty order or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates for the military member’s active duty service. A copy of new active duty orders or similar documentation shall be provided to the Palos Verdes Library District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member.

- 9.1.8 Time to Provide a Certification: When an employee's leave is foreseeable and at least 30 days’ notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the Palos Verdes Library District within the time frame requested by the Palos Verdes Library District which must allow at least 15 calendar days after the employer's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- 9.1.9 Consequences for failure to provide an adequate or timely certification: If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the Palos Verdes Library District may delay the taking of FMLA/CFRA leave until the required certification is provided.
- 9.1.10 Recertification: If the Palos Verdes Library District has a good faith, objective reason to doubt the validity of a certification, the Palos Verdes Library District

may require a medical opinion of a second health care provider chosen and paid for by the Palos Verdes Library District. If the second opinion is different from the first, the Palos Verdes Library District may require the opinion of a third provider jointly approved by the Palos Verdes Library District and the employee, but paid for by the Palos Verdes Library District. The opinion of the third provider will be binding. An employee may receive a copy, without cost, of the health care provider's opinions when there is a re-certification.

- 9.1.11 Intermittent Leave or Leave on a Reduced Leave Schedule: If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The Palos Verdes Library District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.
- 9.1.12 Employee Notice of Leave: Although the Palos Verdes Library District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that they will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor/manager as soon as possible that such leave will be needed. Such notice may be orally given. If the Palos Verdes Library District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the Palos Verdes Library District may delay the granting of the leave until it can, in its discretion; adequately cover the position with a substitute.
- 9.1.13 Reinstatement upon Return from Leave: Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the leave period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the Palos Verdes Library District; the employee will be reinstated within two (2) business days, where feasible, after the employee notifies the employer of his/her readiness to return.

Depending on the circumstances, employees may be required to report periodically on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.



- 9.1.14 Fitness for Duty Certification: As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.
- 9.1.15 Reinstatement of "Key Employees": The Palos Verdes Library District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Palos Verdes Library District, and the employee is notified of the Palos Verdes Library District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.
- 9.1.16 Required Forms: Employees must fill out the applicable forms in connection with leave under this policy as provided by the Human Resources office.
- 9.1.17 State Disability Insurance. Employees may be eligible for six (6) weeks of leave paid for State Disability Insurance (SDI). SDI will run concurrently with FMLA or CFRA leave.
- 9.2 Military Qualifying Exigency Leave. An employee may take up to 12 weeks of FMLA leave for any qualifying exigency due to a spouse, son, daughter or parent of the employee being on active duty or being notified of an impending call to active duty status in support of a contingency operation. Qualifying exigency leave is available to employees who have a spouse, son, daughter, or parent called to active duty as part of the Reserve components and the National Guard, or a retired member of the Regular Armed Forces or Reserve. An employee whose family member is a member of the Regular Armed Forces is not entitled to qualifying exigency leave.
- 9.2.1 Short-notice deployment. To address any issue that arises due to a covered military member being notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment.
- 9.2.2 Military events and related activities. To attend any official ceremony, program, or event sponsored by the military and to attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- 9.2.3 Childcare and school activities. To arrange childcare or attend certain school activities for a child of the covered military member, who is either under the age of 18 or age 18 or older and incapable of self-care. This leave may be taken to arrange for alternative childcare, to provide urgent, immediate, non-routine childcare, to enroll the child in a new school or day care facility, or to attend meetings with staff at a school or day care facility (e.g. disciplinary meetings, parent-teacher conferences, meetings with school counselors).

- 9.2.4 Financial and legal arrangements. To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers or attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust. The leave can also be used for acting as the military member's representative for purposes of obtaining, or appealing military service benefits while the covered military member is on active duty or call to active duty status.
- 9.2.5 Counseling. To attend counseling provided for military member, or for the child of the covered military member who is either under the age of 18 or age 18 or older and incapable of self-care, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.
- 9.2.6 Rest and recuperation. To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five (5) days of leave for each instance of rest and recuperation.
- 9.2.7 Post-Deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's active duty and to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.
- 9.2.8 Additional activities. To address other events which arise out of the covered military member's active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

If an employee requests leave for a qualifying exigency, the employee must provide sufficient information that indicates a family member is on active duty or call to active duty status that the requested leave is for one of the qualifying exigencies listed in the regulations, and the anticipated duration of the absence.

For qualifying exigency leave, an employer may require an employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty (or has been notified or an impending call or order to active duty) in support of a contingency operation, and the dates of the covered military member's active duty service.

### 9.3 Leave for Disability Related to Pregnancy, Childbirth or Related Medical Condition.

Any female employee shall be entitled to take a leave on account of pregnancy, childbirth, or related medical conditions up to the number of days or hours she would normally work

within four calendar months (or 17 1/3 weeks). The employee shall be entitled to utilize any accrued sick leave, vacation leave, personal holiday time, or compensatory time during this period of time. An employee shall not accrue additional vacation during this leave or sick leave during any unpaid portion of this leave.

A husband is entitled to FMLA leave if he is needed to care for his wife who is incapacitated due to her pregnancy provided she has a serious health condition. Similarly, a husband or registered domestic partner has the right to take CFRA leave when needed to care for the employee's pregnant spouse/registered domestic partner due to her serious health condition. This right, however, is not available to a boyfriend or fiancé' who is the father of the unborn child (although a boyfriend or fiancé may be entitled to bonding leave).

#### 9.4 Catastrophic Leave Bank

The CLB affords Palos Verdes Library District employees (donors) the opportunity to assist fellow employees (recipients) who have experienced personal or family catastrophic illness/injury, which may result in the employee's loss of income. A catastrophic illness/injury is a serious, debilitating illness/injury that incapacitates the employee or a member of the employee's immediate family (Policy 3.11) and creates a financial hardship because the employee has exhausted all eligible paid leaves and needs to take additional leave because of the illness/injury.

The purpose of this policy is to establish a CLB that will provide temporary financial assistance to a qualified salaried employee who has exhausted all paid leave time and is facing a catastrophic illness/injury. The CLB will be established from voluntary contributions of vacation and/or personal holiday time by salaried employees and administered by the Human Resource Office (HRO) in accordance with this policy.

The Palos Verdes Library District provides employees with a generous leave package and encourages employees to plan and prepare for unforeseen emergencies by maintaining sick leave balances.

9.4.1 Donations. Salaried employees who have been employed by the Palos Verdes Library District for a minimum of twelve (12) months and have passed their initial probationary period may voluntarily donate to the Catastrophic Leave Bank.

9.4.1.1 Employees must submit a CLB Donation Form requesting the HRO to transfer vacation and/or personal holiday time to the CLB. Sick leave cannot be transferred to the CLB. Donations are irrevocable once the transfer is made.

9.4.2 Eligibility. Salaried employees are eligible to request use of the CLB if the employee has been employed by the Palos Verdes Library District for a minimum of twelve (12) months and has passed their initial probationary period. Salaried employees who are facing a catastrophic illness/injury may request use of the CLB by completing a Request to Receive Catastrophic Leave Bank (RCLB) form as soon as possible. If the employee is unable to request forms, the department manager or an immediate family member may request the forms.

- 9.4.2.1 An employee shall become eligible after the HRO receives the completed FMLA and RCLB forms with the adequate supporting documentation.
- 9.4.2.2 An employee requesting Catastrophic Leave benefits must exhaust all paid sick, vacation and personal holiday time before using any leave time from the CLB.
- 9.4.2.3 An employee will continue to accrue sick leave and vacation leave while on paid time under this policy and will be required to use those hours before using any leave time from the CLB.
- 9.4.2.4 An employee requesting benefits for his/her own illness or injury shall be entitled to a maximum of 480 hours or the number of hours required satisfying his/her waiting period for short or long term disability benefits, whichever is less.
- 9.4.2.5 An employee requesting benefits for the care of an immediate family member, shall be entitled to a maximum benefit period of 480 hours (12 weeks).
- 9.4.2.6 Upon resignation, an employee may donate his/her accrued sick leave balance to the CLB.

9.4.3 Administration. The (HRO) will administer all records relating to the CLB.

9.4.3.1 HRO will maintain the CLB balance in total hours. The balance will be equal to the number of hours donated, minus the total hours used.

9.4.3.2 HRO will solicit donations when the CLB balance is less than approved requests for benefits.

9.5 Leave of Absence without Pay. The District Director, upon the recommendation of the supervisor/manager, may grant a leave of absence without pay to regular full-time and regular part-time employees.

9.5.1 Length of Leave. The leave shall not exceed twelve (12) weeks.

9.5.2 Written Request. Leave of absence without pay will only be considered upon written request of the employee setting forth the reason for the request.

9.5.3 Return to Work. Upon the employees return following an authorized leave of absence without pay, the employee is entitled to return to his or her former position or a comparable position unless: (1) the position has ceased to exist for a legitimate business reason; (2) the position could not be kept open or filled by a temporary employee without substantially undermining the Palos Verdes Library District's ability to operate safely and efficiently, in which case, the Palos Verdes Library District shall provide notice to the employee of the situation as soon as

possible and where appropriate give the employee the option of returning to that position; (3) the employee has directly or indirectly indicated an intention not to return to the position; (4) the leave of absence expires and the employee does not contact his/her supervisor/manager concerning a date to return to work, the employee will be considered to have voluntarily terminated employment; (5) the employee is no longer able to perform the essential functions of the job with or without reasonable accommodation; or (6) the employee is no longer qualified for the job.

- 9.5.4 Offer of Similar Position. If the Palos Verdes Library District cannot reinstate the employee to his/her previous position, the Palos Verdes Library District will offer the employee a substantially similar position provided that a substantially similar position exists and is available, and filling the available position would not substantially undermine the Palos Verdes Library District's ability to operate safely and efficiently; and the employee is qualified for the position.
- 9.5.5 Paid Leave Not Earned. Vacation, personal holiday and sick leave will not be earned during the leave and holidays with pay will not be given.
- 9.5.6 Part-time hourly employees may request one (1) week's leave without pay after six (6) months of employment. After one year, such employees may request annual leave without pay up to a maximum of two (2) weeks.
- 9.5.6.1 Time off Request. Employees will be required to submit a Time off Request Form to their immediate department manager as early as possible. The department manager will consider (approve or deny) the request as soon as practical, except when the request spans an authorized Palos Verdes Library District holiday, in which case policy 8.3.4 Holiday Periods will apply. Once a department schedule has been posted, no further time off requests will be accepted (except in an emergency).
- 9.5.6.2 Time off Denials. When an employee's request for time off cannot be approved, the department manager shall schedule the employee's time off at the next earliest date requested by the employee and deemed appropriate by the manager based on the need to maintain service to the community.
- Previously approved time off requests may be cancelled or rescheduled if inadequate staffing levels in the department occur due to unforeseen circumstances.
- 9.5.7 Health Insurance. Palos Verdes Library District contributions to the monthly premium cost of health insurance will be suspended after one (1) calendar month. After one (1) month, the employee must make arrangements to continue to pay his/her monthly premium cost for insurance under Consolidated Omnibus Budget Reconciliation Act COBRA provisions or lose coverage.

PERSONNEL POLICY X  
EMPLOYEE BENEFITS

10.1 Retirement. This provision only applies to employees who are also CalPERS members.

10.1.1 Retirement Formula

10.1.1.1 Unit members employed by the District before January 1, 2013 are defined as “Classic” members under the PEPRA and are covered by the 2% @ 55 formula provided for by the Public Employees’ Retirement Law at Government Code section 21354.4.

10.1.1.1.1 Retirement benefits for employees subject to the 2% @ 55 formula are based on the employee's highest average annual pensionable compensation over a continuous 12-month period.

10.1.1.2 Pursuant to the Public Employment Pension Reform Act of 2013, (also known as "PEPRA", Assembly Bill 340), unit members who first become employed by the District on or after January 1, 2013, are "new members" a term defined in PEPRA. These employees are covered by the 2% @ 62 formula provided for by the Public Employees' Retirement Law at Government Code section 7522.20(a).

10.1.1.2.1 Retirement benefits for employees subject to the 2% @ 62 formula are based on the employee's highest average annual pensionable compensation over a continuous 36-month period.

10.1.1.3 Employee Contributions to the Retirement System.

10.1.1.3.1 Employees subject to the 2% @ 55 formula,

10.1.1.3.1.1 As for the first full pay period following July 1, 2018, CalPERS classic members shall contribute the full CalPERS member contribution of 7% unless the percentage is increased by legislation. In addition to paying the entire 7% member contribution, classic members shall pay an additional 1% of the employer share as cost sharing under Government Code section 20516(f) for a total of 8% towards the CalPERS retirement benefit. 7% EE + 1% cost sharing = 8% of pensionable cost or 50% of total normal cost.

10.1.1.3.1.2

10.1.1.3.2 Employees subject to the 2% @ 62 formula,

10.1.1.3.2.1 Effective July 1, 2106, employees shall pay the statutorily mandated employee contribution rate of one half (50%) of the total normal cost.

The Palos Verdes Library District has no mandatory retirement age for employees.

10.2 Medical Benefits. All regular full-time employees and their eligible dependents are entitled to enroll in one of the health insurance plans offered by the Palos Verdes Library District. The Palos Verdes Library District's contribution to the cost of a regular full-time employees and their eligible dependents' health insurance premium is set forth in

Appendix B. Typically, the carrier has a 30-day waiting period, which starts the 1<sup>st</sup> of the month after date of hire.

The Palos Verdes Library District reserves the right to change insurance carriers or plans at its option. Specific insurance policy provisions and coverage are contained in the policy document for the given plan. Questions regarding insurance policy provisions or coverage should be directed to the insurance carrier.

After separation from employment with the Palos Verdes Library District, employees and their eligible dependents maybe eligible to continue temporary insurance coverage at their own expense under the federal statute commonly called COBRA.

- 10.3 Dental Insurance. All regular full-time employees and his/her eligible dependents are entitled to enroll in the dental insurance plan offered by the Palos Verdes Library District. The Palos Verdes Library District's contribution to the cost of a regular full-time employees and their eligible dependents' dental insurance premium is set forth in Appendix B. Typically, the carrier has a 30-day waiting period, which starts the 1<sup>st</sup> of the month after date of hire.
- 10.4 Vision Care Insurance. All regular full-time employees and their eligible dependents are entitled to enroll in the vision insurance plan offered by the Palos Verdes Library District. The Palos Verdes Library District's contribution to the cost of a regular full-time employees and their eligible dependents' vision insurance premium is set forth in Appendix B. Typically, the carrier has a 30-day waiting period, which starts the 1<sup>st</sup> of the month after date of hire.
- 10.5 Long Term Disability Insurance. After ninety (90) calendar days of consecutive employment, all regular full-time and regular part-time salaried employees are covered by the Palos Verdes Library District's long-term disability insurance plan. The long-term disability insurance plan shall pay benefits as outlined in the Group Long Term Disability Insurance Policy.
- 10.6 Life Insurance. Regular part-time salaried employees receive a Twenty-Five thousand dollar (\$25,000.00) life insurance benefit. All regular full time salaried employees receive a Fifty-Thousand dollar (\$50,000) life insurance benefit. Employees classified as Department Managers receive a Seventy-Five thousand dollars (\$75,000) life insurance benefit.
- 10.7 State Disability Insurance. The Palos Verdes Library District will enroll all employees in the Employee-Funded State Disability Insurance (SDI) Program. SDI benefits will be integrated with employee's sick leave for those employees eligible for sick leave benefits.
- 10.8 Worker's Compensation. The Palos Verdes Library District provides workers compensation coverage benefits as required by law.
- 10.9 Borrowing Privileges. All employees are eligible for Palos Verdes Library District library cards, which entitle employees to the same borrowing privileges available to the public, with the exception that employees are exempt from fines on overdue materials and fees for audio books, movies and video games. Employees will, however, be required to pay fees



and fines for rental books and ILL (interlibrary loan). Employees are responsible for all charges for lost or damaged materials.

10.10 Personal Purchase Discounts. Employees may purchase books for his/her personal use at the same cost as paid by the Palos Verdes Library District.

10.11 Other Deductions.

10.11.1 Credit Union. Applications are available to all employees for membership in the South Bay Credit Union.

10.11.2 Staff Association Membership Deduction. The Palos Verdes Library District has agreed to deduct the voluntary monthly membership dues of members who have authorized, in writing, the voluntary payroll deduction.

10.12 Continuing Education. Regular full-time employees with a minimum of one (1) year of satisfactory work performance will be eligible for tuition reimbursement for continuing education through a California accredited college or university. Reimbursement will be made following successful completion of a course, and cover course fees up to the rate for "in state" tuition at any university within the California State University system. The cost of required books and materials will also be reimbursed. Reimbursement will not be made for expenses for which the employee receives payment from other sources (for example scholarships, grants). The maximum amount of reimbursement in any fiscal year will be \$500.00 to any one employee.

10.12.1 Courses must relate specifically to the current employee's job duties or assist employees to prepare for promotional and /or transfer opportunities with the Palos Verdes Library District.

10.12.2 The employee shall receive written approval in advance from the Department Manager and District Director in order to participate and receive tuition reimbursement.

10.12.3 The employee must receive a passing grade of "C" or better.

10.12.4 Professional Certifications: Job-related course preparation classes, materials and exam fees will be reimbursed up to the maximum fiscal year reimbursement allowable under this policy.

10.12.5 Employees seeking reimbursement will sign an agreement that if they leave Palos Verdes Library District within one year of the date of reimbursement for continuing education and training expenses, the amount paid will be deducted from their final paycheck

In order to encourage the continuing education of professional employees, the District Director may approve registration of one course per semester to be taken on library time (class time only), provided scheduling within the department does not interfere with library operations. Approval depends on departmental work schedules and the relevancy of the selected course to employee's work assignment.

10.13 Deferred Compensation. Applications are available to all employees for participation in the Section 457 Deferred Compensation plans.

10.14 Membership and Professional Associations. All regular full-time and regular part-time salaried employees who have been continuously employed by the Palos Verdes Library District as salaried employees for more than one year shall be reimbursed up to 50% of the basic membership costs of two approved professional associations.

10.15 Temporary Employee Benefits. Temporary employees receive only the following benefits pursuant to Personnel policy X: Worker’s Compensation insurance, social security, personal purchase discounts, participation in the credit union, deferred compensation.

10.16 Cell Phone Policy. Employees who have a documented business need for a cellular telephone or PDA will receive a non-taxable reimbursement as described below.

10.16.1 Procedure. Those employees with a business-related need for a cellular telephone or Personal Digital Assistant (PDA) reimbursement must complete the “Cellular Phone / PDA Reimbursement Request Form.” This form must be approved by the employee’s Department Manager and the District Director. The original, signed form should be sent to the Human Resources Office (HRO) with a copy kept by the department. If approved, the HRO will apply the non-taxable monthly reimbursement to the employee’s first paycheck of each month.

10.16.2 Eligibility. The Department Manager should consider eligibility based on the following criteria:

- Whether or not a device will enhance emergency response, employee safety, or work efficiency;
- Whether or not the position needs to be immediately available to PVLD or other personnel, when offsite or outside of their scheduled work shifts;
- Whether or not a device is the most appropriate and economical choice. Cell Phones/PDA’s should not be a replacement for standard PVLD radios communication equipment;
- Whether reimbursement for occasional use of a personal cell phone would be more cost effective;
- Other factors, including, but not limited to: how much time the position spends in the field each day, how frequently the device will be used, whether or not it is practical for the user to share a device with other employees, etc.
- Job requirements include critical District-wide decision making.

10.16.3 Cellular/PDA Service Reimbursement. The amount of monthly reimbursement is based upon a typical contract necessary to meet **business related needs** for either voice, text, and/or data services. The District offers three levels of taxable monthly reimbursements:

<b>Usage Tier</b>	<b>Tier Amount</b>	<b>Description</b>
Tier 1	\$20.00	Occasionally called outside of work hours, no more than 6 or so times a month. Social Media team.

Tier 2	\$45.00	Regularly needs to be contacted while off-site or outside of scheduled shifts.
Tier 3	\$65.00	Needs to be available for emergency contact outside of regular working hours in the event of a building or systems failure and may need to remedy the situation via a smartphone outside of library hours if the circumstances demand it, or may spend substantial work time out of the office and uses a smartphone to maintain contact.

10.16.3.1 If an employee is **not** approved for a monthly reimbursement but incurs expense for individual telephone calls it is also possible to be reimbursed for actual usage. In order to be reimbursed in this manner the employee needs to submit an expense report through their department to the accounts payable department with a copy of the telephone bill clearly showing which calls were business related and describing the specific purpose for each of those calls. Reimbursement for per-minute “air-time” cell phone charges or text message charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee’s cell phone plan will not be reimbursed.

10.16.3.2 The cell phone reimbursement is not considered an entitlement, is not part of an employee’s base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises; job upgrades or benefits based on a percentage of salary, and may be changed and/or withdrawn by the District at any time. A yearly review of the need for a cellular telephone or PDA will be conducted by the HRO and Department Managers. The reimbursement will continue unless the HRO is notified in writing either by the employee, Department Manager and/or the Director that the reimbursement is to cease.

10.16.3.3 An additional reimbursement will be provided to those receiving a monthly reimbursement if the monthly business usage charges to the employee exceed the reimbursement amount. In order to receive the additional reimbursement, the employee needs to submit an expense report to the accounts payable department no later than 30 days after receipt of the telephone bill with a copy of such bill clearly supporting any business-related amounts that exceed the monthly reimbursement.

10.16.3.4 Because the phone or PDA is owned by the employee, the phone or PDA may be used by the employee for both personal and business related calls. The employee should notify the Department Manager and the HRO office if the cell phone has been lost or stolen and if a number change occurs, for monthly reimbursements to be cancelled or continued.

10.16.3.5 All contracts for service must be taken out in the name of the employee (or the employee’s family) receiving the reimbursement and may not be taken out in the name of Palos Verdes Library District.

10.16.4 Support for cellular phones and PDAs. All support for cellular phones and PDAs is provided by the cellular service company chosen by the employee. The PVLD Information Technology (IT) Department cannot offer any support for individually owned cellular phones or PDAs. However, the IT Department will provide support for District-provided software that is used on those devices to synchronize them with District email accounts, calendars or other District systems and services.

10.16.5 Changes to cellular contracts. Palos Verdes Library District reserves the right to change or terminate this policy. Individuals eligible for receipt of a reimbursement should understand that they are personally liable for monthly charges or termination fees, regardless of employment status or any change in this reimbursement policy.

10.16.6 Special Procedures for PVLD owned cellular phones. In some situations, it may be necessary or advantageous for PVLD to own and pay the monthly service charges for cellular telephones. These are “emergency” cell phones allocated to the Facilities Department for shared use, are **not** assigned to a particular employee, and are strictly for business use only. The purchase and use of such devices must be approved in advance by the District Director. Additionally, any personal use of the employer-provided cell phone will be treated as a de minimis fringe benefit, excludable from the employee’s gross income under Internal Revenue Code section 132(a)(4).

10.16.6.1 Employees assigned a PVLD-owned cell phone falling under a pooled-minutes program, wherein a specific allotment of time is not readily identifiable, are charged with the responsibility to self-monitor and manage their usage to help control cell phone costs. Disciplinary action related to excessive or non-business use shall be determined and exercised at the discretion of management.

10.16.6.2 Employees should be aware that all records related to the purchase, use, and disposition of PVLD-owned electronic communications equipment, including cell phone statements, are the property of PVLD (Personnel Policy 11.11) and are **not** private. Employees should have no expectation of privacy as to data residing in PVLD electronic communication devices and/or voicemail. The District may inspect that data at any time and without notice.

10.16.6.3 Any employee whose equipment is mislaid or stolen should immediately report the loss or theft of such equipment to his/her Department Manager and to the service carrier, if applicable. Upon separation from PVLD employment, the employee is required to promptly return such equipment to PVLD.

10.16.6.4 PVLD reserves the right to switch any employee to the allowance program if excessive personal calls are made or if required documentation is not submitted in a timely manner. If a personal call inadvertently occurs; restitution must be made immediately to PVLD.

10.16.7 Cell Phone Usage while Driving. Use of a cellular telephone while operating a vehicle is prohibited even if features such as headsets or voice activation are in use. If the driver must use a cell phone while driving on District business, or while driving a District owned vehicle, s/he must stop safely and then make or take the call. There is increasing evidence that the dangers associated with cell phone use outweigh those of other distractions. Safety is the priority while driving.

10.16.8 Harassment. PVLD Personnel Policy 11.3 Harassment/Discrimination/Retaliation Prevention Policy applies to cell phones/PDA's. The District has a ZERO tolerance for any conduct that violates the policy.

10.16.9 Questions. Questions about the policy or the procedures should be directed to the employee's Department Manager.

*Policy approved by Board of Library Trustees and added on August 20, 2020*

## PERSONNEL POLICY XI STANDARDS OF CONDUCT

### 11.1 Equal Employment Opportunity

It is the policy of the Palos Verdes Library District that an individual's race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law are not and will not be considered in any personnel or management decisions. We affirm our commitment to these fundamental policies.

All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law. All decisions on employment are made to abide by the principle of equal employment.

All promotion decisions will continue to be made in accordance with equal employment opportunity principles and only valid job requirements will be used.

All other personnel actions such as compensation, benefits, transfers, layoffs, and return from layoffs, will be administered without regard to race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law except when there is a *bona fide* occupational qualification.

The Palos Verdes Library District also prohibits any harassment based on race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law . Harassment is verbal or physical conduct directed at a person because of these protected characteristics and has the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interferes with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Any employee of this Palos Verdes Library District, whether supervisory or non-supervisory, who practices discrimination or harassment will be subject to disciplinary action. If an employee believes that an incident has occurred that is offensive or objectionable, causes discomfort or humiliation, creates a hostile environment, or interferes with job performance or advancement opportunities, they are urged to bring the matter promptly to the attention of any supervisor or manager, or the Personnel department. No employee will be subjected to any form of discipline or retaliation for reporting incidents of unlawful discrimination or harassment.

## 11.2 Injury and Illness Prevention Program

The Palos Verdes Library District is committed to providing and maintaining a healthy and safe work environment for all employees. Accordingly, the Palos Verdes Library District has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. The program is administered by the District Director and/or designee. The program will include periodic inspections to find and eliminate unsafe working conditions or practices and investigate occupational injuries and illnesses. Each employee will receive training in this program.

The Palos Verdes Library District is committed to providing and maintaining a healthy and safe work environment for all employees. Accordingly, the Palos Verdes Library District has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. The program is administered by the District Director and/or designee. The program will include periodic inspections to find and eliminate unsafe working conditions or practices and investigate occupational injuries and illnesses. Each employee will receive training in this program.

Each employee at all times is expected to plan and carry out work assignments with regard to his/her own personal safety and the safety of others. All employees must report immediately any accidents involving Palos Verdes Library District-owned equipment or involving personnel on Palos Verdes Library District time to their supervisor/manager so that the Palos Verdes Library District can take corrective action as soon as possible. If the supervisor/manager is not available, the employees shall report the accident to the next higher level of supervision or the Human Resources Office. Any damage to Palos Verdes Library District-owned property or any accident involving Palos Verdes Library District personnel must be reported to the Human Resources Office. Failure to report an accident may be grounds for disciplinary action, up to and including termination

### 11.3 Harassment/Discrimination/Retaliation Prevention Policy.

It is the Palos Verdes Library District's intent and the purpose of this policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in the policy. This policy prohibits harassment or discrimination on the basis of any of the following protected classifications: race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law . It is also the policy of the Palos Verdes Library District to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this policy.

The protection from discrimination includes the protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

11.3.1 Policy. The Palos Verdes Library District has a ZERO tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of law in order to violate this policy. Instead, a single act can violate the policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from a manager or the Human Resources Analyst. Harassment or discrimination against an applicant or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law will not be tolerated. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training. Disciplinary action or other appropriate sanction up to an including termination will be instituted for prohibited behavior as defined

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

### 11.3.2 Definitions

- 11.3.2.1 **Protected Classifications.** This policy prohibits harassment or discrimination because of an individual’s protected classification(s). “Protected Classification” includes race, color, ancestry, national origin, religion, creed, age, physical or mental disability, sex and gender (including childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by law.
- 11.3.2.2 **Policy Coverage.** This policy prohibits the employer, elected officials, officers, employees and contractors from harassing or discriminating against applicants, officers, officials, employees and contractors because: (1) of an individual’s protected classification, (2) of 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.
- 11.3.2.3 **Discrimination.** This policy prohibits treating individuals differently because of the individual’s protected classification as defined by this policy.
- 11.3.2.4 **Harassment.** Harassment may include, but is not limited to, the following types of behavior that is taken because of a person’s protected classification. Note that harassment is not limited to conduct that employer’s employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public.
- 11.3.2.4.1 **Verbal harassment,** such as epithets (nicknames and slang terms), derogatory slurs, or suggestive comments, propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- 11.3.2.4.2 **Visual acts,** such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or emails on the basis of a protected classification.
- 11.3.2.4.3 **Physical acts,** such as assault, offensive touching, impeding or blocking movement. This includes pinching, grabbing,



patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

11.3.2.4.4 Unwanted Sexual Advances, such as requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonable interfere with an individual's work performance or create an intimidating, hostile or offensive working environment.

11.3.3 Romantic and Sexual Relationships between Managers and Subordinates. Romantic or sexual relationships between managers and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

11.3.4 Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of the policy, use the following guidelines.

11.3.4.1 Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

11.3.4.2 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.

11.3.4.3 Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

11.3.4.4 Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

11.3.4.5 Conduct can constitute harassment in violation of the policy even if the individual engaging in the conduct has no intention to harass. Even well

intended conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's protected classification would find it offensive (e.g., fights, over attention, endearing nicknames).

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

11.3.5.1 Complaint Procedure. An employee, job applicant, or contractor who believes they have been harassed may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command: immediate supervisors, any supervisor or manager within or outside of the department, department manager, or human resources analyst.

11.3.5.2 Any Supervisor or Department Manager who receives a harassment complaint should notify the Human Resources Analyst immediately.

11.3.5.3 Upon receiving notification of a harassment complaint, the Human Resources Analyst shall:

11.3.5.3.1 Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.

11.3.5.3.2 Review the factual information gathered through the investigation to determine whether the alleged conduct constitute harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

11.3.5.3.3 Report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the Supervisor, and the Department Manager. If discipline is imposed, the level of discipline will not be communicated to the complainant.

11.3.5.3.4 If conduct in violation of this policy occurred, take or recommend to the appointing authority, prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

11.3.5.3.5 Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

11.3.5.3.6 Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

11.3.5.4 The employer takes a proactive approach to potential policy violations and will conduct an investigation if the Officer, Supervisor, or Manager becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

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

11.3.6 Confidentiality. Every possible effort will be made to assure the confidentiality of the complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the highest extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a Supervisor or the Human Resources Analyst. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate action. The employer 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 lay or court order.

11.3.7 Responsibilities: Managers and Supervisors are responsible for:

11.3.7.1 Informing employees of this policy.

11.3.7.2 Modeling appropriate behavior.

11.3.7.3 Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.

- 11.3.7.4 Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- 11.3.7.5 Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- 11.3.7.6 Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- 11.3.7.7. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged policy violations.
- 11.3.7.8 Assisting, advising or consulting with employees and the Human Resources Analyst regarding this policy and complaint procedure.
- 11.3.7.9 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 termination.
- 11.3.7.10 Implementing appropriate disciplinary and remedial actions.
- 11.3.7.11 Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Office or the Department Manager.
- 11.3.7.12 participating in periodic training and scheduling employees for training.

11.3.8 Employee or Contractor Responsibilities:

- 11.3.8.1 Treating all employees and contractors with respect and consideration.
- 11.3.8.2 Modeling appropriate behavior.
- 11.3.8.3 Participating in periodic training.
- 11.3.8.4 Fully cooperating with the employer's investigations by reporting fully and truthfully to all questions posed during the investigation.
- 11.3.8.5 Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except as directed by the Department Manager or the Human Resources Analyst.

11.3.8.6 Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this policy, to his/her immediate Supervisor or Department Manager or Human Resources Analyst.

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

#### 11.4 Affordable Care Act (ACA)

The ACA anti-retaliation provisions prohibit an employer from retaliating against an employee who:

- 11.4.1 Receives a health insurance tax credit or subsidy through Covered California (aka the “Marketplace” or “Exchange”).
- 11.4.2 Reports potential violations of protections afforded under Title I of the Act, which provides guaranteed availability protections among other things.
- 11.4.3 Testifies in a proceeding concerning such violation.
- 11.4.4 Assists or participates in a proceeding concerning a violation.
- 11.4.5 Objects to, or refuses to participate in, any activity, policy, practice, or assigned task that the employee reasonably believes to be in violation of any provision of Title I of the Act.

An employee is only protected for the above actions relating to Title I of ACA. ACA’s Title I requirements involve the Employer Shared Responsibility provisions (by which an employee who obtains coverage in an exchange can trigger a penalty payable by the employer). Title I also include (but is not limited to) additional consumer protection reforms such as: elimination of lifetime and annual limits on benefits by 2014; prohibition of rescissions of health insurance policies; elimination of pre-existing condition exclusions; coverage of preventive services and immunizations; extension of dependent coverage up to age 26; development of uniform coverage documents; and implementation of appeals processes for consumers.

An employment action is considered retaliatory if it discriminates against any employee with respect to compensation, terms, conditions, or other privileges of employment. “Retaliation” can include termination, demotion, denial of overtime, denial of promotion or other benefits, failure to hire or rehire, intimidation, reassignment, discipline, blacklisting, and the reduction of pay or hours.

The Department of Occupational Safety and Health Administration (OSHA) will enforce ACA’s anti-retaliation provisions. An employee who believes he or she has been retaliated against must complain within 180 days by an in-person visit or telephone call to a local OSHA office, or by sending a written complaint. Upon receipt of the complaint, the Assistant Secretary for OSHA will notify the employer of its rights. The employer will have 20 days after receiving notice of the complaint to file a

written statement, affidavits or documents in support of its position. The employer may also request a meeting with the Assistant Secretary to present its position. OSHA will determine if the complaint is sufficient, investigate the complaint and issue a decision.

#### 11.5 Religious Discrimination.

It is against the Palos Verdes Library District policy to discriminate against any person based on religious beliefs or practices. Palos Verdes Library District will not ask employees about their religious conviction or practices. When an offer of employment is extended, applicants will be informed of the regular schedule and potential for overtime work in the jobs, and potential conflicts will be explored.

It is our policy to accommodate the religious beliefs of our employees whenever possible. The accommodation, however, can't exert undue hardship on other employees or create a financial burden for the Palos Verdes Library District. If the accommodation is not possible, the employee will be expected to assume his/her usual duties as previously scheduled.

Both the Palos Verdes Library District and employees have obligations with regards to reasonable accommodation for religious beliefs. Employees are required to bring any conflict between a work requirement and the employee's religious beliefs or practice to the Palos Verdes Library District's attention.

No Palos Verdes Library District employees, especially in a supervisory capacity, are allowed to impose their religious beliefs on others. Religious harassment is strictly prohibited. All violations may be subject to discipline, up to and including discharge.

In order to provide reasonable accommodation for religious needs, employees may request to change shifts with other employees by mutual agreement. Employees will be permitted to use vacation or personal holiday as "personal" days for religious observance, to observe a period of mourning prescribed by religious or ethical beliefs, or to prepare for religious observances. Employees are requested to give their supervisors at least two (2) weeks' notice of observance of religious holidays.

#### 11.6 Disability Discrimination.

It is the policy of the Palos Verdes Library District to abide by both the letter and spirit of the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA). Both acts prohibit discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

The Palos Verdes Library District prohibits all discrimination against "qualified individuals with disabilities." This includes applicants for employment and current employees. An individual is considered to have a "disability" if they have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. The Palos Verdes Library

District also forbids discrimination against persons because they have a known association or relationship with an individual with a disability.

The Palos Verdes Library District considers a qualified individual with a disability as a person who meets legitimate skill, experience, education, or other requirements of an employment position that they hold or seek.

The Palos Verdes Library District requires the ability to perform “essential” functions to assure that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions, except for limits caused by a disability, the Palos Verdes Library District will consider whether the individual could perform these functions with a reasonable accommodation. The Palos Verdes Library District will not consider mitigating measures when determining whether or not an individual is disabled.

The Palos Verdes Library District will not ask or require a job applicant to take a medical examination before making a job offer. Except under lawful circumstances, the Palos Verdes Library District will not make any pre-employment inquiry about a disability or the nature or severity of a disability. The Palos Verdes Library District will ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how they would perform these functions.

Employment will be conditional on the satisfactory completion of a post-offer medical examination or medical inquiry, when this is required of all entering employees in the same job category. The Palos Verdes Library District reserves the right to use a post-offer medical examination to disqualify an individual if it demonstrates that the individual would post a “direct threat” in the workplace (i.e., a significant risk of substantial harm to the health or safety of others) that cannot be eliminated or reduced below the “direct threat” level through reasonable accommodation.

The Palos Verdes Library District retains the right to conduct employee medical examinations where there is evidence of a job performance or safety problems, to determine current “fitness” to perform a particular job, and on a voluntary basis as part of employee health programs.

Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to restrictions of such examinations. The Palos Verdes Library District reserves the right to conduct them according to Palos Verdes Library District policy and current federal, state, and local laws.

If an employee feels that they have been subjected to discrimination based on a disability by the Palos Verdes Library District, a vendor, a customer, etc., the employee may file a complaint with the Human Resources Office or the District Director.

The Palos Verdes Library District's established attendance and leave policies will be uniformly applied to all employees, regardless of disability. The Palos Verdes Library District may also make adjustments in leave policies as a reasonable accommodation, and all leave policies will be integrated with all pertinent federal and state leave laws.

This Palos Verdes Library District provides all of its employees, including employees with disabilities, with the opportunity to participate in training to improve job performance and for career advancement. The Palos Verdes Library District will not deny training opportunities because they may require reasonable accommodations to the training process or facility for employees with disabilities, unless accommodation would create an undue hardship.

### 11.7 Accommodation.

The Palos Verdes Library District will provide reasonable accommodation to enable a qualified applicant to perform the essential functions of the job that they are seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.

Modifications or adjustments may be required in the work environment, in the manner or circumstances in which the job is customarily performed, or in employment policies. The goal is to allow an employee with a disability to enjoy the benefits and privileges of employment, equal to those enjoyed by similarly-situated employees without disabilities.

As examples of reasonable accommodation, the Palos Verdes Library District will consider: making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; and appropriately modifying examinations, training, or other programs.

Reasonable accommodation may also include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, the Palos Verdes Library District is under no obligation to find a position for an applicant who is not qualified for the position sought. The Palos Verdes Library District is not required to lower quality or quantity standards as an accommodation, nor provide personal use items, such as glasses or hearing aids.

The Palos Verdes Library District will not be able to make an accommodation that would impose an undue hardship on the operation of the business. The Americans with Disabilities Act defines an undue hardship as an action that requires significant difficulty or expense. Each accommodation request will be handled on a case-by-case basis, and every effort will be made to comply with the Act.

Employees who decide to request reasonable accommodation must let the Palos Verdes Library District know that they need an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual need not mention the law or use the phrase "reasonable accommodation."



The Palos Verdes Library District may ask an employee for documentation when the employee requests reasonable accommodation for the job. When the need for accommodation is not obvious, the Palos Verdes Library District may ask any employee for reasonable documentation about his/her disability and functional limitations for purposes of confirming the existence of a disability and the need for accommodation. The Palos Verdes Library District is entitled to know that the employee has a covered disability for which they need a reasonable accommodation.

If a particular accommodation would be an undue hardship, the Palos Verdes Library District will try to identify another accommodation that will not pose such a hardship. Also, if the cost of an accommodation would impose an undue hardship on the Palos Verdes Library District, the individual with a disability will be given the option of either paying the portion of the cost that would constitute an undue hardship or providing the accommodation. The Palos Verdes Library District will enter into an interactive process with the individual with a disability to clarify what the individual needs and identify an appropriate reasonable accommodation, if any.

In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion. In other situations, the Palos Verdes Library District may need to ask questions concerning the individual's functional limitations and/or work restrictions in order to identify a reasonable accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, they do need to describe the problems posed by the workplace barrier. Additionally, suggestions from the individual with a disability may assist the Palos Verdes Library District in determining the type of reasonable accommodation to provide.

The Palos Verdes Library District retains the right to discipline an individual with a disability for violating a workplace conduct standard, even if the misconduct results from a disability, provided the conduct standard is job-related for the position in question and is consistent with business necessity. The Palos Verdes Library District may only discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.

The Palos Verdes Library District retains the right to lawfully exclude an individual from employment for safety reasons if employment of the individual would pose a "direct threat". "Direct threat" means "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation". The determination that an individual poses a "direct threat" will be based on an individualized assessment of the individual's current ability to safely perform the functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge and/or the best available objective evidence.

## 11.8 Violence in the Workplace.

### 11.8.1 Purpose:

To maintain a workplace that is free of violence or the threat of violence.

### 11.8.2 Policy:

This Policy applies to all Palos Verdes Library District employees, probationary, permanent, and as needed, as well as volunteers.

The Palos Verdes Library District does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. Except for public safety employees acting within the course and scope of their employment duties, or employees acting in exigent circumstances to protect coworkers, appointed and elected officials, volunteers or members of the public from an immediate and credible threat of violence or harm, no employee shall make any threat, either physical or verbal, against a coworker, supervisor, appointed and elected official, volunteer or member of the public. Any permitted act or use of force must be reasonable and within the scope of any established policies, procedures or orders.

Violation of this policy will lead to discipline up to, and including, termination of employment. Acts which constitute a violation of the policy may also lead to criminal prosecution.

### 11.8.3 Definition

Workplace violence includes conduct against persons or property on Palos Verdes Library District premises or engaged in Palos Verdes Library District-related business that is sufficiently severe, offensive, or intimidating so as to alter employment conditions or create a hostile, abusive, or intimidating work environment for any Palos Verdes Library District employee or anyone doing business with the Palos Verdes Library District. Violence occurring off Palos Verdes Library District property and not during Palos Verdes Library District business is also prohibited if it involves a Palos Verdes Library District employee and if the threats or acts of violence adversely impact the Palos Verdes Library District's interests.

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

- 11.8.3.1 Threats of any kind, including behavior that a reasonable person would interpret as a threat to physically harm another person;
- 11.8.3.2 Threatening the safety of another person or his/her family, friends or associates;
- 11.8.3.3 Fighting or challenging another person to fight;
- 11.8.3.4 Throwing objects with the intent to injure or harm;
- 11.8.3.5 Hitting, shoving, slapping or assaulting another person;
- 11.8.3.6 Attempted suicide;
- 11.8.3.7 Verbally threatening to destroy or physically destroying property;

- 11.8.3.8 Making or instigating harassing or threatening communications, such as phone calls, jokes, letters, notes or emails;
- 11.8.3.9 Stalking. (stalking is behavior as defined in either California Civil Code Section 1708.7 or California Penal Codes Section 646.9);
- 11.8.3.10 Possession, use, or threat of use of a gun, knife, or other weapon of any kind unless such possession or use is a recognized job requirement; and
- 11.8.3.11 Any other act, which a reasonable person would consider as inappropriate and/or as posing a danger or threat of danger/violence in the workplace. Such Behavior includes, but is not limited to, oral, written, or emailed statements, gestures, or expressions that communicate a direct or indirect threat of mental or physical harm to person or damage to property.

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, workplace violence refers to behavior that is objectively threatening or intimidating.

11.8.4 Reporting Procedure: Any employee who is the victim of violent or harassing conduct, witnesses such conduct or receives a report of such conduct, whether the perpetrator is a Palos Verdes Library District employee or a non-employee, must immediately report the incident to his/her supervisor, department manager or the Human Resources Office. It is the supervisor or manager's duty to notify the Human Resources Office immediately of the reported incident. In the event that any employee or supervisor fears for his/her safety or the safety of others, the Police Department should be called immediately.

11.8.5 Investigating Procedure: Any person who engages in a threatening or violent action on Palos Verdes Library District property may be removed from the premises as quickly as safety permits. The Palos Verdes Library District, in its sole discretion, may require the person to remain off Palos Verdes Library District premises pending the outcome of an investigation of the incident.

When threats are made or acts of violence are committed by employees, a judgment will be made by the Palos Verdes Library District as to what actions are appropriate, including referring the employee for a medical evaluation, placing the employee on paid administrative leave, possible disciplinary action, filing for injunctive relief and/or referral for potential arrest by law enforcement officers.

Employees who engage in threats or acts of violence, direct or indirect, implied or actual, against coworkers or any other person concerning Palos Verdes Library District business, may be subject to legal action by law enforcement authorities as well as disciplinary action by the Palos Verdes Library District, up to and including termination of employment.

Once a threat has been substantiated, it is the Palos Verdes Library District's policy to put the threat maker on notice that they will be held accountable for his/her actions and then implement a decisive and appropriate response. The Human Resources Office will document such incidents. Such documentation will include a narrative of the incident including names and other appropriate identification of the parties involved, verbal comments made or descriptions of the violent behavior, witness names, and witnesses' statements.

- 11.8.6 Retaliation & False Reporting: No employee shall retaliate against another employee who reports an incident pursuant to this policy. Employees found to have violated this section may be subject to disciplinary action, up to and including termination of employment.

Any employee who makes a report under this Policy, which the employee knows or should know is false, shall be subject to disciplinary action, up to and including termination of employment.

- 11.8.7 Employee Training: The Palos Verdes Library District shall provide training and instruction to all employees on Violence in the Workplace via video, written materials and/or other means on workplace security practices. Training and instruction shall be provided within twelve (12) months following the adoption of this Policy and periodically thereafter. Additional training and instruction may be provided whenever the Palos Verdes Library District is made aware of new or previously unrecognized hazards.

## 11.9 Drug and Alcohol Policy

- 11.9.1 Intent. It is the intention of this policy to ensure the absence of substance abuse and its effects in the workplace by encouraging employees to confront and acknowledge any substance abuse problems with the knowledge that if they do so their employment will not be jeopardized merely by that act. This policy reiterates the Palos Verdes Library District's expectation that employees be able to perform their duties safely and efficiently in the interests of other employees, the public and themselves. Each employee is hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all buildings (including adjacent grounds) and vehicles owned by the Palos Verdes Library District. Palos Verdes Library District buildings and grounds are defined as property or portions of property owned, leased or occupied by the Palos Verdes Library District.

### 11.9.2 Purpose.

11.9.2.1 To provide a drug and alcohol free workplace in accordance with the Drug Free Workplace Act of 1988 and the Palos Verdes Library District Personnel Policies.

11.9.2.2 To assure the safe and efficient delivery of services to the public.

11.9.2.3 To contribute to a safe work environment.

11.9.2.4 To represent Palos Verdes Library District in a professional manner.

11.9.3 Definition.

11.9.3.1 Impairment is the emotional or physical inability of an employee to safely and effectively perform his or her job.

11.9.3.2 Reasonable suspicion is a belief based on objective facts and physical indicators, sufficient to lead a reasonable, prudent person to believe that an employee is currently under the influence of, or in possession of, drugs or alcohol. Factors which may be considered include the following:

11.9.3.2.1 The employee appears confused or exhibits erratic behavior. The employee exhibits paranoia, slurred speech, or irrational behavior.

11.9.3.2.2 The employee has had a single, or a series of safety-related incidents that raise questions about his/her physical and emotional state.

11.9.4 Policy.

11.9.4.1 This policy is applicable to all employees.

11.9.4.2 Employees shall not report for duty if they are impaired due to their use of drugs or alcohol.

11.9.4.3 Employees shall not use alcohol or impairing drugs during the assigned workday/shift (including meal periods and breaks).

11.9.4.4 An employee who is off duty and is called back to work shall decline the assignment if the employee believes that they are impaired due to their use, while off duty, of alcohol or drugs.

11.9.4.5 Possession, use, sale or distribution of illegal or impairing drugs in the workplace is prohibited. Sale or distribution of any impairing drug in the workplace is also prohibited.

11.9.4.6 Possession, use, or sale of opened containers of alcohol is prohibited in the workplace. Possession of alcoholic beverages in Palos Verdes Library District vehicles is prohibited.

11.9.4.6.1 Special events held by the Palos Verdes Library District at which alcoholic beverages are available. Employees are advised that their consumption of alcoholic beverages at these events must not impair their ability to appropriately represent the Palos Verdes Library District or to perform their required duties, and must not compromise their safety or the safety of others.

11.9.4.7 Upon reasonable suspicion that an employee cannot safely or effectively perform the duties of the job, the employee's Manager will privately counsel the employee. If the Manager reasonably suspects that the employee is impaired by alcohol or illegal drugs, the Manager and the Human Resources Analyst will ask the employee to submit to an alcohol and/or drug test.

11.9.4.7.1 First Offense: The employee will be removed from duty by the Manager for the remainder of the shift. The employee will be allowed to return to work on the next scheduled shift. The Manager will document this episode as a written warning.

11.9.4.7.1.1 If the Manager or Human Resources Office believes that the employee is so impaired as to cause harm to the public, the Palos Verdes Library District will make arrangements for the employee to get home. This may include contacting a relative or taxi.

11.9.4.7.2 Second Offense: The Manager will report to the Human Resources Office that a reasonable suspicion exists and it may be the employee's second offense. The Manager/Human Resource Office will direct the employee to submit to a fitness for duty exam including an alcohol & drug test at the Palos Verdes Library District's expense. Refusal to report for the fitness for duty exam or to submit to any alcohol or drug testing recommended by the Palos Verdes Library District's medical authority shall be considered insubordination and subject the employee to disciplinary actions.

11.9.4.7.2.1 If the tests results are negative, the employee will be allowed to return to work at the next scheduled shift.

If the tests results are positive, the employee will be in violation of this policy and subject to disciplinary action, up to and including termination.

11.9.4.8 Employees who are involved in workplace accidents that result in injury or damage to Palos Verdes Library District property may upon reasonable suspicion be required to undergo immediate drug testing.

11.9.4.6 Upon reasonable suspicion by two (2) or more managers, the Palos Verdes Library District shall have the right to search Palos Verdes Library District owned property, vehicles, desks, closets and lockers, to the extent allowed by law for purposes of investigating potential employee misconduct.

#### 11.10 Maintaining a Current Driver's License and Insurance.

Employees who are required to drive a Palos Verdes Library District vehicle or drive their own vehicle to perform work for the Palos Verdes Library District must have a current driver's license and be in compliance with existing Palos Verdes Library District insurance requirements. An employee who uses his/her automobile for Palos Verdes Library District business must maintain the minimum automobile insurance coverage required by the State of California. Written verification confirming such insurance shall be provided to the Palos Verdes Library District.

In accordance with the Palos Verdes Library District's Liability Insurance Company, the Palos Verdes Library District participates in the Employee Pull Notice Program (EPN) with California State Department of Motor Vehicles (DMV). The program allows the Palos Verdes Library District to monitor driver's license records of employees who drive on the Palos Verdes Library District's behalf. This monitoring determines and accomplishes the following:

- Lowers the Palos Verdes Library District's Liability Insurance Premiums
- Determines if each driver has a valid Driver's License
- Improves public safety
- Reveals problem drivers
- Helps to minimize employee's liability

Traffic Violation Limit: Employee must comply with the existing insurance company's maximum point policy. Policy may be obtained in the Human Resources office.

#### 11.11 Telecommunications and Computer Systems and Equipment.

Telecommunications and computer systems and equipment are provided to employees of the Palos Verdes Library District for work-related use.

Telecommunications and computer systems and equipment include all telephones, cell phones, voicemail, desktop computers, laptop computers, hand held computers, printers, networks, Palos Verdes Library District's Integrated Library System, software, electronic mail, and Internet access.

It is the responsibility of all employees to ensure that these information systems are used in an efficient, ethical, and lawful manner. Palos Verdes Library District reserves the right to specify how Palos Verdes Library District's computer and information system resources will be used and administered to comply with this policy.

All telecommunications and computer systems and equipment are the property of Palos Verdes Library District and are to be used for work-related activities. Incidental personal use during non-work time is acceptable only if it does not interfere or conflict with Palos Verdes Library District policies, efficient Palos Verdes Library District operation, or job performance.

All information stored on Palos Verdes Library District's telecommunications and computer systems and equipment is to be treated as confidential, proprietary

information. Only certain information printed out for public correspondence may be considered non-confidential or non-proprietary.

Employees are responsible for maintaining the confidentiality of the information to which they have access. Employees may not access information stored on another employee's computer or in another employee's password-protected voicemail or computer network files or accounts without the permission of that employee, that employee's Supervisor/Manager, or the District Director. The sole exception is members of the Information Technologies Department (ITD) staff who may access computers, files, and network accounts as required to maintain the integrity, security, and operability of Palos Verdes Library District's telecommunications and computer systems and equipment.

Employees are responsible for protecting their own passwords and for following password policies set by ITD. Sharing user identifications, passwords, and access codes is not allowed except with members of the ITD and with approval of the employee or District Director. Employees may be held responsible for misuse that occurs through unauthorized access.

In order to provide Palos Verdes Library District with access to all information and data stored on its telecommunications and computer systems and equipment no employee is permitted to use encryption devices on a Palos Verdes Library District computer without the written authorization of the District Director. Any employee authorized to use encryption coding devices and other security protecting devices must provide the applicable keys and codes in a sealed envelope to the Manager of the Automation Services Department.

Introducing or using software designed to destroy or corrupt Palos Verdes Library District's telecommunications or computer systems is strictly prohibited. Employees are prohibited from altering/tampering with the major configuration settings on their PCs. Employees are not allowed to interfere with any of the routine maintenance processes, such as anti-virus software virus definition file updates, etc., run by the ITD.

Employees are prohibited from installing any software, including computer games and screenshots, etc., on Palos Verdes Library District-owned computers. Software installation is to be performed by the ITD only.

Employees are strictly forbidden to connect their own personal laptops or desktops to the Palos Verdes Library District LAN except when authorized by the ITD.

All Palos Verdes Library District policies pertaining to standards of conduct, harassment and discrimination apply to employees' use of Palos Verdes Library District telecommunications and computer systems and equipment.

Fraudulent, harassing, threatening, discriminatory, sexually explicit, foul, offensive or obscene messages and/or materials are not to be accessed, transmitted, printed or stored using Palos Verdes Library District telecommunications and computer systems and equipment.



Palos Verdes Library District's telecommunications and computer systems and equipment must not be used to solicit for business ventures, personal social events, non-work related meetings, political or religious causes, or other matters not connected with Palos Verdes Library District's legitimate operations. Chain letters, solicitations, and other forms of mass mailings are prohibited with the exception of the distribution of materials related to legitimate Palos Verdes Library District business.

Employees are prohibited from accessing pornographic, gambling-related, or other inappropriate websites or phone lines.

Palos Verdes Library District email address may not be used for non-work related internet purchases, promotions, on-line newsletters, listservs, newsgroups, user groups, etc.

Employees who participate in listservs, newsgroups, user groups, etc. are prohibited from attributing their opinions or comments to Palos Verdes Library District.

Use of Palos Verdes Library District's telecommunications and computer systems and equipment is not private. Authorized representatives of Palos Verdes Library District may monitor the use of, and information stored on, Palos Verdes Library District computer systems and equipment as required to ensure that the use is consistent with Palos Verdes Library District's policies and legitimate business interests.

Failure to comply with this policy may lead to discipline up to and including termination of employment.

Employees will be required to sign a form acknowledging that they have read and understood this policy.

#### 11.12 Dress Code.

The general appearance of employees should be neat, businesslike and professional. Your attire should not make your co-workers and/or patrons feel uncomfortable nor should it be distracting to others. Clothing such as blue denim jeans, coveralls, sweat pants and shorts are not acceptable. Except: Senior Pages and Library Pages who are not working the circulation desk may wear blue denim jeans but they must be neat, clean and in good condition. Information Technology Department staff may wear neat and clean blue denim jeans or other clothing appropriate for manual labor as appropriate to perform his/her job duties.

11.12.1 Clothing with spaghetti straps; clothing revealing bare backs, midriffs or shoulders; or any other revealing or provocative clothing is not allowed.

11.12.2 Polo shirts, golf shirts and other types of T-shirts that are solid in color, striped, or with an appropriate pattern (e.g. plaid or floral) are acceptable.

11.12.3 T-shirts with commercial or political graphics and words printed on them are **not** acceptable. Exception: Palos Verdes Library District summer reading

program T-shirts and shirts promoting books and reading may be worn any time.

- 11.12.4 Employees may wear open-toed shoes. Casual sandals such as those worn at the beach or swimming pools, for example, flip-flops, will not be allowed. Each Department Manager is responsible for ensuring appropriate standards for his/her department.

Palos Verdes Library District employees shall be expected to dress appropriately for their job duties. Department managers are responsible for monitoring and enforcing the dress code policy. If an employee's attire is questionable, the manager will hold a private discussion with the employee regarding the inappropriateness of the attire. If an obvious policy violation occurs, the employee will be sent home immediately, instructed to return dressed in more appropriate clothing, and placed on authorized leave. Exempt employees will be expected to use accrued personal leave. Non-exempt employees will not be paid for their time away from work.

11.12.5 Casual Dress Code: (Friday, Saturday, Sunday only)

Staff may wear casual attire including denim jeans on weekends. Our goal is to have a more relaxed atmosphere on weekends, but our attire should continue to reflect our professionalism that we project every other day of the week. Some guidelines -

- Denim jeans should be clean, neat and in good condition.
- Feel free to wear your Summer Reading t-shirt and shirts promoting books and reading, but not other t-shirts with graphics or slogans.
- Polo shirts, golf shirts and other types of T-shirts that are solid in color, striped, or with an appropriate pattern (e.g. plaid or floral) are acceptable, as are Aloha shirts

Do not wear shorts or beach attire. Clothing with spaghetti straps, revealing bare backs, midriffs or shoulders or any other revealing or provocative clothing is not allowed. Sneakers and "nice" sandals are fine, but please do not wear casual sandals such as flip flops, athletic slip-on sandals (slides), etc.

11.13 Name Badges.

All Palos Verdes Library District employees will be required to wear a name badge (exception: Maintenance Staff who have uniforms), during his/her shift or at any Palos Verdes Library District sponsored event.

Employees will be supplied one (1) name badge at the expense of the Palos Verdes Library District. Lost or damaged name badges will be replaced at the employee's expense of \$5.00.

Name badges will be worn on the upper chest or on a lanyard, clearly visibly to others.

If an employee forgets to wear his/her name badge, the employee's Manager/Supervisor has the authority to send the employee home to get his/her name badge or to acquire a new one. Repeated failure to wear the name badge will result in disciplinary action up to and including termination of employment.

PERSONNEL POLICY XII  
PERFORMANCE REVIEWS

12.1 Performance Reviews.

- 12.1.1 The Palos Verdes Library District's Performance Review system provides a formal periodic review throughout the year of the performance of each employee in relationship to the performance expectations of the employee's supervisor/manager.
- 12.1.2 If the evaluating supervisor/manager has not supervised the employee for the entire evaluation period, the evaluation will identify the period for which the supervisor/manager is conducting the evaluation.
- 12.1.3 After successful completion of the probationary period, an employee may receive semi-annual written performance evaluations during the second year of employment and annual performance reviews thereafter.
- 12.1.4 If an employee's performance is not satisfactory after the employee has passed his/her original probationary performance evaluation, disciplinary actions involving possible discharge, demotion, or suspension may be recommended. If an employee receives an overall evaluation of needs improvement, the Palos Verdes Library District may require that an employee be placed on a plan for improvement to be completed within three (3) months followed by an additional evaluation. If an employee does not obtain a "meets standard" or higher rating in the performance evaluation a step increase will be withheld and the Palos Verdes Library District may take action to either extend the improvement period or discipline the employee.
- 12.1.5 An employee and his/her supervisor/manager should, as needed, update and amend the performance plan and job description to reflect any changes during the year.
- 12.1.6 An employee has the right to submit his/her comments related to the performance evaluation for inclusion in the employee's personnel file.

PERSONNEL POLICY XIII  
TRANSFER

13.1 Transfer.

Although an employee may be hired for a position in a particular department or location with a specific schedule of work hours, conditions may require a change of location or work hours on a temporary or permanent basis. This may include a transfer within the same classification to a similar position in another department or location, or a demotion and reassignment of duties. Such transfers or reassignments will be undertaken for the benefit of the Palos Verdes Library District as a whole in developing an employee's capabilities and, at the same time, achieving the objectives of the Palos Verdes Library District more effectively.

PERSONNEL POLICY XIV  
NON-DISCIPLINARY SEPARATION FROM EMPLOYMENT

14.1 Layoff

14.1.1 Basis for Lay-Off. The Board of Library Trustees, for any lawful purpose, may lay off employees or demote employees in lieu of lay off. Lay off means a reduction in workforce caused by a reduction in services, reduction in funding, reorganization, or whenever advisable in the interest of economy, efficiency, productivity, or any other lawful non-disciplinary reason.

14.1.2 Order of Lay-offs. Employees shall be selected for layoff based on:

1. The needs of the Palos Verdes Library District for retained skills and capabilities.
2. The demonstrated ability of each employee to contribute to the Palos Verdes Library District's effectiveness, as may be evidenced by performance evaluations and other supervisory evaluations of job performance.

No Appeal. An employee laid off or demoted in lieu of lay off may not file written charges and may not appeal the layoff.

14.1.3 Notice. The District Director shall, if possible, notify employees to be laid off at least thirty (30) calendar days in advance of the effective date of such lay off. Employees may be paid the equivalent of their salary or normal wage for the balance of the notice period and laid off immediately.

14.1.4 Laid off employees will also be provided with 2 weeks of severance pay.

14.1.5 Demotion in Lieu of Lay-off. When the Board of Library Trustees designates a lay-off, the District Director, if authorized by the Board of Library Trustees, may demote an employee in lieu of lay-off. When the District Director designates a layoff, the District Director may, in his/her sole discretion, subject only to the approval of the Board of Library Trustees, demote employees in lieu of layoff.

Employees demoted in lieu of lay-off shall be placed at the step within their pay range for the new classification that least reduces their pay when compared to their pay rates immediately prior to demotion.

14.1.6 A Probationary Period. Any person demoted must successfully complete a six (6) month probationary period prior to receiving appointment to the new position. During the probationary period, the employee may be terminated without cause.

14.1.7 Transfer in Lieu of Layoff. Employees designated for lay-off, prior to the effective date of lay-off, may request to be transferred to any vacant position for which they are qualified. The District Director may, in his/her discretion and subject to approval of the Board of Library Trustees, appoints qualified employees designated for lay-off to any vacant position for which they qualify without

competitive examination, posting, or recruitment. In the event two employees designated for layoff request transfer to the same position, the District Director shall select the employee with the most seniority with the Palos Verdes Library District. Transfer may be made to any classification for which employees designated for layoff are qualified, including lateral, and demotional. Transfer to a vacant position at a lower level under this section is different from demotion in lieu of lay-off and does not qualify an employee for placement on a reinstatement list.

14.1.8 Probationary Period. Any person transferred must successfully complete a six (6) month probationary period prior to receiving appointment to the new position. During that probationary period, the Palos Verdes Library District may terminate the employee without cause. However, once the employee has successfully completed the probationary period, the employee may only be terminated for cause.

14.2 Job Abandonment. An employee is deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during the period of absence. On the third working day of unauthorized absence, the supervisor shall send a letter to the employee's last known address informing the employee that if the employee fails to report to work within two (2) workdays, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment, which prevented notification. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.

14.3 Resignation. Employees are requested to complete the Palos Verdes Library District's resignation form announcing intention to resign at least one month in advance for Management employees and two weeks in advance for confidential employees.

The resignation form consists of comments by the employee, including reason for resignation, and comments by the employee's supervisor and by the "exit interviewer", plus a checklist of the employee's clearance responsibilities.

When an employee leaves the Palos Verdes Library District, the employee must return all supplies, keys, and other Palos Verdes Library District property. If an employee owes any money to the Palos Verdes Library District, the employee will be asked to make arrangements for repayment at that time.

Occasionally, an employee leaves a job without providing notice. The Palos Verdes Library District reserves the right to institute termination proceedings against an employee who has failed to notify the Palos Verdes Library District of an absence of three (3) or more days.

## PERSONNEL POLICY XV

## DISCIPLINARY AND GRIEVANCE PROCEDURES

- 15.1 Grounds for Discipline. Regular employees may be disciplined, including reprimand, discharge, demotion, or suspension for cause. Each of the following constitutes cause for discipline of an employee. It is the intent of these Rules to include as a cause for discipline any action or non-action by an employee which impedes or disrupts the performance of the Palos Verdes Library District and its organizational component units and/or when his/her action, is detrimental to employee or public safety, violates properly established rules and procedures, or adversely affects the reputation of the Palos Verdes Library District, its trustees, or employees. Examples of causes for discipline include, but are not limited to:
- 15.1.1 Any violation of any written rule or regulation promulgated by the Palos Verdes Library District related to conduct or performance.
  - 15.1.2 Fraud.
  - 15.1.3 Incompetence.
  - 15.1.4 Inefficiency.
  - 15.1.5 Neglect of duty.
  - 15.1.6 Dishonesty or lying to a supervisor or superior.
  - 15.1.7 Violation of any law relating to conflicts of interest, whether contractual or financial.
  - 15.1.8 Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of controlled substances or alcohol while on duty or on Palos Verdes Library District premises, except for the use of prescribed controlled substances (1) as directed by the licensed health care provider prescribing such substances and in accordance with the manufacturer's directions, and (2) in a manner not otherwise in violation of these Rules.
  - 15.1.9 The use of any substance controlled or purchased over the counter, which impairs the employee's performance of his/her duties.
  - 15.1.10 Unexcused absences.
  - 15.1.11 Conviction of a felony or conviction of a misdemeanor which is job related. A plea or verdict of guilty or nolo contendere to a charge of a felony or any offense is deemed to be a conviction within the meaning of this section.
  - 15.1.12 Defrauding the Palos Verdes Library District by making a false claim for compensation, benefits, or reimbursements.
  - 15.1.13 Making a false Workers' Compensation Claim against the Palos Verdes Library District.



- 15.1.14 Improper political activity on Palos Verdes library District property or during work hours or while an employee is in uniform, which prevents the employee or other employees from the efficient performance of employment with the Palos Verdes Library District, or which has a disruptive effect on the efficiency or integrity of the Palos Verdes Library District service or the department in which such employee is employed.
- 15.1.15 Failure or refusal to cooperate with supervisory personnel or other employees.
- 15.1.16 Failure to participate or cooperate in an internal administrative investigation.
- 15.1.17 Misuse or misappropriation of Palos Verdes Library District property or funds.
- 15.1.18 Gambling for money or articles of value on Palos Verdes Library District property or during working hours.
- 15.1.19 Tardiness.
- 15.1.20 Abuse of sick leave privileges, including but not limited to reporting sick when not sick, and obtaining sick leave pay falsely or under false pretenses.
- 15.1.21 Excessive absenteeism, which impairs the Palos Verdes Library District's ability to provide services or function effectively or efficiently.
- 15.1.22 Refusal to take and subscribe any oath or affirmation, which is required by law or these Rules in connection with his/her employment.
- 15.1.23 Refusing to report on official call in an emergency.
- 15.1.24 Violation of the Palos Verdes Library District's policies and procedures.
- 15.1.25 Intentionally misrepresenting information or facts in any statement, declaration, or affidavit duly required of an employee.
- 15.1.26 Failure or refusal to carry out an order or directive of a superior.
- 15.1.27 Asking, receiving, or agreeing to receive any bribe, gratuity, or reward of any kind upon any understanding that any employee's action shall be influenced thereby, or shall be given in any particular manner, or upon any particular question or matter upon which any employee may be required to act in the employee's capacity; or attempting by menace, deceit, suppression of truth, or any corrupt means to influence any employee to commit any act, conduct, or omission which is clearly inconsistent, incompatible, in conflict with, or inimical to the best interests of the Palos Verdes Library District.
- 15.1.28 Failure to observe or comply with safe working standards, to endanger, to injure, or to damage public property or the private property of an employee or member of the public through negligent, improper, or careless conduct or use of equipment;

or to permit such actions on the part of any employee under his/her supervision or control.

15.1.29 Conduct that is discourteous or abusive towards the public, elected and appointed Palos Verdes Library District officials, supervisors, superiors, department managers, and/or co-workers.

15.1.30 Working overtime without authorization.

15.1.31 Bringing a weapon to work.

## 15.2 Procedure for Discipline.

In cases involving a possible discharge, demotion or suspension for cause of any employee, the following procedures shall be followed (probationary and promotional probationary, temporary, part-time hourly, and other at-will employees who can be disciplined without cause and without right of appeal are excluded from this policy).

15.2.1 Notice. The employee must receive preliminary written Notice of Intent from the District Director or a designee in case of suspension, demotion or discharge, which provides the following:

15.2.1.1 The disciplinary action intended;

15.2.1.2 The specific charges upon which the action is based;

15.2.1.3 A summary of the facts upon which the charges are based;

15.2.1.4 A copy of all written materials, reports, or documents upon which the discipline is based;

15.2.1.5 Notice of the employee's right to respond to the charges either orally or in writing to the appropriate authority;

15.2.1.6 The date, time and person before whom the employee may respond, and which is no less than five (5) working days from the date the notice is issued;

15.2.1.7 Notice of the employee's right to have a representative of his/her choice present during the employee's response;

15.2.1.8 Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to the final discipline being imposed.

15.2.1.9 The Notice shall also contain a "statement of delivery or mailing" indicating the date on which the Notice was personally delivered or deposited in the United States Mail to the employee. Such date of delivery or mailing shall be the "date of issuance" of the Notice. As long

as the Notice contains a "statement of delivery or mailing," it is conclusively presumed that the employee received the Notice.

15.2.1.10 Response. The employee has the right to respond to the charges against him/her either orally or in writing to the District Director or the designee within ten (10) workdays of the date of issuance of the Notice. Workdays are defined as Monday through Friday except for recognized Palos Verdes Library District holidays. The employee has a right to representation at this level. The employee shall notify the District Director or the designee beforehand who the representative shall be in order to permit the District Director or the designee to make the necessary staffing arrangements. In cases of suspension, demotion or discharge the employee's response will be considered before action is taken.

15.2.1.11 Final Notice. After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: (1) dismiss the notice of intent and take no disciplinary action against the employee or (2) modify the intended disciplinary action or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

15.2.1.11.1 The disciplinary action taken.

15.2.1.11.2 The effective date of the disciplinary action taken;

15.2.1.11.3 Specific charges upon which the action is based;

15.2.1.11.4 A summary of the facts upon which the charges are based;

15.2.1.11.5 The employee's right to appeal and deadline for filing.

15.2.1.12 Arbitration. Within ten (10) days after being issued the final notice of the discipline, the employee or the employee's representative may file an appeal to the District Director for advisory arbitration.

The employee and the Palos Verdes Library District shall attempt to agree upon an advisory arbitrator. If no agreement can be reached, they shall request the State Mediation and Conciliation Service to supply a panel of five (5) names of persons experienced in hearing grievances in government agencies. Each party shall alternately strike a name until only one name remains. The remaining panel member shall be the advisory arbitrator. The order of the striking shall be determined by lot.

The arbitrator shall, as soon as possible, hear evidence and render a recommendation on the issue or issues submitted to him/her.

After a hearing and after both parties have had an opportunity to make written arguments, the arbitrator shall submit in writing to all parties his/her findings and recommendations.

The cost of the arbitration will be split equally by the employee and the Palos Verdes Library District.

In the event that either party is not satisfied with the recommendation or recommendations of the arbitrator, they may appeal the decision in writing within ten (10) workdays after service of the arbitrator's recommendation to the Board of Library Trustees.

The Board of Library Trustees alone has the power to render a final and binding decision. If the Board of Library Trustees determines that they are unable to render a final determination on the record, they may reopen the record for the taking of additional evidence.

15.2.1.13 Mediation. The parties can mutually agree to mediation at any state in the process.

### 15.3 Grievance Procedure.

#### 15.3.1 Definitions.

15.3.1.1 Grievance: A grievance is a written allegation by an employee claiming violation(s) of a specific express term of the Memorandum of Understanding MOU or these rules for which there is no other specific method of review provided by Palos Verdes Library District rules or policies.

15.3.1.2 Grievant: A grievant is an employee or group of employees adversely affected by an act or omission of the Palos Verdes Library District.

15.3.1.3 Day: A day is any day the administration office is open to the public.

#### 15.3.2 Exclusions from the Grievance Procedure

15.3.2.1 This procedure is not to be used for the purpose of making changes in wages, hours and working conditions.

15.3.2.2 This procedure is not to be used to challenge the content of employee evaluations or performance reviews. Exception: if a step increase is denied, an employee can challenge the overall rating either through higher review or the grievance procedure.

15.3.2.3 This procedure is not to be used to challenge a reclassification, layoff, transfer or denial of reinstatement.

15.3.2.4 This procedure is not to be used to challenge violation of law or past practice unless the contract expressly refers to same.

15.3.2.5 This procedure is not to be used to challenge examinations or appointment to positions.

### 15.3.3 Informal Level

Before filing a formal written grievance, the employee should attempt to resolve it by an informal conference with their immediate supervisor within ten (10) workdays after the occurrence of the act or omission giving rise to the grievance.

### 15.3.4 Formal Level I.

15.3.4.1 Within five (5) workdays after presentation of the grievance at the "informal level," (or 15 days after the occurrence) the employee may, if the grievance is still unresolved, present their grievance in writing to their immediate supervisor.

15.3.4.2 This statement shall be a clear, concise statement of the grievance setting forth the section of the MOU or these rules allegedly violated, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought.

15.3.4.3 The supervisor shall communicate their decision to the employee in writing within ten (10) workdays after receiving the grievance. If the supervisor does not respond within the time limits, the employee may appeal to the next level.

15.3.4.4 Within the above limits, either party may request a personal conference.

### 15.3.5 Formal Level II

15.3.5.1 If the employee is not satisfied with the decision at Level I, they may within five (5) workdays appeal the decision in writing to the next level of supervision. For those employees who report to the District Director, your next level of supervision is the Board. The Board's decision is final.

15.3.5.2 This statement shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal.

15.3.5.3 The supervisor shall communicate their decision to the employee in writing within ten (10) workdays after receiving the grievance. If the supervisor does not respond within the time limits, the employee may appeal to the next level.

### 15.3.6 Formal Level III

If the employee is not satisfied with the decision at Level II, they may within five (5) workdays appeal the decision in writing to the District Director.

The District Director shall communicate his/her decision to the grievant in writing within ten (10) workdays after receiving the grievance. The decision of the District Director is final.

#### 15.3.7 General Provisions

15.3.7.1 The employee has the right to representation on all grievances. The District Director shall be notified of the representative, as soon as the employee requests a representative.

15.3.7.2 The District Director shall meet with the employee at Level I if the grievance resulted from a decision, act or omission of the District Director.

15.3.7.3 Time limits may be waived by the mutual consent of the grievant and the District Director.

15.3.7.4 Employees are assured freedom from reprisal for using the grievance procedures.

15.4 The parties can mutually agree to mediation at any stage in the process.

PERSONNEL POLICY XVI  
REINSTATEMENT

- 16.1 Reinstatement. An employee laid off or demoted in lieu of layoff may have his/her name placed on a reinstatement list established by the District Director for his/her former job classification.
- 16.2 Reappointment. Qualified employees on a reinstatement list may be reappointed to their former classification if a vacancy in such classification occurs within one (1) year of the effective day of their lay off or demotion in lieu of layoff.
- 16.3 Order of Reinstatement. Qualified employees on a reinstatement list may be reappointed to their former classification without participating in a competitive process or recruitment. A position may be filled from a reinstatement list without competitive examination, posting or recruitment. Where there is more than one qualified employee on a reinstatement list, reinstatement shall be in direct order of seniority within the designated classification. Any employees not selected shall remain on the reinstatement list until their right to be reinstated expires.
- 16.4 Expiration of the Right to Reinstatement. The right to be reinstated to a former classification shall expire on the earliest of the following:
- 16.4.1 One (1) year from the effective date of layoff or demotion in lieu of layoff.
  - 16.4.2 Ten (10) calendar days after receiving an offer of reappointment to the former classification if the employee has not accepted the offer in writing, unless other arrangements acceptable to the Palos Verdes Library District have been made.
  - 16.4.3 Ten (10) calendar days after the Palos Verdes Library District mails the employee an offer of reappointment to the former classification if the notice is returned undeliverable due to address unknown, unless other arrangements acceptable to the Palos Verdes Library District have been made.
  - 16.4.4 Immediately upon declining an offer of reappointment to the former classification.
- 16.5 Notice to Palos Verdes Library District. Employees on a reinstatement list shall notify the District Director, in writing, of one (1) current address where notices may be sent by United States Mail, overnight delivery service, courier service, and personal delivery. The Palos Verdes Library District may choose whichever means it wishes to deliver notice of a vacancy to an employee on a re-employment list, including certified mail. Employees on a reinstatement list shall notify the District Director, in writing, of any change in their qualifications for employment.

PERSONNEL POLICY XVII  
PERSONNEL RECORDS

17.1 General. The Palos Verdes Library District maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the Palos Verdes Library District's personnel program. Personnel files are the property of the Palos Verdes Library District, and access to the information they contain is restricted.

17.2 Notifying the Palos Verdes Library District of Changes in Personal Information. Each employee is responsible for promptly notifying the Human Resources office of any changes in relevant personal information, including mailing address, telephone number and persons to contact in an emergency.

17.3 Medical Information.

17.3.1 Separate Confidential Files. All medical information about an employee or applicant is kept separately and is treated as confidential.

17.3.2 Information in Medical Files. The Palos Verdes Library District will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the Palos Verdes Library District to obtain certain medical information, the employee or applicant may need to sign an authorization for release of employee medical information.

17.3.3 Access to Medical Information. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate business need to have such information. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions regarding the work or duties of the employee and necessary accommodations.

The Palos Verdes Library District will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act) unless the employee signs an authorization for release of employee medical information. The Palos Verdes Library District will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the Palos Verdes Library District will communicate those limitations to the person or entity to which it discloses the medical information.

17.4 References and Release of Information in Personnel Files.

17.4.1 Public Information. Upon request, the Palos Verdes Library District will release to the public information about its employees as required by the Public Records Act.

17.4.2 Reference Checks: All requests from outside the Palos Verdes Library District for reference checks or verification of employment concerning any current or former



employee must be referred to the Human Resource Office. Information will be released only if the employee signs an authorization for release of employment information, except that without such authorization the following limited information will be provided: dates of employment and salary upon departure. Department Managers and Supervisors should not provide information in response to requests for reference checks or verification of employment and letters of reference, unless specifically approved by the Human Resource Office on a case-by-case basis.

17.5 Employee Access to Personnel File.

17.5.1 Inspection of File: An employee's personnel file shall be open for inspection by the employee or by his/her representative with the written consent of the employee concerned during regular business hours of the office of the District Director of the Palos Verdes Library District. Prior to filing any new material, except routine personnel and salary notification and confidential matters gathered or prepared at the time of hire or promotion, an employee shall be advised of the new material and shall have 10 (ten) calendar days to file a written response to such material.

17.5.2 Copies: On request, the Palos Verdes Library District will provide an employee single copies of any documents in his or her personnel file. The Palos Verdes Library District may charge a reasonable fee for the copies.

17.6 Supervisor/Manager's File. Supervisors/Managers may maintain a separate file from the personnel file. Employees do not have access to the Supervisor/Manager's file. Employees cannot be disciplined based upon documents in the Supervisor/Manager's file.

DISTRICT LIBRARIES

PENINSULA CENTER LIBRARY

701 Silver Spur Road  
Rolling Hills Estates, CA 90274

310-377-9584 Phone  
310-564-6807 Fax

MALAGA COVE LIBRARY

2400 Via Campesina  
Palos Verdes Estates, CA 90274

310-377-9584, ext. 550 Phone  
310-373-7594 Fax

MIRALESTE LIBRARY

29089 Palos Verdes Drive East  
Rancho Palos Verdes, CA 90275

310-377-9584, ext. 452 Phone  
310-540-4067 Fax

THE ANNEX

655 Deep Valley Drive, Suite 175  
Rolling Hills Estates, CA 90274

310-377-9584, ext. 301 Phone  
310-514-6807 Fax

APPENDIX A  
NON-REPRESENTED PERSONNEL

Confidential - Management

<b><u>Classifications</u></b>	<b><u>Job Description Title</u></b>
Accountant	Sr. Accounting Clerk
Administrative Assistant I	un-filled
Administrative Assistant II	Sr. Administrative Assistant
Administrative Assistant III	Executive Assistant
Deputy Director	Deputy Director
Director -Finance	Director - Finance
Manager- Human Resources	Manager-Human Resources
Manager- Facilities	Manager-Facilities
Manager-Information Technology	Manager-Information Technology
Payroll & Benefits Analyst	Payroll & Benefits Analyst

APPENDIX B  
HEALTH INSURANCE

Beginning in FY 2019-2020

Effective July 1, 2019, the District will contribute to the employee's health benefits a monthly amount that is equal to the age-based rates for the Platinum United Healthcare "P UHC HMO C 20/30/3000" ("Benchmark Plan") offered through California Choice health program. The District will contribute to the employee a monthly amount that is equal to the actual age-based premium for that employee for the Benchmark Plan as quoted by California Choice as of July 1, 2019, and (subject to the 8% cap set forth below) as adjusted by California Choice on July 1 of each subsequent year of the contract.

The District will also contribute 50% of the monthly health benefit premium for all dependents identified by the employee based upon the age-based rates applicable to the dependent as published by California Choice for the Benchmark Plan. Employees must be enrolled in a medical insurance plan offered by the District through California Choice to be eligible for the dependent contribution.

Employees may use the District's monthly contribution for any plan offered by the District through California Choice and apply it to age-based monthly premiums for that plan. If an employee selects a plan that exceeds the amount of the District's monthly contribution, the employee will be responsible for paying the difference between the Benchmark Plan and the Chosen plan on a pre-tax basis. If an employee selects a plan that is less than the amount of the District's monthly contribution, the employee shall receive the difference between the District's monthly contribution and the actual age-based premium for the selected plan.

Employees who select a plan that is different from the Benchmark Plan shall be limited to selecting a plan that is either in the Platinum or Gold tiers within the California Choice health program.

The District will continue to provide appropriate dental and vision plans and will pay 100% of the premium for the dental HMO and vision plan for employees and 50% of the premium for the dental HMO and vision plan for dependents. For employees who elect the Dental PPO plan the District will pay 50% of the additional premium cost of the dental PPO plan as compared to the dental HMO plan and employees will pay 50% of the additional premium cost of the dental PPO plan as compared to the dental HMO plan.

The District will pay up to an eight percent (8%) increase in the annual age-based premiums for the Benchmark Plan during the term of this contract. If the annual age-based premium for the Benchmark Plan increases by more than eight percent (8%) compared to the prior year the employee shall only receive a monthly contribution that constitutes an eight percent (8%) increase over the previous year contribution.

The District may reopen negotiations on the Healthcare portion of this Article and other relevant provisions in this MOU for the purpose of meeting and conferring over issues resulting from the implementation and/or modification of the Patient Protection and Affordable Care Act (ACA).

APPENDIX C  
AFFORDABLE CARE ACT  
SAFE HARBOR

Effective Date: June 18, 2015

**PURPOSE:**

The Palos Verdes Library District is committed to ensuring compliance with the Patient Protection and Affordable Care Act enacted on March 23, 2010 and the Internal Revenue Code Section 4980H Shared Responsibility for Employers Regarding Health Care Coverage. The Palos Verdes Library District will adopt the Look Back Measurement Method Safe Harbor provision of the Affordable Care Act in order to determine the full-time status of employees for purposes of the Assessable Payment, where Section 4980H defines “full-time” status as “an employee who is employed on average at least 30 hours of service per week”.

**POLICY:**

The Palos Verdes Library District establishes the Look-Back Measurement Method Safe Harbor with regard to all ongoing employees as follows:

Standard measurement period:	June 1 through May 31
Administrative period:	June 1 through June 30
Stability period:	July 1 through June 30

The Palos Verdes Library District establishes the following periods for new, part-time employees:

Initial measurement period:	Twelve months (beginning on the first of the month following the first date of employment)
Administrative period:	One month following the initial measurement period
Stability period:	Twelve months following the administrative period

Upon hire of a new employee the Palos Verdes Library District will determine whether the employee is expected to be a full-time employee. If the employee is expected to be a full-time employee, and not a seasonal employee, the Palos Verdes Library District will offer health coverage within 90 days. If the Palos Verdes Library District is unable to determine that the new employee is expected to be full-time, the employee will be considered a variable hour employee.

All new, part-time hours worked will be measured over two periods; during the twelve month period beginning on the first day of the month following the date of employment and then again during the standard measurement period. The initial measurement period and the standard measurement period will be applied to variable hour employees regardless of any break in service they may experience during the periods.

Allowable hours for all new, variable hour employees will be less than 1,560 hours in a twelve month calendar year. If a break in service occurs, the Palos Verdes Library District will calculate the average hours worked by imputing hours of service for the special unpaid leave/break period at a rate equal to average weekly hours of service.

If a part-time employee works more than the allowable number of hours, the Palos Verdes Library District will offer medical coverage to the employee and the employee’s qualified dependent children according to the current Palos Verdes Library District health benefits Appendix B in the Represented and the Non-Represented Management and Confidential Personnel Manuals.

If an ongoing employee's employment status changes before the end of a stability period, the change in status will not affect the employee's status for the remaining stability period.

If a new employee's status changes from part-time to a full-time during the standard measurement period, but not during the initial measurement period, the employee will be treated as full-time for the stability period associated with the standard measurement period.

**PROCEDURE AND GUIDELINE:**

Human Resources are responsible for providing supervisors with automated reports summarizing part-time hours worked. Human Resources are also responsible for providing Employer Notifications to inform employees as required by the Department of Labor and in compliance with IRS Reporting requirements.

Supervisors are responsible for ensuring part-time employees do not exceed the allowable number of hours worked.

The Palos Verdes Library District may amend this policy including, but not limited to, the measurement periods, administrative period and the stability period.

*This page intentionally left blank*