

REPORT TO CITY COUNCIL

DATE: MAY 26, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: CHRISTY PINUELAS, DIRECTOR OF FINANCE
CELESTE BIRD, ADMINISTRATIVE ANALYST

SUBJECT: ADOPT RESOLUTION NO. 21-1974; AMENDING THE EMPLOYEE HANDBOOK

Annually, the Employee Handbook is reviewed to assure its compliance with current federal and state legislation. In addition to providing clarification, amendments also account for updates in the City's workforce and operations. Below is a list of the proposed amendments.

Personnel Rules

1. Rule VI Leaves: Clarifies when vacation accrues during leaves of absence. Department heads are added as individuals who can approve vacation leave. Clarification regarding the utilization of sick leave benefits and holiday pay during a medical leave of absence.
2. Rule VII Workers' Compensation: The addition of Section 3 - Salary Continuation. The City will pay one week of salary for a job related injury that prevents an employee from returning to work for one day or more.
3. Rule XIII Miscellaneous Procedures: Includes "email" as method by which a written notification can be delivered. A new section is added; Section 8 – Special Assignment Pay. This section provides for additional compensation to employees who are acting in an out-of-classification capacity, in addition to performing their regular duties.

Employee Dress Code Policy

The City has developed a comprehensive Employee Dress Code Policy to replace the Friday Dress Code Policy. The new Policy provides information regarding dress code and grooming as it applies to both business attire and Friday casual dress.

The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

It is respectfully recommended the City Council approve Resolution No. 21-1974, amending the Employee Handbook.

Attachments: Resolution No. 21-1974

Exhibit A, Personnel Rules Redline

Exhibit B, Employee Dress Code Policy, Friday Dress Code Policy

RESOLUTION NO. 21-1974

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE EMPLOYEE HANDBOOK AS AMENDED

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. The City Council of the City of Agoura Hills hereby approves the Employee Handbook as amended in Exhibit A, Personnel Rules, and Exhibit B, Employee Dress Code Policy which repeals the Friday Dress Code Policy. The effective date of these amendments will be May 26, 2021.

PASSED, APPROVED, AND ADOPTED this 26th of May 2021, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

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EXHIBIT A

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RULE VI

LEAVES

SECTION 3 - VACATION LEAVE:

(A) Effective July 1, 1995, regular full-time employees are entitled to the following paid vacations. No vacation accrues during an unpaid leave of absence or while on disability salary continuation **unless the employee coordinates disability salary continuation with accrued benefits.** Vacation accruals recommence when the employee returns to work. Regular three-quarter employees will accrue vacation at a rate of 75% of the rate applicable to regular full-time employees.

<u>Length of Continuous Employment</u>	<u>Hours of Vacation</u>
1 through 5 years	80 per year
6 through 10 years	120 per year
11 years and more	160 per year

(B) An employee shall be entitled to take such leave upon one (1) year's continuous employment as a regular full-time employee or regular three-quarter employee.. However, upon successful completion of the first six (6) months of continuous employment, and written approval of the City Manager, an eligible employee may utilize accrued vacation time.

(C) Vacation time may be accumulated to a maximum of two hundred (200) hours, except that employees designated as management employees may accumulate to a maximum of four hundred (400) hours. Employees designated as regular three-quarter employees may accumulate 75% of the maximum hours applicable to regular full-time employees or management employees, whichever applies. Once an employee reaches the maximum vacation leave accrual,

the employee shall cease to accrue any further vacation leave until the amount of accumulated leave falls below the maximum.

1) Pursuant to the provisions and limitations set forth below, a regular full-time employee may convert twenty (20) hours of accumulated vacation to a cash equivalent. A regular three-quarter employee may convert fifteen (15) hours of accumulated vacation to cash equivalent.

2) At the time the employees exercises the option to convert twenty (20) vacation hours to an equivalent amount of cash, the employee must have at least one hundred and forty (140) hours of vacation leave remaining for immediate use following the conversion. At the time a regular three-quarter employee exercises the option to convert fifteen (15) hours of accumulated vacation to a cash equivalent, the regular three-quarter employee must have at least one hundred and five (105) hours of vacation leave remaining for immediate use following the conversion.

3) The option to convert vacation hours to an equivalent amount of cash may be exercised only once during any calendar year.

4) The regular full-time or three-quarter employee must exercise the option in writing to the City Manager at least two (2) weeks prior to the date the employee desires to exercise the option.

5) Payment for the conversion of twenty (20) hours vacation leave for a regular full-time employee, and fifteen (15) hours vacation leave for a regular three-quarter employee into an equivalent amount of cash shall be included in the employee's pay check on the payday for the next pay period after the option is exercised and approved by the City Manager. If the employee leaves City employment after electing the option to convert

vacation hours, but before receipt of the equivalent amount of cash, Section 2(g) of this rule shall apply.

(E) The scheduling of vacation must be approved by a department head or the City Manager. Regular full-time and three-quarter employees shall submit a written request to schedule vacation leave to their department head or the City Manager at least two (2) weeks prior to the desired date.

(F) Regular full-time and three-quarter employees shall not be granted, and accordingly are not entitled to take annual leave in advance of its accrual.

(G) Upon discharge or termination of employment, regular full-time employees and regular three-quarter employees shall be paid accrued vacation leave (not to exceed the maximum accrual provided above).

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RULE VI

LEAVES

SECTION 8 - MEDICAL LEAVE OF ABSENCE: Upon written request, a regular employee who is temporarily disabled and unable to work due to a medical condition will be granted a leave of absence without pay for each incident of disability in accordance with the provisions set forth below. The term "medical condition" as used herein includes pregnancy, childbirth, bonding, and other medical conditions. As soon as the employee becomes aware of the need for a medical leave of absence he/she must prepare a written leave of absence request, and return it to the Personnel Director. The request must set forth the reason the leave is requested, the anticipated dates the leave will begin and end, and shall include a written statement from the employee's physician or other licensed health care practitioner confirming the nature and length of the disability, and the anticipated date the employee will be able to return to work.

During the leave, the regular employee shall advise the City's personnel department in writing at least every fourteen (14) calendar days as to the employee's status, expected date of return, and continued desire to return to work upon expiration of the leave. The regular employee's failure to so advise the City's personnel department in writing, may be considered as the regular employee's statement that he/she does not desire to return to the City's employ upon expiration of the leave.

The City reserves the right to have its physician examine the person prior to the person returning to work.

A regular employee granted a medical leave of absence will utilize any accrued sick leave benefits and thereafter accrued vacation leave, management leave or compensatory time benefits

during the period of the leave. Any portion of a leave that occurs after all sick and other leave benefits are exhausted shall be without pay. Vacation, sick leave benefits and any other benefits tied to length of service will not accrue during the un-paid leave period. Regular employees on an un-paid leave of absence for any reason are ineligible for holiday benefits for holidays that are observed, during the period they are on an un-paid leave of absence. Receipt of payments pursuant to any disability plan, workers compensation plan, retirement plan or similar plan shall not affect leave without pay status nor convert leave without pay status to paid.

Deleted: Should a paid holiday fall during the leave period, the regular employee will not receive holiday pay.

A regular employee on a medical leave of absence for 30 calendar days or less shall be reinstated to his/her former position. Subject to applicable legal restrictions, upon conclusion of a medical leave of absence in excess of thirty (30) calendar days, the person will be reinstated to his or her former position if that position is available. If the person's former position is not available, the City will make reasonable efforts to place the person in a comparable position for which he/she is qualified. If the person's former position is not available, the City will offer the person the first available opening in a comparable position for which he/she is qualified. A regular employee who does not accept the position offered will be considered to have voluntarily terminated his/her employment.

The City will continue coverage, including employer contributions, under its group health plan (including medical, dental and vision), group disability plan(s), accidental death and dismemberment (AD&D) plan and life insurance plan at the level and under the conditions coverage that would have been provided if the regular employee had continued in employment continuously during any unpaid medical leave of absence. Except as otherwise required by law, such coverage shall be limited to not more than ninety (90) days in any rolling twelve month period. Upon expiration of such ninety (90) days of unpaid leave, the employee is responsible to pay the

entire cost of the health, dental, vision, disability, AD&D and life insurance premiums except as otherwise required by law. The regular employee must make written arrangements with the payroll department to pay for the costs of such coverage. No other benefits will accrue during any period of unpaid leave.

Not less than seven (7) calendar days prior to expiration of a medical leave of absence, the regular employee must submit a physician's statement certifying that the employee is able to return to work and the date that the employee desires to return. If the person accepts other employment or fails to return to work the first day following the expiration of the leave, the employee shall be considered to have voluntarily terminated his/her employment.

The provisions of this policy shall be interpreted and applied in accordance with applicable California and federal law. In this regard and for all leaves involving the California Family Rights Act (CFRA) and the Family Medical Leave Act (FMLA), the 12 month period in which the 12 weeks of entitlement occurs shall be applied on the basis of a rolling twelve month period measured backward from the date the regular employee's leave commences. Regular employees must otherwise meet all of the eligibility and minimum requirements of applicable law and these Rules to be eligible for any legally required leave. If applicable state or federal law is found to conflict with these Rules, the employee shall be entitled to leave in accordance with the law.

SECTION 9 - HOLIDAY PAY:

(A) Subject to the restrictions described below, regular employees (with the exception of temporary and regular part-time employees) will be paid in accordance with their regularly scheduled hours for the holidays listed below.

- 1) New Year's Day, January 1st;
- 2) Martin Luther King Jr's Birthday, the third Monday in January;

- 3) President's Day, the third Monday in February;
- 4) Memorial Day, the last Monday in May;
- 5) Independence Day, July 4;
- 6) Labor Day, the first Monday in September;
- 7) Veterans Day, November 11;
- 8) Thanksgiving Day, the fourth Thursday in November;
- 9) Friday after Thanksgiving Day;
- 10) Christmas Eve, December 24;
- 11) Christmas Day, December 25;
- 12) New Year's Eve, December 31;

(B) If December 24th or December 31st fall on a Saturday or Sunday, the Friday before is the observed holiday.

(C) If July 4th, or November 11th falls on a Saturday or Sunday, the Federal holiday will be observed. If January 1st or December 25th fall on a Saturday, then holiday hours will be accrued. If January 1st or December 25th fall on a Sunday, then the Federal holiday will be observed. When such holidays fall on any other day, the day the holiday is observed shall be designated in writing by the City Manager.

(D) In order to be eligible for holiday pay, a non-exempt regular employee must work the last scheduled workday before and the first scheduled workday after the holiday, unless the regular employee is: (i) taking approved vacation leave, management leave, administrative leave or compensatory time off; (ii) receiving regular wages while on jury duty or; (iii) is on paid sick leave and, at the discretion of the City Manager, the City Manager approves holiday pay.

(E) If a holiday falls during an employee's approved vacation period, the employee will

be paid their normal pay rate for their normal work schedule. The employee will not be charged vacation leave for this time.

(F) Regular employees on an un-paid leave of absence for any reason are ineligible for holiday benefits for holidays that are observed, during the period they are on an un-paid leave of absence.

(G) Non-exempt regular employees who work on a holiday shall receive holiday pay as defined in Rule VI, Section 9 (A), and will be paid their regular hourly rate of pay for all hours worked.

(H) If a holiday falls on a day that a regular employee is normally scheduled to be off, the regular employee will be credited with their normal rate of pay. This compensatory holiday time will be accumulated to a maximum of (thirty) 30 hours. Once a regular employee reaches the maximum compensatory holiday time accrual, the regular employee shall cease to accrue any further compensatory holiday time, until the amount of accumulated leave falls below the maximum. Regular employees are strongly encouraged to use holiday compensatory time within one (1) pay period in which it was accrued. Holiday compensatory time off is compensable (may be cashed out) at the time of termination of employment (in good standing) with the City but may not be converted to vacation, sick leave, or other forms of compensatory time off.

(I) If a holiday falls on a day that is a management designated or exempt regular employee is normally scheduled to be off, the management designated or exempt employee will be credited with their normal rate of pay. This compensatory holiday time off must be used as time off within the current fiscal year (July 1 – June 30) or unused holiday compensatory time will return to a zero balance on July 1 of the new fiscal year. Holiday compensatory time off is compensable (may be cashed out) at the time of termination of employment (in good standing) with the City but

may not be converted for vacation, sick leave, or other forms of compensatory time off.

RULE VII
WORKERS' COMPENSATION
AND UNEMPLOYMENT INSURANCE

SECTION 1 – WORKERS' COMPENSATION AND UNEMPLOYMENT INSURANCE:

The City provides Workers' Compensation and Unemployment Insurance to all employees in accordance with California Law. Volunteers shall be eligible for Workers' Compensation coverage.

SECTION 2 - ON-THE-JOB ACCIDENTS: All injuries suffered during working hours must be reported, in writing, immediately. Unless there is an emergency, a referral slip must be obtained from the City Manager or designee before visiting a doctor. Upon returning to work from all on-the-job injuries, an employee must have an approval slip signed by the attending doctor.

SECTION 3 – SALARY CONTINUATION: In the event of a job related injury where an employee must remain off work for one day or more, the City will pay the first week of salary continuation for the injured employee. This salary continuation includes the three (3) day waiting period, required by Workers' Compensation.

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RULE XIII

MISCELLANEOUS PROCEDURES

SECTION 8 – SPECIAL ASSIGNMENT PAY: If an employee is required to assume a portion of the duties of a higher level position in addition to his/her own duties, thereby acting in an out-of-classification capacity, the City Manager or his/her designee may approve Special Assignment Pay (SAP). SAP may be provided as a percentage up to seven and one half percent (7.5%) on top of the employee's current salary and does not place the employee into a new position, but gives them additional compensation for the duration of the special assignment.

(A) SAP assignments shall be assessed no less than every six (6) months, with service in the capacity lasting a maximum of twelve (12) months. Time served during an SAP assignment may be extended and may be credited to a probationary period when applicable, upon recommendation of the Department Head and approval by the City Manager or his/her designee.

(B) An employee working in an out-of-classification capacity may be removed without cause from that capacity at any time at the sole discretion of the City Manager and return to their existing classification. Such removal shall not be considered disciplinary and is not subject to due process or appeal rights.

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RULE XVI

PART-TIME EMPLOYEES

SECTION 1 - TEMPORARY PART-TIME EMPLOYEES

(A) Definition: Temporary part-time employees may be hired on a seasonal basis and are limited to working less than twenty (20) hours a week in any continuous 26-week period and less than one thousand (1000) hours in a fiscal year (July 1 to June 30). All part-time employees are temporary part-time employees, except those who meet the requirements of regular part-time employees or regular three-quarter employees. Temporary part-time employees have no expectation or guarantee of a minimum number of hours of work, or of any work at all during a given period of time.

Deleted: or five hundred twenty (520) hours

(B) Performance evaluation and merit review eligibility: Temporary part-time employees do not have a probationary period, anniversary date or regularly scheduled performance evaluations or merit reviews and they are not eligible for retirement, insurance or leave benefits except as otherwise required by law.

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EMPLOYEE DRESS CODE POLICY

I PURPOSE

To promote a consistent and professional standard of dress among City employees that is appropriate to the job and worksite.

II GENERAL GUIDELINES FOR ALL CITY EMPLOYEES

The City strives to observe a high degree of professionalism with the general public and its numerous visitors. The manner of dress and appearance of employees projects the City's image to the public. Accordingly, the following general guidelines apply to all employees:

- A.** Practice good hygiene and arrive at work clean, well-groomed and without overpowering fragrances.
- B.** All clothing must be neat, clean, and in good business taste and must not constitute a safety hazard or hinder the performance of assigned job duties.
- C.** Hair must be clean and neat. If hair is colored, it must be a color that is a natural appearing hair color (i.e., not green, blue, purple, pink, etc.).
- D.** Clothing must cover up offensive tattoos. The term "offensive" may include, but is not limited to, words or pictures that are: sexual in nature; promoting a viewpoint that, if expressed verbally in the workplace, would violate the City's anti-discrimination or anti-harassment policy; promoting, inciting, or referencing violence or physical harm; or that a reasonable person would consider to be offensive or inappropriate for the workplace. The City Manager may determine, in his or her sole discretion, whether a reasonable person would consider a specific tattoo to be offensive or inappropriate for the workplace.
- E.** Employee apparel and grooming, including jewelry and hats, should not distract from, or interfere with, the performance of work duties or constitute a safety hazard.
- F.** The wearing of any jewelry should be evaluated against the possible safety hazard and the possibility of such items being lost, damaged, or causing injury during the course of duty.

- G. Pierced and clip-on earrings are permitted; however, no visible type of jewelry, "piercings" through the nose, tongue, or other body parts may be worn while on duty.
- H. A professional image must be projected to the public while wearing City jackets, shirts or uniforms with the City logo or name (whether on or off duty).

III. OFFICE DRESS

Employees are expected to dress in an appropriate manner that is normally expected in similar business establishments. Appropriate office apparel includes, but is not limited to, the following: collared, button front shirts, sweaters, blouses, cardigan sets, pants or slacks; below-the-knee polished capri pants, ankle and cropped pants; dresses or skirts lower than mid-thigh in length. Closed-toe shoes, except those listed as extreme wear below. Jewelry may be worn in accordance with the General Guidelines.

IV. CASUAL DRESS

Casual clothing may be worn on Fridays, and on other days designated as casual dress days by the City Manager. Casual clothing requires the same attention to detail as formal office apparel, and employees are required to look neat and professional. Casual dress includes: polo shirts with appropriate pants or skirts, sweaters, and clothing made of denim fabric; casual clothing must not have holes or be frayed; shoe requirements for casual dress are the same as for office apparel, with the exception that athletic shoes may be worn on Fridays and other designated casual dress days, if such shoes do not have holes. Upon the approval of an employee's Department Director, casual dress may be worn on a day other than Friday or a designated casual dress day, if an employee has been assigned a task that requires him/her to perform a manual activity or be out in the field.

V. FIELD WORK DRESS AND RECREATION STAFF DRESS

For employees who do not have uniforms provided by the City, casual apparel may be worn for field work and for City activities and events, when approved by the employee's department head. Full-length pants and closed-toe shoes are required to be worn for field work. For safety reasons, jewelry worn by field staff must be more restricted than jewelry worn by office staff. Earrings that do not dangle may be worn.

VI. EXTREME WEAR NOT PERMITTED

Extreme wear is clothing that employees are not permitted to wear in the workplace. Extreme wear includes, but is not limited to: pants that are old (for example, visibly worn, frayed and/or unevenly faded), low-riding, baggy, and/or ripped; sweat pants; leggings; track suits; overalls; and shorts; all T-shirts and shirts with advertisements or words other than official City logo or a small manufacturer logo. Dresses and skirts shorter than mid-thigh; tops or dresses

which are strapless, low cut, sheer mesh, cropped, halter, backless camisole or have spaghetti straps not covered by a jacket or sweater, and other clothing that exposes an employee's torso or underwear. Tank or muscle tops unless covered by another article of clothing such as a sweater or jacket. Footwear such as opened toe shoes, shoes with holes and flip flops. Athletic shoes may be worn on designated casual days as stated above.

VII. VIOLATIONS

Employees may seek clarification of this Section, and particular items of clothing or accessories, and may address those questions to their Department Director or Human Resources. Employees who report to work inappropriately groomed or dressed in violation of this section may be asked to leave work and change into acceptable apparel, in these situations, employees may use accrued leave time if available.

VIII. APPLICATION & EXCEPTIONS

This Section will be applied in a manner that does not unlawfully discriminate on the basis of sex, gender, gender identity and gender expression. Also, it will be applied in a manner that does not unlawfully discriminate on the basis of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, as defined by law. As provided below, the City will also consider modification or reasonable accommodation within the requirements of the law, including religious and disability accommodation.

The employee's Department Director or the City Manager may grant exceptions to this Section when the application this Section would infringe on an employee's gender identity, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law.

IX. ACCOMMODATION

If an employee requires consideration for a modification or reasonable accommodation regarding the work dress guidelines described in this guideline, a request for accommodation, including the reason(s) for the request, must be made to the Assistant City Manager. A copy of any written request or related material is to be provided to the City Manager. Depending on the nature and circumstances of the request, an employee may be required to provide a written confirmation, documentation or certification, if not provided as part of the initial request.

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FRIDAY DRESS CODE POLICY (Repealed 5/2021)

I. PURPOSE

This policy establishes procedures regarding the approved standard of casual dress for Friday work days, while still maintaining a clean, neat, professional appearance.

II. AUTHORITY

This has been approved by the City for use regarding the approved standard of dress for city employees working on Fridays. The City Manager has the authority to repeal the Friday dress code policy if compliance becomes a problem.

III. ASSIGNMENT OF RESPONSIBILITY

Department Directors or their designee shall be responsible for maintaining compliance to the Friday Dress Code Policy within their own department.

IV. GENERAL GUIDELINES

- A. No see-through tops unless covering a tank or camisole. No midriff showing. Collared shirts and t-shirts should not be excessively faded, torn, stretched out or excess long. Shirts should not have inappropriate logo's insignia, pictures (alcohol, sex, gang, drugs etc.) No sports jerseys. No flip flops or tennis shoes. Jeans shall not have holes, tears, patches, stains etc. No extreme styles i.e. long chains, baggy pants, low rides that show under garments or skin, when bending over, stooping to open file drawers or reaching overhead.
- B. In the event that an employee is required to attend a meeting outside City Hall, that employee is expected to dress in the same business attire that he/she would on business days other than Friday.

V. ACKNOWLEDGEMENT

Upon receipt of this policy, each employee shall sign a form acknowledging that he/she is aware of this policy and agrees to comply with the standards set forth in this policy.