PALOS VERDES ESTATES POLICE DEPARTMENT

POLICY MANUAL

SECTION 12

PERSONNEL

Revised 5/97

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12.0 PURPOSE
The purpose of this order is to establish an accurate timekeeping system; to establish and define this Department's policies relating to performance appraisals; to establish and define the policies of this Department concerning the maintenance procedures, file access, entry of material, and confidentiality of personnel files.

12.1 TIME CARDS
It shall be the responsibility of each employee to complete his time card in pencil the first week of the pay period, or as soon as practical. Periodic updating of the time card may be necessary. These updates and corrections shall be made promptly. Time cards shall be completed neatly, accurately, and thoroughly. These cards will be kept at an accessible location. Refer to sample included in this section.

12.2 PAYROLL - TIMEKEEPING
The deviation from regularly scheduled duty shall be considered one of the following exception:

A. OVERTIME
   1. Anytime an employee is required to work more hours than his regularly scheduled duty time, the employee may receive overtime compensation. Overtime shall be accrued as described in the current memorandum of understanding governing such issues.
   2. An employee may be ordered to work overtime to maintain the public safety or the efficient operation of the department. An employee may not refuse such an order, unless ordered to work a double shift; that is two consecutive 12 hour shifts. Employees may not work a double shift without authorization from the Chief of Police.
   3. Overtime compensation may be paid for all mandatory meetings and training sessions on the particular employee's day off. However, unless authorized by the Chief of Police, employees will not receive overtime pay for training or meetings which are elective.
   4. Overtime pay will be recorded and submitted on a "Request for extra duty pay or compensatory time" form. It is the employee's responsibility to insure that the form is filled out properly, signed by his immediate supervisor and submitted with his time card. Refer to sample attached.

B. COMPENSATORY TIME
   1. An employee who is eligible to receive overtime pay, may opt instead to receive compensatory time off. This is at the
discretion of the employee. Compensatory time shall be accrued in accordance with the current memorandum of understanding and shall not exceed 80 hours.

2. Any employee desirous to receive compensatory time shall complete the "Request for extra duty pay or compensatory time" form. It is the employee's responsibility to ensure the form is filled out properly, signed by his immediate supervisor, and submitted with his time card. Refer to sample attached.

C. ADMINISTRATIVE LEAVE
Administrative leave is only available to the ranks of Lieutenant and above, and at the discretion of the Chief of Police. Administrative leave shall be in accordance with the policies set forth by the City of Palos Verdes Estates.

D. BEREAVEMENT LEAVE
Bereavement leave is available and shall not exceed forty (40) hours per calendar year. If this time exceeds 24 hours per year, the remainder will be deducted from the employee's accumulated sick leave. Bereavement leave is only available upon the death of an immediate family member. An immediate family member is defined, for use in this order, as follows:
1. SPOUSE
2. CHILD OR STEP-CHILD
3. PARENT OR STEP-PARENT
4. SIBLING
5. GRANDPARENT

E. DIABILITY LEAVE
Disability leave is available if an employee is injured or becomes ill as a result of his employment and is determined as such by state law. Specific procedures and information regarding this coverage is available from the office of the Chief of Police or City Manager. Refer to section 5.3 regarding worker's compensation reimbursement.

F. MILITARY LEAVE
Military leave with pay shall be granted in accordance with the Military and Veteran's Code. Employees requesting such a leave shall submit a memo to the Chief of Police seeking permission. This shall be done at the soonest possible date.

G. SICK LEAVE
Sick leave shall be accrued in the manner and rate specified in the
current memorandum of understanding. An employee who is ill shall notify the appropriate departmental supervisor of his intention to be absent at least 3 hours prior to his scheduled shift. This shall be done whenever possible. Upon the employee's return to work, he shall complete a "report of absence from duty due to illness " form and submit it with his time card: Refer to sample. An officer who is absent from duty due to an injury or illness for any extended period of time may be required by the Chief of Police to submit a doctor's release.

H. SHIFT EXCHANGE
Shift exchanges are available at the discretion of the Chief of Police under the following conditions:
1. Both employees agree to the exchange
2. The exchange does not involve a double shift by either employee
3. A "request to exchange work day" form has been completed and approved prior to the date of effect.
4. The employees assume the responsibility of keeping their own records to assure a satisfactory exchange.

I. VACATION/HOLIDAY LEAVE
Vacation and Holiday time will be accrued in the amount and manner described in the current memorandum of understanding. The rules governing its use are described in section 4 of this order. Employees shall complete an "Application for leave" form whenever they take time off for vacation or holiday. This form is to be placed with the employee's time card. Requests for vacation time off must be made at least one week in advance.

12.3 REST BREAKS AND DOUBLE SHIFTS
Recognizing the necessity of proper rest and nutrition, the following general rules will apply:
A. Double shifts, that is two consecutive 12 hour shifts, shall not be allowed for personnel assigned to patrol except as authorized by the Chief of Police or Captain.
B. Three fifteen minute breaks will be authorized for each twelve hour shift in addition to a thirty minute lunch break.
C. Two fifteen minute breaks will be authorized for each eight or nine or ten hour shift in addition to a thirty minute lunch break.

Due to the unique and sometimes abnormal working conditions of police
work, these rest breaks are at the discretion of the Watch Commander. The accumulation of these breaks to lengthen a lunch break or to shorten a shift is not permitted. And, if any or all of these breaks are missed, overtime shall not be authorized.

12.4 PERFORMANCE APPRAISALS
Performance appraisals are to be written on a timely basis for the constructive review of employees by their supervisors in order to improve departmental effectiveness.

A. SCHEDULE OF EVALUATIONS
1. Annual
   Personnel who are not on probation and level I reserves shall be evaluated annually on or about their date of hire.

2. Semi-Annual
   Patrol officers will be evaluated semi-annually. Personnel who are on probation due to promotion or a recently hired lateral entry employee hired above step A and level II reserves will be evaluated every six months. This will commence six months from the date of hire or promotion.

3. Quarterly
   Probationary employees who are below step A shall be evaluated every three months, beginning the third month anniversary of their date of hire.

4. Special Evaluations
   A special evaluation may be submitted on a probationary employee at the discretion of the Chief of Police. These evaluations will generally be at the recommendation of the probationer's training officer or supervisor.
   A special evaluation may be required by the Chief of Police for any employee who has received an overall "unsatisfactory" or "Improvement Needed" evaluation. In such a case, the employee shall be evaluated bi-monthly for a period of six months. If no progress has been seen, this evaluation may be extended at the discretion of the Chief of Police.

B. EVALUATORS
1. The Chief of Police is responsible for the evaluation of the administrative secretary, and division commanders and will review and approve all other evaluations written under his command.
2. The division commanders shall be responsible for the
evaluation of the supervisors within their respective divisions.

3. Supervisors shall be responsible for the evaluation of the employees within their supervision.

C. DISTRIBUTION

All performance evaluations shall be shown to the employee about whom it was written. The employee will have the opportunity to discuss his evaluation with a superior. The employee will then sign the evaluation and receive a copy. The original will be placed into the employee's personnel file.

12.5 EMPLOYEE PERSONNEL FILES

Employee’s personnel files will be maintained for each member of this department. The maintenance of a centralized file relative to the activities and achievements of a police employee can be invaluable to both the department and the individual employee. A full and honest record of the employee’s activities and qualifications is the objective of the employee personnel file.

A. ACCESS AND CONFIDENTIALITY

Police officer personnel records and records maintained pursuant to Penal Code Section 832.5 (citizen's complaints) or information obtained from such records are confidential. They shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to section 1034 of the Evidence Code. This shall not apply to investigations or proceedings concerning the conduct of police officers for a police agency conducted by a grand jury or a district attorney’s office.

1. Employees shall be allowed access to their personnel file under the supervision of an employee appointed by the Chief of Police.

2. Access to an employee’s background investigation medical records and pre-employment records will be strictly limited to the Chief of Police. Access may be granted to a division commander only if conditions warrant and only by authorization from the Chief of Police.

3. The Chief of Police may authorize copies of relevant and necessary parts of personnel files to be made and released to the employee, division commander, or individual designated by the Chief of Police.

4. Supervisors of an employee assigned the task of evaluating that employee may request access to relevant material.
contained in that employee's personnel file. The Chief of Police may approve or disapprove such a request.

B. CONTENT
An employee's personnel file will contain the following:
1. As Defined in Penal Code Section 832.8
   a. Personal data, including marital status, family members educational and employment history, or similar information
   b. Medical history
   c. Election of employment benefits
   d. Employees' advancement, appraisal, or discipline
   e. Complaints, or investigations of complaints, concerning an event or transaction in which he participated, or which he perceived, and pertaining to the manner in which he performed his duties, or;
   f. Any other information, the disclosure of which would constitute an unwarranted invasion of privacy.

2. Pertinent Information
   The Chief of Police shall evaluate whether articles submitted should be included in an employee's personnel file.

3. Petition for Removal or Addition of Documentation
   Documents placed into an employee's personal file may be challenged by that employee. An employee may request to enter his view of the particular incident or condition, or to have a particular document removed. This request shall be made in writing to the Chief of Police. The Chief of Police may elect to meet with the employee if further clarification or discussion is needed. The Chief will decide whether or not the request will be granted.

4. Rebuttal to Evaluation
   After receiving a performance evaluation, the employee will have 30 calendar days in which to submit a written rebuttal or response. This rebuttal shall be placed into the employees personnel file along with the evaluation.

C. PROCEDURES AND REGULATIONS FOR HANDLING DISCOVERY OF POLICE FILE MOTIONS
1. Evidence Code 1043
   In any case in which discovery or disclosure is sought of a peace officer's personnel records or records maintained pursuant to Penal Code Section 832.5, or information from such records, the party seeking such discovery or disclosure shall file a written motion with the appropriate court or
administrative body. Upon receiving such motion the governmental agency which has custody and control of such records shall have 10 days in which to respond. Upon receipt of such notice the governmental agency served shall immediately notify the individual whose records are sought.

2. Included in Motion
   Such motions shall include:
   a. Identification of the proceeding in which discovery disclosure is sought, the governmental agency which has custody of such records, and the time and place at which the motion is to be heard
   b. A description of the type of records or information sought
   c. Affidavits showing good cause for the discovery sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that such governmental agency identified has such records or information from such reports.
   No hearing upon a motion for discovery or disclosure shall be held without full compliance with the notice provisions of this section except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of such hearing by the governmental agency identified as having such records.

3. Receiving Motion
   The receiving party shall forward the "Motion for Discovery" request, often referred to as a "Pitchess Motion," to the Chief of Police or his designate. The following steps shall be taken:
   a. A visual review will be made of the officer's jacket seeking information regarding any disciplinary action: number of actions, dates, types, and dispositions.
   b. A telephone notification will be made to the City Attorney's office advising them of the motion, the nature of the allegations, along with a brief verbal report of the contents of the personnel jacket and the number of dispositions of any citizen's complaints.
   c. A copy of the motion will be mailed to the City
Attorney designated to the case.

d. A letter will be forwarded to each involved officer specifying the date and time of the hearing.
e. The Chief of Police or his designate will appear at the time and date and Division specified in the motion. A representative of the City Attorney's office may attend the hearing if needed.