

RESOLUTION R13-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA REVISING THE "PERSONNEL RULES" WHICH SET FORTH RULES AND REGULATIONS OF EMPLOYMENT WITHIN THE PALOS VERDES ESTATES CITY SERVICE

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. Amendments.

The Personnel Rules adopted and approved by the City Council and dated October 11, 2011, are hereby amended as follows:

A. The first paragraph of RULE XII, Section 2 is amended to read as follows:

Sec. 2. Pregnancy Leave. An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months per pregnancy.

At the end of the employee's period(s) of pregnancy disability, or at the end of four months of pregnancy disability leave, whichever occurs first, a California Family Rights Act-eligible employee may request to take CFRA leave of up to 12 workweeks for reason of birth of her child, if the child has been born by this date. There is no requirement that either the employee or child have a serious health condition in order for the employee to take CFRA leave for the birth of her child. There is also no requirement that the employee no longer be disabled by her pregnancy before taking CFRA leave for the birth of her child.

B. Subparagraph (d)(2) of Section 2 of RULE XII is amended to read as follows:

- (2) If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position. The employer will provide the employee notification of available positions that the employee is qualified for within 60 calendar days.

C. Subparagraph (d)(4) of section 2 of RULE XII is amended to read as follows:

- (4) An employee who fails to return to work after the termination of her leave loses her reinstatement rights, unless the employee decides to take additional time under California Family Rights Act, which does not run concurrent with Pregnancy Disability Leave.

D. The first paragraph of RULE XIV, Section 6 is amended to read as follows:

Sec. 6. Appeal Process. Regular, not at-will, employees may appeal the imposition of discipline by filing a written request for appeal with the City Manager. This written request must be presented to the City Manager within ten (10) days following service of the notice of discipline. Failure to appeal by the employee or his or her representative within ten (10) working days will make the disciplinary action final and conclusive.

E. Subparagraphs (a) of section 1 of RULE XVI is amended to read as follows:

(a) Policy. The City is committed to providing a work environment free of discrimination, harassment and retaliation. The City's philosophy is that every employee has the right to work in a safe and supportive environment and is to be treated with courtesy, dignity and respect. Every City employee, official, officer, independent contractor, agent and nonemployee who have contact with City employees is expected to adhere to a standard of conduct that is respectful to all persons within the work environment. The City strictly prohibits discrimination and harassment on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, sexual identity, pregnancy, perceived pregnancy, childbirth, pregnancy or childbirth related medical conditions, veteran status, or any other legally protected category. The City also prohibits retaliation against any individual for making a complaint of discrimination and/or harassment or for participating in an investigation or disciplinary action involving such a complaint. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, training opportunities and compensation. This Policy further applies to all employees, including but not limited to, City employees, officials, officers, independent contractors, agents and nonemployees who have contact with employees during work hours or City premises. It is the responsibility of each and every City employee, official, officer, independent contractor, agent and nonemployee who has contact with City employees to report discrimination, harassment and retaliation.

F. Subparagraphs (g) and (h) of section 8 of RULE XXI are amended to read as follows:

(g) With the exception of sworn police, should an employee using a privately owned vehicle on City business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

(h) Sworn police operating their privately owned vehicles at the direction of the City in the performance of their duties must report the accident to their private

automobile insurer, but the City shall be considered the owner of the vehicle for the purpose of liability and defense of the claim. If it is later determined that the City did not direct or request the employee to sue their private vehicle when the loss occurred, the City and employee will provide notice to the insurance company so the City may be reimbursed.

G. Subparagraph (a) of Section 10 of RULE XXI is amended to add a sentence at the end of that subparagraph and to read in its entirety as follows:

(a) The City shall enroll employees that operate City owned or privately owned vehicles on City business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the City. The Personnel Officer maintains a list of violation point counts.

H. Subparagraph (c) of Section 10 of RULE XXI is amended to delete the last sentence of that subparagraph so that it reads in its entirety as follows:

(c) Employees accumulating four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have City driving privileges suspended.

I. Subparagraph (k) of Section 10 of RULE XXI is deleted and repealed.

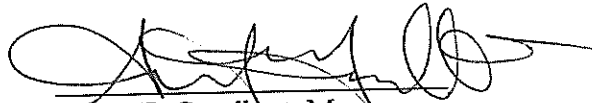
SECTION 2. Limited Amendment.

All provisions of the Personnel Rules dated October 11, 2011, not affected by the revisions approved and adopted by this Resolution remain in full force and effect.

SECTION 3.

The City Clerk's Department shall certify to the passage and adoption of Resolution 13-24 and enter it into the book of original resolutions. The City Clerk shall further maintain a revised copy of the Personnel Rules consistent with this Resolution and note in the footer of every page of the revised document the following: Adopted October 11, 2011 rev. July 23, 2013.

PASSED, APPROVED AND ADOPTED on this 23rd day of July, 2013.

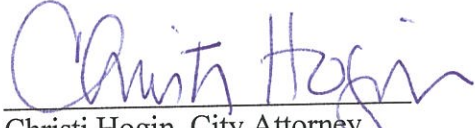


James F. Goodhart, Mayor

ATTEST:


Vickie Kroneberger, Deputy City Clerk

APPROVED AS TO FORM:


Christi Hogin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)


I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R13-24** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 23rd day of July, 2013, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, Perkins, Humphrey, Rea, Bird

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Vickie Kroneberger,
Executive Assistant/Deputy City Clerk