

## **LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY**

### **REGULAR MEETING AGENDA**

**Wednesday, June 11, 2025  
8:15 a.m.**

**County Administrative North (CAN)  
First Floor Multipurpose Room 101**

**400 W. Civic Center Drive, Santa Ana, CA 92701**

**Members of the public may access the audio/video live-streamed meeting at**

**<https://youtube.com/live/zflox-aqZ5w?feature=share>**

***Any member of the public may request to speak on any agenda item at the time the  
Commission is considering the item.***

**1. CALL THE MEETING TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION**

**(Communications received after agenda distribution for agendized items.)**

**5. PUBLIC COMMENT**

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

**6. CONSENT CALENDAR**

**a.) May 14, 2025 – Regular Commission Meeting Minutes**

The Commission will consider approval of the May 14, 2025 meeting minutes.

**7. PUBLIC HEARING**

No public hearing items scheduled.

**8. COMMISSION DISCUSSION AND ACTION**

**a.) OC LAFCO Accounting and Financial Policies Update**

The Commission will consider proposed amendments to the Accounting and Financial Policies.

**b.) OC LAFCO Personnel Policies and Procedures Update**

The Commission will consider proposed amendments to the Personnel Policies and Procedures.

**c.) Legislative Report (June 2025)**

The Commission will receive a report on SB 777 and consider adopting a position on the bill.

**d.) Selection Process and Appointment of OC LAFCO Alternate Public Member**

The Commission will consider the appointment of the Alternate Public Member for term expiring on June 30, 2025.

**9. COMMISSIONER COMMENTS**

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

**10. INTERIM EXECUTIVE OFFICER'S REPORT**

Interim Executive Officer's announcement of upcoming events and brief report on activities of the Interim Executive Officer since the last meeting.

**11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

No informational items and announcements.

**12. CLOSED SESSION**

No closed session items scheduled.

**13. ADJOURNMENT OF REGULAR COMMISSION MEETING**

The Next Regular Commission Meeting will be held on Wednesday, July 9, 2025, 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701

#### **PUBLIC PARTICIPATION:**

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Audio/Video Live Streaming:** The public may listen and view the meeting live on YouTube using the link provided on the website homepage ([www.oclafco.org](http://www.oclafco.org)). However, LAFCO cannot guarantee that the public's access will be uninterrupted, and technical difficulties may occur from time to time. The meeting will continue despite technical difficulties for participants using audio/video live streaming unless otherwise prohibited by State open meeting laws.
- 3) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at [ccarter-benjamin@oclafco.org](mailto:ccarter-benjamin@oclafco.org). Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at [www.oclafco.org](http://www.oclafco.org).

"Pursuant to State law, a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year may be required to disclose the contribution. If you are affected, please notify the Commission's staff before the hearing in order to determine whether disclosure is warranted."

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

All regular meeting agendas and associated reports are available at [www.oclafco.org](http://www.oclafco.org). Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

# 2025 MEETING AND EVENTS CALENDAR

Approved November 14, 2024

2025



January							April							July							October						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4			1	2	3	4	5			1	2	3	4	5				1	2	3	4
5	6	7	8	9	10	11	6	7	8	9	10	11	12	6	7	8	9	10	11	12	5	6	7	8	9	10	11
12	13	14	15	16	17	18	13	14	15	16	17	18	19	13	14	15	16	17	18	19	12	13	14	15	16	17	18
19	20	21	22	23	24	25	20	21	22	23	24	25	26	20	21	22	23	24	25	26	19	20	21	22	23	24	25
26	27	28	29	30	31		27	28	29	30				27	28	29	30	31			26	27	28	29	30	31	

February							May							August							November						
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2	3	4	5	6	7	8	4	5	6	7	8	9	10	3	4	5	6	7	8	9	2	3	4	5	6	7	8
9	10	11	12	13	14	15	11	12	13	14	15	16	17	10	11	12	13	14	15	16	9	10	11	12	13	14	15
16	17	18	19	20	21	22	18	19	20	21	22	23	24	17	18	19	20	21	22	23	16	17	18	19	20	21	22
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														31							30						

March							June							September							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1	1	2	3	4	5	6	7		1	2	3	4	5	6		1	2	3	4	5	6
2	3	4	5	6	7	8	8	9	10	11	12	13	14	7	8	9	10	11	12	13	7	8	9	10	11	12	13
9	10	11	12	13	14	15	15	16	17	18	19	20	21	14	15	16	17	18	19	20	14	15	16	17	18	19	20
16	17	18	19	20	21	22	22	23	24	25	26	27	28	21	22	23	24	25	26	27	21	22	23	24	25	26	27
23	24	25	26	27	28	29	29	30						28	29	30					28	29	30	31			
30	31																										

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)  
**Location:** County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- No Scheduled Regular Meeting.
- Strategic Planning Workshop (9:00 a.m. to 1:00 p.m.)  
**Location:** City of Santa Ana, 60 Civic Center Plaza, Community Room, Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- 2025 CALAFCO Annual Conference - October 22 - 24, San Diego, CA.

## DRAFT MINUTES

### OC LAFCO REGULAR MEETING

Wednesday, May 14, 2025  
8:15 a.m.

County Administrative North (CAN)  
First Floor Multipurpose Room 101  
400 W. Civic Center Drive, Santa Ana, CA 92701

Members of the public may access the audio live-streamed meeting at:  
<https://youtube.com/live/05y6FD3o9lg?feature=share>

#### 1. CALL TO ORDER

**Chair Wagner** called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:18 a.m.

#### 2. PLEDGE OF ALLEGIANCE

**Commissioner Moore** led the Pledge of Allegiance.

#### 3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum (**Vice Chair**)  
Peggy Huang  
Carol Moore (**Alt.**)

County Member

Donald P. Wagner (**Chair**)

Special District Members

Douglass Davert  
James Fisler

Public Member

Derek J. McGregor

The following staff members and general counsel were present:

- Interim Executive Officer Luis Tapia
- Policy Analyst I Aimee Diaz
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION  
(Received After Agenda Distribution)**

The Commission Clerk noted that no supplemental communication was received.

**5. PUBLIC COMMENT**

**Chair Wagner** requested public comments on any non-agenda items. The Commission Clerk noted that there were no requests to speak from the public.

**Chair Wagner** closed the hearing of public comments.

**6. CONSENT CALENDAR**

**Chair Wagner** called for requests to pull any of the consent calendar items for discussion. **Vice Chair Bucknum** requested agenda item 6a be pulled, noting a minor modification to the minutes from the strategic planning workshop special meeting minutes. **Vice Chair Bucknum** noted that she was not present during the Commission’s vote on the motion to approve the Work Plan.

**Commissioner Davert** also noted for the Commission that he spoke with Interim Executive Officer Luis Tapia to confirm that the recommended changes discussed by the Commission during the strategic workshop were incorporated as part of the new three-year Work Plan 2025-2028. Mr. Tapia replied in the affirmative.

The Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner Davert** motioned for approval of the consent calendar with the noted correction to the minutes of the April 4 Special Meeting, and **Vice Chair Bucknum** seconded the motion.

**6a. – April 4, 2025 - Strategic Planning Workshop Special Meeting Minutes**

**6b. – April 9, 2025 - Regular Commission Meeting Minutes**

**6c. – Amendments to the Local Guidelines for Implementing the California Environmental Quality Act (CEQA)**

**6d. – Three-Year Strategic Plan (2025-2028)**

<b>MOTION:</b>	<b>Approve Consent Calendar with the noted correction to the minutes of the April 4 Special Meeting. (Douglass Davert)</b>
<b>SECOND:</b>	<b>Wendy Bucknum</b>
<b>FOR:</b>	<b>Douglass Davert, Wendy Bucknum, James Fisler, Peggy Huang, Derek J. McGregor, Donald P. Wagner</b>
<b>AGAINST:</b>	<b>None</b>

**ABSTAIN:       None**

**MOTION PASSED: 6-0.**

## **7. PUBLIC HEARING**

### **7a. – Final OC LAFCO Fiscal Year 2025-26 Budget**

**Chair Wagner** opened the public hearing for the item. The Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Wagner** closed the public hearing. Interim Executive Officer Luis Tapia presented the staff report and recommended actions for Commission consideration.

**Chair Wagner** called for Commission discussion on the item. **Commissioner Fisler** asked for clarification on line item 5740 regarding the resource for Educational & Legislative Partnerships. Interim Executive Officer Luis Tapia noted that the line item includes the \$10,000 for the Memorandum of Understanding between the four southern region LAFCOs. **Chair Wagner** called for a motion on the item. **Commissioner Davert** motioned to approve the staff recommended actions, and **Commissioner Huang** seconded the motion.

**MOTION:       Adopt the final OC LAFCO Fiscal Year 2025-26 Budget; direct the Interim Executive Officer to transmit the final budget to the Board of Supervisors, cities, special districts, and the County Auditor-Controller. (Douglass Davert)**

**SECOND:       Peggy Huang**

**FOR:           Douglass Davert, Peggy Huang, Wendy Bucknum, James Fisler, Derek J. McGregor, Donald P. Wagner**

**AGAINST:       None**

**ABSTAIN:       None**

**MOTION PASSED: 6-0.**

## **8. COMMISSION DISCUSSION AND ACTION**

### **8a. – Memorandum of Understanding by and between Los Angeles, Orange, San Bernardino, and San Diego Local Agency Formation Commissions**

Interim Executive Officer Luis Tapia presented the staff report and recommended actions for Commission consideration.

**Chair Wagner** called for Commission discussion and public comments. There was no noted discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Wagner** called for a motion on the item.

**Commissioner Davert** motioned to approve the staff recommended action, and **Vice Chair Bucknum** seconded the motion.

**MOTION:** Approve the Memorandum of Understanding by and between the Los Angeles, Orange, San Bernardino, and San Diego Local Agency Formation Commissions; Authorize the Interim Executive Officer to execute the Memorandum of Understanding. (Douglass Davert)

**SECOND:** Wendy Bucknum

**FOR:** Douglass Davert, Wendy Bucknum, James Fisler, Peggy Huang, Derek J. McGregor, Donald P. Wagner

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 6-0.**

**8b. – Fiscal Year 2024-2025 Quarterly Financial Report (Third Quarter)**

Interim Executive Officer Luis Tapia presented the staff report and recommended action for Commission consideration.

**Chair Wagner** called for Commission discussion and public comments. There was no noted discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Wagner** noted this is a receive and file report and requires no action by the Commission.

**8c. – OC LAFCO Public Trust**

Interim Executive Officer Luis Tapia presented the staff report and recommended action for Commission consideration.

**Chair Wagner** called for Commission discussion and public comments. Commissioners made general comments and asked clarifying questions, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Wagner** noted this is a receive and file report and requires no action by the Commission.

**9. COMMISSIONER COMMENTS**

Commissioners made general comments.

**10. INTERIM EXECUTIVE OFFICER’S REPORT**

The Interim Executive Officer provided an oral report on preliminary discussions with staff from the cities of Anaheim, Irvine, Cypress, and other agencies for the potential submittal of applications. Mr. Tapia also updated the Commission on two upcoming MSRs, the Orange



County Mosquito Vector Control District and Central Region, that will be presented during the July and August meetings, respectively.

#### **11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

**Chair Wagner** noted that there were no informational items or announcements.

#### **12. CLOSED SESSION**

**Chair Wagner** and General Counsel Scott Smith noted that no closed session items scheduled for discussion by the Commission.

#### **13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING**

**Chair Wagner** adjourned the Regular Commission Meeting at 8:32 a.m. to June 11, 2025.

Donald P. Wagner, Chair  
Local Agency Formation Commission of Orange County

ATTEST:

By: \_\_\_\_\_  
Cheryl Carter-Benjamin  
Commission Clerk

### REGULAR MEMBERS

CHAIR  
**Donald P. Wagner**  
County Member

VICE CHAIR  
**Wendy Bucknum**  
City Member

IMMEDIATE PAST CHAIR  
**Douglass Davert**  
Special District Member

**James Fisler**  
Special District Member

**Peggy Huang**  
City Member

**Derek J. McGregor**  
Public Member

**VACANT**  
County Member

### ALTERNATES

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

**VACANT**  
County Member

### STAFF

**Luis Tapia**  
Interim Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** June 11, 2025

**8a** | Commission  
Discussion

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Interim Executive Officer  
Policy Analyst I

**SUBJECT:** OC LAFCO Accounting and Financial Policies

### BACKGROUND

The OC LAFCO Accounting and Financial Policies were adopted by the Commission to establish and formalize the agency's financial operations and document internal controls. In the event of a change or modification to financial practices, these Policies are revised accordingly to ensure continued compliance and accuracy. Following the recent discontinuation of the Orange County Investment Pool (OC Fund), updates to these policies are required.

As a result of the discontinuation of the OC Fund, the Accounting and Financial Policies, originally adopted in 2005 and last reviewed in 2023, have been updated to remove references to the OC Fund and ensure that the agency's practices remain consistent with current procedures.

For ease of review, proposed amendments to the policy are indicated in redline format in Attachment 1 and are summarized in the table below.

**Table 1: Summary of Proposed Amendments**

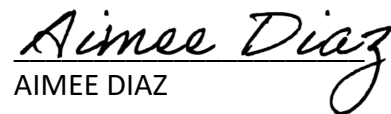
Section	Page	Summary of Changes
<b>Revenue Recognition Policies: 2.7C</b>	9	Removed reference to the OC Fund in the interest income recognition process, as the agency no longer holds this account following its discontinuation.
<b>Billing / Invoicing Policies: 2.8C</b>	11	Removed reference to the OC Fund for deposits, withdrawals, and wire transfers, as the agency no longer holds this account following its discontinuation.
<b>Investments: 2.14D</b>	23	Removed reference to the OC Fund as an authorized investment option, as the agency no longer holds this account following its discontinuation.

**RECOMMENDED ACTION**

Staff recommends the Commission:

1. Adopt the OC LAFCO Accounting and Financial Policies, as amended.

Respectfully submitted,

  
\_\_\_\_\_  
LUIS TAPIA  
\_\_\_\_\_  
AIMEE DIAZ

Attachment:

1. OC LAFCO Accounting & Financial Policies (Part 3: Section 2.7C, 2.8C and Part 5: Section 2.14D Redline)
2. OC LAFCO Accounting & Financial Policies (Part 3: Section 2.7C, 2.8C and Part 5: Section 2.14D As Amended)

**Part 3 and 5 of the Accounting and Financial Policies of the  
Orange County Local Agency Formation Commission**

**PART 3 – Policies Associated with Revenues and Cash Receipts**

**2.7 REVENUE RECOGNITION POLICIES**

OC LAFCO receives revenue from several types of transactions. Revenue from each of these types of transactions is recognized in the financial statements of OC LAFCO in the following manner:

- A. OC LAFCO Apportionment – Received at the beginning of the fiscal year. Amount is equal to the approved operating budget and is split three ways among the County, the Cities, and the Special Districts. Revenues are recorded in the general fund.
- B. Application and Processing Fees – Provided by incoming project application. Filing fees and time and material deposits are collected to offset costs associated with applications and vary with each project. Filing fees are not budgeted as revenue due to the uncertainty of when applications are filed. These fees are accounted for by the project manager and recorded in a separate special fund.
- C. Interest Income – Interest on investments held by the County, the Local Agency Investment Fund (LAIF), ~~Orange County Investment Pool (OC Fund)~~, Public Agency Retirement Services (PARS), or other investments permitted by Commission policy. Interest income held by the County, and LAIF, ~~and OC Fund~~ is recorded in the general fund. Interest income held by the PARS is recorded in the PARS benefits trust account.
- D. Other Income – Miscellaneous revenues, including copies of agenda packets, minutes, and meeting tapes. Other income is recorded in the general fund.

**2.8 BILLING/INVOICING POLICIES**

A. Overview

The following is a list of items billed and/or accrued and received by OC LAFCO and the frequency with which each is billed:

1. Annual Billings

- a. OC LAFCO Apportionment – Billings are performed and collected by the County of Orange.

2. Miscellaneous Billings

- a. Filing Fees
- b. Agenda and Minutes copying fees

- c. Reimbursements (phone charges, workshops)
- B. Receipt and Handling of Incoming Money

It is the responsibility of the Office Manager to open the mail on a daily basis. All checks must be “restrictively endorsed” upon receipt. The Office Manager stamps all checks with the agency’s endorsement stamp (“For Deposit Only, Account #\_\_\_.”).

#### 1. Check Log

The Office Manager makes copies of all incoming checks and will place the properly endorsed checks in a lock box. The Office Manager will further log the checks into a spreadsheet, which includes fields for the following information:

- a. Payee
- b. Check number
- c. Amount of check
- d. Date issued
- e. Date of receipt
- f. Date of deposit
- g. Purpose of funds
- h. Related OC LAFCO project number (if applicable)

The lock box will be properly secured, and its access will be limited to a minimum number of OC LAFCO staff.

#### 2. Deposits

The Executive Officer, the Assistant Executive Officer, or the Executive Officer’s designee will prepare a deposit slip when checks are received by the agency and will deposit funds into the agency’s bank account. The Office Manager will place copies of the deposit slips and corresponding bank receipts in the designated folder. The Office Manager will update the check log to reflect the deposits.

#### 3. Reconciliation of Accounts

The accounting firm staff will perform a reconciliation of the agency’s bank accounts once monthly upon receipt of the agency’s bank statements. The accounting firm staff will compare the deposit slips to the check log and the agency’s bank statements to ensure that all funds are properly deposited and credited to the agency’s accounts.

The accountant will review the accounting firm staff's work.

### C. Wire Transfers

The agency will maintain a deposit in an amount equal to estimated costs of quarterly payroll in County Account 770. The remaining balance will be wired to the agency's bank account. The accounting firm staff will prepare a cash flow analysis and permitted uses for excess cash shall be as follows: (a) contributions to the agency's Public Agency Retirement Services (PARS) Section 115 benefits trust; and (b) investment in the Local Agency Investment Fund (LAIF), ~~Orange County Investment Pool (OC Fund)~~ and/or other investment options approved by the Commission. Wire transfers for such permitted uses shall be processed in accordance with the wire transfer procedures of the County of Orange, ~~OC Fund~~, LAIF and PARS.

The Executive Officer and the Executive Officer's designee will complete the County of Orange Wire Transfer Request Form. The completed Wire Transfer Form will be signed by BOTH the Executive Officer and the Executive Officer designee. The Office Manager will make a copy of the Wire Transfer Form for the agency's records and will submit the signed Wire Transfer Request Form to the County Auditor – Controller for processing.

The accounting firm staff will compare the Wire Transfer Request Form to the agency's bank statements each month to ensure that all funds are properly transferred and credited to the agency's accounts. Periodically, a withdrawal of funds from LAIF ~~and the OC Fund~~ will be required to maintain ongoing payroll and operating expenses.

LAIF deposits and withdrawals are completed electronically. All electronic deposits and withdrawals will be authorized by the Executive Officer and/or the Executive Officer's designee. A log of all deposits and withdrawals for LAIF will be maintained and documentation of each deposit and withdrawal will be provided to the accounting firm staff.

~~OC Fund deposits and withdrawals require at least one (1) full business day to complete a deposit and at least three (3) full business days to complete a withdrawal. Deposits require the completion of a deposit form signed by both the Executive Officer and the Executive Officer designee. Withdrawals of funds from the agency's bank accounts to the OC Fund require the completion of appropriate transfer documents signed by both the Executive Officer and the Executive Officer designee. A log of all deposits and withdrawals for the OC Fund will be maintained and documentation of each deposit and withdrawal will be provided to the accounting firm staff.~~

Contributions to and payment reimbursements/distributions from the Section 115 benefits trust shall be processed in accordance with the PARS Administrative Agreement. The Executive Officer or the Executive Officer's designee shall complete the required forms to affect any contributions or distributions of the benefits trust account. A record of all transactions of the benefits trust will be maintained and documentation of each contribution and distribution will be provided to the accounting firm staff.

## D. Cash Disbursements

### 1. Vendor Invoices

The Office Manager will receive, and open mail and date stamp all invoices, and place invoices in the accounting firm staff's folder for processing. The Office Manager will forward all invoices to the Executive Officer or Executive Officer designee for review and approval. The Office Manager will coordinate approval of the invoices and identify a project number for each invoice. The accounting firm staff will record the invoice in QuickBooks and generate the check. All invoices will be approved by the Executive Officer prior to payment. The Office Manager will place a copy of the check and invoice in the respective vendor files. The Office Manager will mail checks to vendors.

### 2. Check-Writing Provisions

The Executive Officer or the Executive Officer designee may sign checks written for less than \$500. Checks written for \$500 or more require the signatures of BOTH the Executive Officer and the Executive Officer designee. The Office Manager will maintain copies of all checks written on the agency's checking account.

### 3. Reconciliation

As stated previously, the accounting firm staff will perform a reconciliation of the agency's bank accounts once monthly upon receipt of the agency's bank statements. This includes a reconciliation of the agency's checking account. The accounting firm staff will compare checks written on the agency's checking account against the agency's bank statements to ensure that all funds are properly debited from the agency's account.

### 4. Stale Checks

In reconciling the agency's checking account, the accounting firm staff will be responsible for identifying checks issued by OC LAFCO which have not been cashed within six months of issuance. The accounting firm staff will notify the Executive Officer of any "stale" checks during the checking account reconciliation process. If any stale checks are identified, the Executive Officer or the Executive Officer's designee will request the bank to issue a "stop payment" and direct the accounting firm staff to prepare a replacement check when necessary.

### 5. Check Stock

Check stock will be maintained in a locked drawer in the Executive Officer's office. Access to the check stock will be restricted to the Executive Officer or the Assistant Executive Officer.

**6. Agency Credit Card**

All credit card purchases of \$250 or more must be approved, prior to the transaction, by BOTH the Executive Officer and the Executive Officer designee. OC LAFCO maintains three (3) credit cards. The Office Manager, Assistant Executive Officer and the Executive Officer each hold one card. All credit card bills must be reviewed by the Executive Officer prior to payment being issued. All purchases made with the OC LAFCO credit cards must be directly related to OC LAFCO's mission.

**E. Reporting**

Reports – Monthly reports, prepared by the accounting firm staff, for OC LAFCO staff and/or Commission will include:

1. Balance Sheet
2. Cash Flow Statement
3. Detailed Profit and Loss Statement
4. Summary Profit and Loss with Budget and Percentages
5. Separate reports of designated projects as needed



**PART 5 – Policies Pertaining to Specific Asset and Liability Accounts**

**2.13 CASH AND CASH MANAGEMENT**

A. Cash Accounts

The primary operating account provides for routine business check disbursements. All cash and credit card deposits are made to this account. Bank reconciliations are performed by the OC LAFCO accounting firm staff. The following minimum balances shall be maintained in the agency's accounts at all times to ensure there are sufficient funds to cover ongoing operating and payroll expenses:

Savings:	\$205,000
Payroll:	3 Months of Current Payroll Expenses
Checking:	3 Months of Operational Expenses

B. Reserve Policy

OC LAFCO currently has three reserve funds restricted to the agency's savings account. These funds are as follows: (1) Contingency; (2) Litigation; and (3) Unfunded Liability. These accounts are considered "restricted" accounts and are only used for the specific purposes described below:

1. Contingency Reserves – restricted funds to cover any unforeseen future agency loss and/or urgency which includes but is not limited to property or equipment damage, loss or theft. The minimum balance in the Contingency Reserve Account shall be \$100,000.
2. Litigation Reserves – restricted funds for cost related to agency legal challenges. The minimum balance in the Litigation Reserve Account shall be \$75,000.
3. Unfunded Liability Reserve – restricted funds to offset anticipated agency liabilities including employee vacation and administrative leave payouts. The minimum balance in the Unfunded Liability Reserve Account shall be \$30,000.

**2.14 INVESTMENTS**

A. Authority

In accordance with California Government Code Section 56300 et seq., the authority to invest public funds not required for the immediate needs of the agency is expressly delegated to the Orange County Local Agency Formation Commission (OC LAFCO). The Commission may also delegate this responsibility to the OC LAFCO Executive Committee and the Executive Officer.

The purpose of this section of the policy is to establish investment guidelines for OC LAFCO officials to ensure the stewardship of agency funds. Pursuant to state law, the

Commission, Executive Committee, Executive Officer, and Executive Officer Designee, when investing OC LAFCO funds, shall act with care, skill, prudence, and diligence under the circumstance than prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency. All investments shall be in conformance with federal, state and other legal requirements.

Investments made pursuant to this policy are limited to those instruments specified by OC LAFCO. The Commission shall review the investment program quarterly.

#### B. Investment Objectives

The specific objectives for all funds invested as defined by this policy are listed in priority order as follows:

##### 1. Safety of Principal

The preservation of principal is of primary importance. Each transaction shall seek to ensure that capital losses are avoided.

##### 2. Legality

Each transaction and the entire investment program must comply with the California Government Code and OC LAFCO's investment policy as defined herein.

##### 3. Liquidity

The invested funds should remain sufficiently flexible to enable OC LAFCO to meet all operating requirements which may be reasonably anticipated.

The managing of OC LAFCO investments shall be subject to the prudent investor standard, a standard of conduct requiring that any investment be made with care, skill, prudence, and diligence in order to safeguard agency funds and maintain the liquidity needs of the agency.

#### C. Return on Investment

Investments shall be undertaken to produce an acceptable rate of return after first considering safety of principal and liquidity and the prudent investor standard.

Authority to manage OC LAFCO's investment program is delegated to the OC LAFCO Commission. Management Responsibility is hereby delegated to the Executive Committee and the Executive Officer under the direction of the full OC LAFCO Commission.

#### D. Authorized Investments

Agency funds are not required for the immediate needs of OC LAFCO but may be invested as follows:

- Investment Funds

Agency funds not required for immediate needs of OC LAFCO may be remitted to the State Local Agency Investment Fund (LAIF) ~~or the Orange County Investment Pool (OC Fund)~~ for the purpose of investment (Government Code Section 16429.1).

- Section 115 Public Agencies Post-Employment Benefits Trust  
Agency funds from excess cash net income and not required for immediate needs of OC LAFCO may be deposited to the benefits trust account managed through an agreement with the Public Agency Retirement Services (PARS). The account is established for agency contributions and lowering of the agency's overall net pension expenses. The annual transfer to the benefits trust account must not exceed fifty percent (50%) of the excess cash net income at fiscal year- end, unless approved by the Commission.
- Other Investments  
Other investments are permitted by Government Code Section 53600 may be made subject to prior approval of the Commission and may include the following:
  - U.S. Government and Agencies Obligations.
  - Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, a state or federal savings and loan association, or a savings bank with ratings equivalent by Fitch to F1 or better.

As deemed appropriate, the Commission may, at any time, further restrict the securities approved for investment.

#### E. Reporting

The Executive Officer shall submit a quarterly report to the Commission showing investment activity, including yield and earnings and the status of cash by depository.

As part of the Commission's annual audit, the independent auditor shall also evaluate investment performance and conduct an operations audit. The purpose of these examinations shall be to obtain suggestions for improved future performance and to verify that investments has been done in accordance with the policy and all applicable laws.

## 2.15 FIXED ASSET MANAGEMENT

#### A. Capitalization Policy

Physical assets acquired with unit costs in excess of \$2,000 are capitalized as fixed assets on the financial statements. Items with unit costs below this threshold shall be expensed in the year purchased.

Capitalized fixed assets are accounted for at their historical cost and all such assets,

except land, are subject to depreciation over their estimated useful lives, for government-wide financial statements in accordance with GASB Statement No. 34.

#### B. Contributed Assets

Assets with fair market values in excess of \$2,000 (per unit) that are contributed to OC LAFCO shall be capitalized as fixed assets on the financial statements. Contributed items with market values below this threshold shall be expensed in the year contributed.

Capitalized contributed assets are accounted for at their market value at the time of donation and all such assets, except land, are subject to depreciation for government-wide financial statements.

#### C. Establishment and Maintenance of a Fixed Asset Listing

All capitalized fixed assets shall be recorded in a property log. This log shall include the following information with respect to each asset:

1. Date of acquisition.
2. Cost
3. Description (including color, model, and serial number)
4. Location of asset
5. Depreciation method
6. Estimated useful life

A physical inventory of all assets capitalized under the preceding policies will be taken on an annual basis by OC LAFCO. This physical inventory shall be reconciled to the property log and adjustments made as necessary. All adjustments resulting from this reconciliation will be approved by the Executive Officer.

#### D. Depreciation and Useful Lives

All capitalized assets are maintained in the special fixed assets account group. Fixed assets are depreciated over their estimated useful lives using the straight-line method only when presenting government-wide financial statements. Fund financial statements do not include fixed assets or depreciation.

In the year of acquisition, depreciation is recorded based on the number of months the asset is in service, counting the month of acquisition as a full month (Example: an asset purchased on the 15<sup>th</sup> day of the fifth month shall have eight full months of depreciation (eight-twelfths of one year) recorded for that year).

Estimated useful lives of capitalized assets shall be determined by the Executive Officer. The following is a list of the estimated useful lives of each category of fixed asset for depreciation purposes:

Furniture and fixtures	Up to 10 yrs.
General office equipment	5 yrs.
Computer hardware and peripherals	3-5 yrs.
Computer software	2-3 yrs.
Leased assets	Life of Lease

For accounting and interim financial reporting purposes, depreciation expense will be calculated on an annual basis in conjunction with the annual audit.

#### E. Repairs of Fixed Assets

Expenditures to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the property or materially prolong the estimated useful life of the property.

Expenditures to repair capitalized assets shall be capitalized if the repairs increase the value of property, prolong its estimated useful life, or adapt it to a new or different use. Such capitalized repair costs shall be depreciated over the remaining estimated useful life of the property. If the repairs significantly extend the estimated useful life of the property, the original cost of the property shall also be depreciated over its new, extended useful life.

#### F. Dispositions of Fixed Assets

In the event a non-expendable asset is sold, scrapped, donated or stolen, adjustments need to be made to the fixed asset listing and property log.

## 2.16 ACCRUED LIABILITIES

#### A. Identification of Liabilities

The accounting department shall establish a list of commonly incurred expenses that may have to be accrued at the end of an accounting period. Some of the expenses that shall be accrued by OC LAFCO at the end of an accounting period are:

1. Salaries and wages
2. Payroll taxes
3. Vacation pay
4. Facility expenses payable to the County

In addition, OC LAFCO shall record a liability for deferred revenue (revenue received but not yet earned) in accordance with the revenue recognition policies described elsewhere in this manual.

**Part 3 and 5 of the Accounting and Financial Policies of the  
Orange County Local Agency Formation Commission**

**PART 3 – Policies Associated with Revenues and Cash Receipts**

**2.7 REVENUE RECOGNITION POLICIES**

OC LAFCO receives revenue from several types of transactions. Revenue from each of these types of transactions is recognized in the financial statements of OC LAFCO in the following manner:

- A. OC LAFCO Apportionment – Received at the beginning of the fiscal year. Amount is equal to the approved operating budget and is split three ways among the County, the Cities, and the Special Districts. Revenues are recorded in the general fund.
- B. Application and Processing Fees – Provided by incoming project application. Filing fees and time and material deposits are collected to offset costs associated with applications and vary with each project. Filing fees are not budgeted as revenue due to the uncertainty of when applications are filed. These fees are accounted for by the project manager and recorded in a separate special fund.
- C. Interest Income – Interest on investments held by the County, the Local Agency Investment Fund (LAIF), Public Agency Retirement Services (PARS), or other investments permitted by Commission policy. Interest income held by the County and LAIF is recorded in the general fund. Interest income held by the PARS is recorded in the PARS benefits trust account.
- D. Other Income – Miscellaneous revenues, including copies of agenda packets, minutes, and meeting tapes. Other income is recorded in the general fund.

**2.8 BILLING/INVOICING POLICIES**

- A. Overview
 

The following is a list of items billed and/or accrued and received by OC LAFCO and the frequency with which each is billed:

  - 1. Annual Billings
    - a. OC LAFCO Apportionment – Billings are performed and collected by the County of Orange.
  - 2. Miscellaneous Billings
    - a. Filing Fees
    - b. Agenda and Minutes copying fees

- c. Reimbursements (phone charges, workshops)

## B. Receipt and Handling of Incoming Money

It is the responsibility of the Office Manager to open the mail on a daily basis. All checks must be “restrictively endorsed” upon receipt. The Office Manager stamps all checks with the agency’s endorsement stamp (“For Deposit Only, Account #\_\_\_.”).

### 1. Check Log

The Office Manager makes copies of all incoming checks and will place the properly endorsed checks in a lock box. The Office Manager will further log the checks into a spreadsheet, which includes fields for the following information:

- a. Payee
- b. Check number
- c. Amount of check
- d. Date issued
- e. Date of receipt
- f. Date of deposit
- g. Purpose of funds
- h. Related OC LAFCO project number (if applicable)

The lock box will be properly secured, and its access will be limited to a minimum number of OC LAFCO staff.

### 2. Deposits

The Executive Officer, the Assistant Executive Officer, or the Executive Officer’s designee will prepare a deposit slip when checks are received by the agency and will deposit funds into the agency’s bank account. The Office Manager will place copies of the deposit slips and corresponding bank receipts in the designated folder. The Office Manager will update the check log to reflect the deposits.

### 3. Reconciliation of Accounts

The accounting firm staff will perform a reconciliation of the agency’s bank accounts once monthly upon receipt of the agency’s bank statements. The accounting firm staff will compare the deposit slips to the check log and the agency’s bank statements to ensure that all funds are properly deposited and credited to the agency’s accounts.



The accountant will review the accounting firm staff's work.

#### C. Wire Transfers

The agency will maintain a deposit in an amount equal to estimated costs of quarterly payroll in County Account 770. The remaining balance will be wired to the agency's bank account. The accounting firm staff will prepare a cash flow analysis and permitted uses for excess cash shall be as follows: (a) contributions to the agency's Public Agency Retirement Services (PARS) Section 115 benefits trust; and (b) investment in the Local Agency Investment Fund (LAIF), and/or other investment options approved by the Commission. Wire transfers for such permitted uses shall be processed in accordance with the wire transfer procedures of the County of Orange, LAIF and PARS.

The Executive Officer and the Executive Officer's designee will complete the County of Orange Wire Transfer Request Form. The completed Wire Transfer Form will be signed by BOTH the Executive Officer and the Executive Officer designee. The Office Manager will make a copy of the Wire Transfer Form for the agency's records and will submit the signed Wire Transfer Request Form to the County Auditor – Controller for processing.

The accounting firm staff will compare the Wire Transfer Request Form to the agency's bank statements each month to ensure that all funds are properly transferred and credited to the agency's accounts. Periodically, a withdrawal of funds from LAIF will be required to maintain ongoing payroll and operating expenses.

LAIF deposits and withdrawals are completed electronically. All electronic deposits and withdrawals will be authorized by the Executive Officer and/or the Executive Officer's designee. A log of all deposits and withdrawals for LAIF will be maintained and documentation of each deposit and withdrawal will be provided to the accounting firm staff.

Contributions to and payment reimbursements/distributions from the Section 115 benefits trust shall be processed in accordance with the PARS Administrative Agreement. The Executive Officer or the Executive Officer's designee shall complete the required forms to affect any contributions or distributions of the benefits trust account. A record of all transactions of the benefits trust will be maintained and documentation of each contribution and distribution will be provided to the accounting firm staff.

#### D. Cash Disbursements

##### 1. Vendor Invoices

The Office Manager will receive, and open mail and date stamp all invoices, and place invoices in the accounting firm staff's folder for processing. The Office Manager will forward all invoices to the Executive Officer or Executive Officer designee for review and approval. The Office Manager will coordinate approval of the invoices and identify a project number for each invoice. The accounting firm staff will record

the invoice in QuickBooks and generate the check. All invoices will be approved by the Executive Officer prior to payment. The Office Manager will place a copy of the check and invoice in the respective vendor files. The Office Manager will mail checks to vendors.

## 2. Check-Writing Provisions

The Executive Officer or the Executive Officer designee may sign checks written for less than \$500. Checks written for \$500 or more require the signatures of BOTH the Executive Officer and the Executive Officer designee. The Office Manager will maintain copies of all checks written on the agency's checking account.

## 3. Reconciliation

As stated previously, the accounting firm staff will perform a reconciliation of the agency's bank accounts once monthly upon receipt of the agency's bank statements. This includes a reconciliation of the agency's checking account. The accounting firm staff will compare checks written on the agency's checking account against the agency's bank statements to ensure that all funds are properly debited from the agency's account.

## 4. Stale Checks

In reconciling the agency's checking account, the accounting firm staff will be responsible for identifying checks issued by OC LAFCO which have not been cashed within six months of issuance. The accounting firm staff will notify the Executive Officer of any "stale" checks during the checking account reconciliation process. If any stale checks are identified, the Executive Officer or the Executive Officer's designee will request the bank to issue a "stop payment" and direct the accounting firm staff to prepare a replacement check when necessary.

## 5. Check Stock

Check stock will be maintained in a locked drawer in the Executive Officer's office. Access to the check stock will be restricted to the Executive Officer or the Assistant Executive Officer.

## 6. Agency Credit Card

All credit card purchases of \$250 or more must be approved, prior to the transaction, by BOTH the Executive Officer and the Executive Officer designee. OC LAFCO maintains three (3) credit cards. The Office Manager, Assistant Executive Officer and the Executive Officer each hold one card. All credit card bills must be reviewed by the Executive Officer prior to payment being issued. All purchases made with the OC LAFCO credit cards must be directly related to OC LAFCO's mission.

## E. Reporting

Reports – Monthly reports, prepared by the accounting firm staff, for OC LAFCO staff and/or Commission will include:

1. Balance Sheet
2. Cash Flow Statement
3. Detailed Profit and Loss Statement
4. Summary Profit and Loss with Budget and Percentages
5. Separate reports of designated projects as needed

**PART 5 – Policies Pertaining to Specific Asset and Liability Accounts****2.13 CASH AND CASH MANAGEMENT****A. Cash Accounts**

The primary operating account provides for routine business check disbursements. All cash and credit card deposits are made to this account. Bank reconciliations are performed by the OC LAFCO accounting firm staff. The following minimum balances shall be maintained in the agency's accounts at all times to ensure there are sufficient funds to cover ongoing operating and payroll expenses:

Savings:	\$205,000
Payroll:	3 Months of Current Payroll Expenses
Checking:	3 Months of Operational Expenses

**B. Reserve Policy**

OC LAFCO currently has three reserve funds restricted to the agency's savings account. These funds are as follows: (1) Contingency; (2) Litigation; and (3) Un funded Liability. These accounts are considered "restricted" accounts and are only used for the specific purposes described below:

1. Contingency Reserves – restricted funds to cover any unforeseen future agency loss and/or urgency which includes but is not limited to property or equipment damage, loss or theft. The minimum balance in the Contingency Reserve Account shall be \$100,000.
2. Litigation Reserves – restricted funds for cost related to agency legal challenges. The minimum balance in the Litigation Reserve Account shall be \$75,000.
3. Unfunded Liability Reserve – restricted funds to offset anticipated agency liabilities including employee vacation and administrative leave payouts. The minimum balance in the Unfunded Liability Reserve Account shall be \$30,000.

**2.14 INVESTMENTS****A. Authority**

In accordance with California Government Code Section 56300 et seq., the authority to invest public funds not required for the immediate needs of the agency is expressly delegated to the Orange County Local Agency Formation Commission (OC LAFCO). The Commission may also delegate this responsibility to the OC LAFCO Executive Committee and the Executive Officer.

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The purpose of this section of the policy is to establish investment guidelines for OC

LAFCO officials to ensure the stewardship of agency funds. Pursuant to state law, the Commission, Executive Committee, Executive Officer, and Executive Officer Designee, when investing OC LAFCO funds, shall act with care, skill, prudence, and diligence under the circumstance than prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency. All investments shall be in conformance with federal, state and other legal requirements.

Investments made pursuant to this policy are limited to those instruments specified by OC LAFCO. The Commission shall review the investment program quarterly.

#### B. Investment Objectives

The specific objectives for all funds invested as defined by this policy are listed in priority order as follows:

1. Safety of Principal

The preservation of principal is of primary importance. Each transaction shall seek to ensure that capital losses are avoided.

2. Legality

Each transaction and the entire investment program must comply with the California Government Code and OC LAFCO's investment policy as defined herein.

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The invested funds should remain sufficiently flexible to enable OC LAFCO to meet all operating requirements which may be reasonably anticipated.

The managing of OC LAFCO investments shall be subject to the prudent investor standard, a standard of conduct requiring that any investment be made with care, skill, prudence, and diligence in order to safeguard agency funds and maintain the liquidity needs of the agency.

#### C. Return on Investment

Investments shall be undertaken to produce an acceptable rate of return after first considering safety of principal and liquidity and the prudent investor standard.

Authority to manage OC LAFCO's investment program is delegated to the OC LAFCO Commission. Management Responsibility is hereby delegated to the Executive Committee and the Executive Officer under the direction of the full OC LAFCO Commission.

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Agency funds are not required for the immediate needs of OC LAFCO but may be invested as follows:

- Investment Funds  
Agency funds not required for immediate needs of OC LAFCO may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1).
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- Other Investments  
Other investments are permitted by Government Code Section 53600 may be made subject to prior approval of the Commission and may include the following:
  - U.S. Government and Agencies Obligations.
  - Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, a state or federal savings and loan association, or a savings bank with ratings equivalent by Fitch to F1 or better.

As deemed appropriate, the Commission may, at any time, further restrict the securities approved for investment.

#### E. Reporting

The Executive Officer shall submit a quarterly report to the Commission showing investment activity, including yield and earnings and the status of cash by depository.

As part of the Commission's annual audit, the independent auditor shall also evaluate investment performance and conduct an operations audit. The purpose of these examinations shall be to obtain suggestions for improved future performance and to verify that investments has been done in accordance with the policy and all applicable laws.

## 2.15 FIXED ASSET MANAGEMENT

#### A. Capitalization Policy

Physical assets acquired with unit costs in excess of \$2,000 are capitalized as fixed assets on the financial statements. Items with unit costs below this threshold shall be expensed in the year purchased.

Capitalized fixed assets are accounted for at their historical cost and all such assets, except land, are subject to depreciation over their estimated useful lives, for government-wide financial statements in accordance with GASB Statement No. 34.

#### B. Contributed Assets

Assets with fair market values in excess of \$2,000 (per unit) that are contributed to OC LAFCO shall be capitalized as fixed assets on the financial statements. Contributed items with market values below this threshold shall be expensed in the year contributed.

Capitalized contributed assets are accounted for at their market value at the time of donation and all such assets, except land, are subject to depreciation for government-wide financial statements.

#### C. Establishment and Maintenance of a Fixed Asset Listing

All capitalized fixed assets shall be recorded in a property log. This log shall include the following information with respect to each asset:

1. Date of acquisition.
2. Cost
3. Description (including color, model, and serial number)
4. Location of asset
5. Depreciation method
6. Estimated useful life

A physical inventory of all assets capitalized under the preceding policies will be taken on an annual basis by OC LAFCO. This physical inventory shall be reconciled to the property log and adjustments made as necessary. All adjustments resulting from this reconciliation will be approved by the Executive Officer.

#### D. Depreciation and Useful Lives

All capitalized assets are maintained in the special fixed assets account group. Fixed assets are depreciated over their estimated useful lives using the straight- line method only when presenting government-wide financial statements. Fund financial statements do not include fixed assets or depreciation.

In the year of acquisition, depreciation is recorded based on the number of months the asset is in service, counting the month of acquisition as a full month (Example: an asset purchased on the 15<sup>th</sup> day of the fifth month shall have eight full months of

depreciation (eight-twelfths of one year) recorded for that year).

Estimated useful lives of capitalized assets shall be determined by the Executive Officer. The following is a list of the estimated useful lives of each category of fixed asset for depreciation purposes:

Furniture and fixtures	Up to 10 yrs.
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Computer hardware and peripherals	3-5 yrs.
Computer software	2-3 yrs.
Leased assets	Life of Lease

For accounting and interim financial reporting purposes, depreciation expense will be calculated on an annual basis in conjunction with the annual audit.

#### E. Repairs of Fixed Assets

Expenditures to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the property or materially prolong the estimated useful life of the property.

Expenditures to repair capitalized assets shall be capitalized if the repairs increase the value of property, prolong its estimated useful life, or adapt it to a new or different use. Such capitalized repair costs shall be depreciated over the remaining estimated useful life of the property. If the repairs significantly extend the estimated useful life of the property, the original cost of the property shall also be depreciated over its new, extended useful life.

#### F. Dispositions of Fixed Assets

In the event a non-expendable asset is sold, scrapped, donated or stolen, adjustments need to be made to the fixed asset listing and property log.

## 2.16 ACCRUED LIABILITIES

#### A. Identification of Liabilities

The accounting department shall establish a list of commonly incurred expenses that may have to be accrued at the end of an accounting period. Some of the expenses that shall be accrued by OC LAFCO at the end of an accounting period are:

1. Salaries and wages
2. Payroll taxes
3. Vacation pay



4. Facility expenses payable to the County

In addition, OC LAFCO shall record a liability for deferred revenue (revenue received but not yet earned) in accordance with the revenue recognition policies described elsewhere in this manual.

**8b** | Commission  
Discussion**MEETING DATE:** June 11, 2025**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Interim Executive Officer  
Office Manager/Commission Clerk  
General Counsel**SUBJECT:** OC LAFCO Personnel Policies and Procedures –  
Conduct and Problems (Part 5)**BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires each LAFCO to adopt written policies and procedures. The “Orange County LAFCO Handbook” is a compilation of the Commission’s adopted written policies and procedures, which are intended to supplement state law. The handbook includes the agency’s Personnel Policies and Procedures, which are reviewed annually by counsel and staff to ensure that any changes in employment laws enacted by the state and federal governments are reflected in the policy.

Recently, in California, most employers have been required to establish, implement, and maintain a written Workplace Violence Prevention Program (Prevention Program) that includes identifying and responding to workplace violence, providing training to employees, and maintaining records of incidents and training. Staff, with guidance from General Counsel, has drafted a Prevention Program as part of the Commission’s Personnel Policies and Procedures.

This report includes recommended changes to the policy to align with the recent requirement by state law for employers to adopt a Prevention Program. For ease of review, proposed amendments to the policy and the proposed Prevention Program are indicated in redline format in Attachment 1.

**REGULAR MEMBERS****CHAIR**  
**Donald P. Wagner**  
County Member**VICE CHAIR**  
**Wendy Bucknum**  
City Member**IMMEDIATE PAST CHAIR**  
**Douglass Davert**  
Special District Member**James Fidler**  
Special District Member**Peggy Huang**  
City Member**Derek J. McGregor**  
Public Member**VACANT**  
County Member**ALTERNATES****Kathryn Freshley**  
Special District Member**Carol Moore**  
City Member**Lou Penrose**  
Public Member**VACANT**  
County Member**STAFF****Luis Tapia**  
Interim Executive Officer**Scott Smith**  
General Counsel

**Table 1: Summary of Proposed Amendments**

Section	Page	Summary of Changes
<b>Workplace Violence Policy: 3.26</b>	58-61	Updated and added language to conform to state laws and clarify policy involving workplace violence prevention.
<b>Workplace Violence Prevention Program</b>	66-82	Added the Workplace Violence Prevention Program to conform with state law.

**RECOMMENDED ACTION**

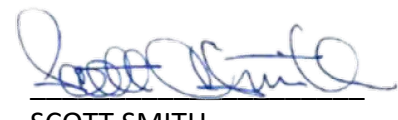
Staff recommends the Commission:

1. Adopt the OC LAFCO Personnel Policies and Procedures, as amended.

Respectfully submitted,

  
LUIS TAPIA

  
CHERYL CARTER-BENJAMIN

  
SCOTT SMITH

Attachments:

1. OC LAFCO Personnel Policies and Procedures (Redline)
2. OC LAFCO Personnel Policies and Procedures (As Amended)

**Personnel Policies and Procedures of  
the  
Orange County Local Agency Formation  
Commission**

**PART 1 – EMPLOYMENT**

**3.1 EMPLOYEE ACKNOWLEDGEMENT FORM**

PLEASE READ THE FOLLOWING POLICIES AND PROCEDURES, FILL OUT AND RETURN THIS PORTION TO THE OC LAFCO COMMISSION CLERK OR IMMEDIATE SUPERVISOR WITHIN FIVE BUSINESS DAYS.

I acknowledge that I have received and read a copy of the Orange County Local Agency Formation Commission (“OC LAFCO”) employee policy and procedures and understand all the policies, guidelines, and procedures stated within. I understand that I am responsible for reading these policies and for knowing and complying with the policies set forth herein during my employment with OC LAFCO.

Additionally, I specifically acknowledge that I have read and understand the following policies: Equal Employment Opportunity, Timekeeping, Overtime Pay, and Policy Against Harassment, Discrimination, and Retaliation.

The personnel policies and procedures describe important information about OC LAFCO, and I understand that I should consult the OC LAFCO Executive Officer regarding any questions I might have. I have entered into my employment relationship with OC LAFCO voluntarily and acknowledge that there is no specific length of employment. Accordingly, either I or OC LAFCO can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law. Furthermore, I acknowledge that these policies and procedures are not a contract of employment.

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement signed by me and the OC LAFCO Executive Officer, that no other employee or representative of OC LAFCO has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by myself and the OC LAFCO Executive Officer. I further understand and agree that if the terms of this Acknowledgment are inconsistent with any guideline or practice of OC LAFCO now or in the future, the terms of this Acknowledgment shall control.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to them may occur, except to OC LAFCO’s policy of

employment-at-will. I understand that OC LAFCO reserves the right to modify, supplement or rescind any or all of its policies whenever it deems necessary or useful to do so, at any time with or without notice.

I have carefully read this Acknowledgement Form.

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EMPLOYEE'S NAME (printed)

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EMPLOYEE'S SIGNATURE

---

DATE

**DISCLAIMER**

THESE POLICIES AND PROCEDURES ARE NOT DESIGNED TO EXPLAIN EVERY EMPLOYMENT SITUATION OR OUTLINE EVERY RELEVANT POLICY OR PRACTICE. THESE POLICIES AND PROCEDURES ARE NOT INTENDED TO CONSTITUTE AN EMPLOYMENT CONTRACT OR A GUARANTY OF FUTURE EMPLOYMENT. EMPLOYMENT WITH OC LAFCO IS "AT-WILL." THESE POLICIES AND PROCEDURES SUPERSEDE ANY AND ALL WRITTEN DOCUMENTS OR ORAL REPRESENTATIONS THAT CONTRADICT THE AT-WILL NATURE OF YOUR EMPLOYMENT, EXCEPT WHERE EXPRESSLY SUPERSEDED BY CONTRACT.

OC LAFCO RESERVES THE RIGHT TO REVISE, MODIFY, DELETE, OR ADD TO ANY AND ALL POLICIES, PROCEDURES, WORK RULES, OR BENEFITS STATED IN THESE POLICIES AND PROCEDURES OR IN ANY OTHER DOCUMENT, EXCEPT FOR THE POLICY OF AT-WILL EMPLOYMENT. ANY CHANGES TO THESE POLICIES AND PROCEDURES WILL BE DISTRIBUTED IN WRITING TO ALL EMPLOYEES SO THAT EMPLOYEES MAY BE AWARE OF THE NEW POLICIES.

### 3.2 AT-WILL EMPLOYMENT

#### A. Overview

The intent of this policy is to establish the At-Will-Employment Policy of OC LAFCO.

#### B. Policy

Employment at OC LAFCO is and shall be at all times on an at-will basis at all phases of employment. That means that either OC LAFCO or an employee may terminate an employee's employment at any time, for any reason, with or without cause or advance notice. The employment relationship between OC LAFCO and its employees is for an unspecified term and may be terminated by the employee, or OC LAFCO Executive Officer or the Commission of OC LAFCO ("Commission") at any time, with or without cause or advanced notice. Also, OC LAFCO reserves the right to transfer, demote, suspend, or administer discipline with or without cause or advance notice.

None of the policies, procedures, or contents of this herein is intended to create any contractual obligations which in any way conflict with OC LAFCO's policy of At-Will Employment. The at-will relationship can only be modified by a written agreement signed by the employee and the OC LAFCO Executive Officer.

### 3.3 EQUAL EMPLOYMENT OPPORTUNITY POLICY

#### A. Overview

The intent of this policy is to establish the Equal Employment Opportunity Policy of OC LAFCO.

#### B. Policy

OC LAFCO is strongly committed to providing equal opportunity to all employees and applicants for employment. OC LAFCO does not discriminate on the basis of race (including but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religious creed (including religious dress and religious grooming practices), national origin, ancestry, citizenship status, age (40 years and older), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity and expression (including transgender identity and expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning (or is perceived to be transitioning), sexual orientation, sex stereotyping, marital status, domestic partner status, reproductive health decision making (protected under §12920 of the Government Code in California), military service and veteran status, physical and/or mental disability (including HIV and AIDS), legally protected medical condition or

information (including genetic information,) protected medical leaves (requesting or approved), status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state or federal laws. Any such discrimination is unlawful and all persons involved in the operations of OC LAFCO are prohibited from engaging in this type of conduct. OC LAFCO strictly prohibits the harassment of any individual on any basis listed above (see the Policy Against Harassment for further clarification).

OC LAFCO prohibits unlawful harassment, discrimination, and retaliation based on:

1. Any combination of the above characteristics;
2. A perception that the person has any of the above characteristics or any combination of those characteristics;
3. A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics of any combination of the above characteristics.

This policy applies to all employment practices, including recruitment, advertising, job application procedures, hiring, placement, firing, advancement, compensation training, benefits, transfers, social and recreational programs, and any other terms, conditions and privileges of employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Executive Officer or his/her designee or Chair of the Commission or General Counsel. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

An employee who believes that he or she has been subjected to any form of unlawful discrimination should make a complaint, preferably written, to the Executive Officer, or if it involves the Executive Officer, to the Chair of the Commission or General Counsel. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. OC LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If OC LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken to determine any future discrimination.

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Commitment Policy or the Policy against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.



### 3.4 LACTATION ACCOMMODATION

OC LAFCO provides accommodations to lactating employees who need to express breastmilk during work hours in accordance with applicable law. OC LAFCO will provide a room or other location (not a bathroom) for employees to express breastmilk in private.

OC LAFCO will ensure that the lactation room or location will:

1. Be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
2. Be clean, safe and free of hazardous materials.
3. Contain a surface to place a breast pump and other personal items.
4. Contain a place to sit.
5. Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery powered breast pump.

In addition, OC LAFCO will provide access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to an employee's workspace. In the event that more than one employee needs use of the lactation room, OC LAFCO will discuss alternative options with the employees to determine what arrangement addresses their needs, such as finding an alternative space or creating a schedule for such use.

OC LAFCO shall also provide a reasonable amount of break time for an employee to express any breast milk each time that she needs to do so. The break time, if possible, should run concurrently with any break time already provided to the employee. Break time for a nonexempt employee that does not run concurrently with rest time already authorized for the employee is unpaid. However, if the employee performs any work during such break, she must accurately record all time worked and OC LAFCO will compensate her for such time.

Employees who are nursing have a right to request a lactation accommodation. Such requests may be made verbally or in writing, should indicate the need for the accommodation in order to express breastmilk at work, and should be directed to OC LAFCO's Executive Officer. OC LAFCO shall respond to such requests in a reasonable manner, not exceeding five business days. If OC LAFCO cannot provide break time, location, or other reasonable accommodations in accordance with this policy, it will inform the requesting employee in writing. Because lactation accommodation needs may change over time, employees may request changes to existing accommodations by a written request to OC LAFCO's Executive Officer that describes the nature of the change that is requested.

OC LAFCO prohibits any form of retaliation or discrimination against an employee for exercising or attempting to exercise any rights provided under the above policies. Any such conduct or violations of the above-referenced policies should be reported to OC LAFCO's Executive Officer. Employees also have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in the policy above.

### **3.5 REASONABLE ACCOMMODATION**

#### **A. Overview**

The intent of this policy is to establish the Reasonable Accommodation Policy of OC LAFCO.

#### **B. Policy**

To carry out OC LAFCO's commitment to providing equal opportunity for all employment applicants and employees, OC LAFCO will provide reasonable accommodations, including as required under applicable laws, in accordance with this policy. As previously stated, no program or activity administered by the employer shall exclude from participation, deny benefits to or subject to discrimination any individual based on an employee's actual or perceived disability or based on an employee's association with someone who has an actual or perceived disability.

**Reasonable Accommodation to Disability and Religion:** OC LAFCO will provide reasonable accommodations for applicants and employees with disabilities in accordance with the American with Disabilities Act (the "ADA") and California law, and for applicants and employees based on their sincerely held religious beliefs, practices, or observance under state and federal law. An employment applicant or employee who seeks a reasonable accommodation in order to perform essential job functions should make such a request in writing to the attention of the OC LAFCO Executive Officer or his/her designee. The request must identify (a) the job-related functions at issue; and (b) the desired accommodation(s). Following receipt of the request, the Executive Officer or his/her designee may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee's ability to perform their essential functions (or the applicant's ability to perform the essential functions of a desired position) but will not require disclosure of diagnosis or genetic history.

OC LAFCO will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of their position. During this process, OC LAFCO will examine potential

reasonable accommodations that will make it possible for the employee or applicant to perform the essential functions of the position. Such interactive process will include a meeting with the employee or applicant, OC LAFCO's designated representative(s), and, if necessary, the employee or applicant's health care provider. OC LAFCO will determine, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of reasonable accommodation(s) to provide. OC LAFCO will not provide an accommodation that would impose an undue hardship upon OC LAFCO or that is not required by law. OC LAFCO will inform the employee or applicant of any decisions made under this section in writing.

**Reasonable Accommodations Relating to Pregnancy:** OC LAFCO will provide reasonable accommodations to employees who are affected by a pregnancy, childbirth, or related medical conditions, as medically advisable. Such accommodations may consist of:

1. Modified work duties or a modified schedule to permit earlier or later hours or more frequent breaks; stools, chairs or other furniture; modified or acquired equipment or devices; reduced work hours; or other accommodations.
2. Temporary transfers to a less strenuous or less hazardous position if such transfer can be reasonably accommodated.
3. A "Pregnancy-Related Disability Leave" if the employee is disabled by pregnancy, as described in OC LAFCO's leave of absence policy.

Employees seeking a pregnancy-related accommodation, including transfer under this policy, should notify OC LAFCO's Executive Officer or Assistant Executive Officer. This notice must be timely and be provided by employees in advance when the need for reasonable accommodation is foreseeable; in all other circumstances, notice must be provided as soon as practicable. Failure to give advance notice when the need is foreseeable may delay the reasonable accommodation or transfer until 30 days after the date the employee provides notice (unless such delay would endanger the health of the employee, her pregnancy or her coworkers).

**Reasonable Accommodations for Victims of Domestic Violence, Stalking, or Sexual Assault:** OC LAFCO will also provide reasonable accommodations for an employee who is the victim of domestic violence, stalking or sexual assault if: (i) the employee has disclosed that status to OC LAFCO, and (ii) the employee requests an accommodation for the employee's safety while at work.

In such circumstances, OC LAFCO will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation. In this process, the employee may be asked to provide: (i) a written statement, signed by the employee or someone acting on the employee's behalf, certifying that the accommodation is for the purposes stated above, and (ii) a certification confirming

the employee's status as a victim of domestic violence, sexual assault or stalking. Six months after the date of each previous certification, OC LAFCO may request a recertification of such status. OC LAFCO will maintain any such certification as confidential if it identifies the employee as a victim of domestic violence, sexual assault or stalking, disclosing such information only as required by law, or as needed to protect the employee's workplace safety, and with prior notice of such disclosure to the employee.

**Retaliation and Discrimination Prohibited:** OC LAFCO prohibits discrimination, discharge, retaliation, or any other unlawful acts against an individual because such person requests or receives an accommodation under this (or another applicable) policy, or because such individual engaged in any other conduct protected by the law. Additionally, as addressed in OC LAFCO's separate policy on harassment, discrimination and retaliation, OC LAFCO prohibits unlawful harassment, discrimination or retaliation against any employee on the basis of an individual's disability, religion, religious creed, sex (including pregnancy, childbirth and related medical conditions), status as a victim of domestic violence, sexual assault or stalking, or any other status as protected by law.

### **3.6 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION**

#### **A. Overview**

The intent of this policy is to establish the Policy Against Harassment for OC LAFCO.

#### **B. Policy**

OC LAFCO is committed to providing a professional workplace in which individuals are treated with respect and in a manner consistent with OC LAFCO's high expectations of ethical conduct. This necessarily means that OC LAFCO prohibits unlawful harassment, discrimination, and retaliation in accordance with applicable laws. OC LAFCO prohibits and will not tolerate harassment of employees, applicants, or persons providing services pursuant to a contract based on factors such as sex (which includes harassment based on sex, pregnancy, perceived pregnancy, childbirth, breastfeeding, and related medical conditions), as well as harassment, discrimination, and retaliation based on such factors as race (including hair texture, protective hairstyles such as braids, locs, and twists and other traits associated with race), color, religion and religious creed (including religious dress and religious

grooming practices), national origin, ancestry, citizenship, age (40 years and older), mental disability and physical disability (including HIV and AIDS), legally-protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned or is (or is perceived to be) transitioning, sex stereotyping, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the National Labor Relations Act or California Fair Pay Act, requesting a reasonable accommodation on a protected basis such as disability or sincerely-held religious belief, practice, or observance, or any other characteristic protected by federal, state, or local laws.

OC LAFCO prohibits unlawful harassment, discrimination, and retaliation based on:

1. Any combination of the above characteristics;
2. A perception that the person has any of the above characteristics or any combination of those characteristics;
3. A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics of any combination of the above characteristics.

OC LAFCO strongly disapproves of and will not tolerate harassment, discrimination, or retaliation against employment applicants, employees, unpaid interns, or volunteers by officials, managers, supervisors, co-workers or third parties with whom employees come into contact, consistent with applicable law. Similarly, OC LAFCO will not tolerate harassment, discrimination, or retaliation by its employees directed toward non-employees with whom OC LAFCO employees have a business, service, or professional relationship (such as independent contractors, vendors, clients, volunteers, or interns). All such harassment is prohibited by OC LAFCO and is against the law.

#### C. Definition

Harassment is generally defined as verbal, physical, or visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with an employee's work performance, and that is based on a protected status. Such conduct

constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

As the definition above shows, harassing conduct can take many forms and may include, but is not limited to, the following (when based upon an employee's protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, noises, unwanted or offensive letters or poems, offensive emails, texts, gifs, memes, or voicemail messages.

Prohibited unlawful harassment includes, but not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawing or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.
4. Threats, demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.

#### D. Reporting and Complaint Procedure

##### Internal Reporting

Any incidents of discrimination, harassment, or retaliation, including work-related harassment by any OC LAFCO personnel or any other person, or any conduct believed to violate this policy should promptly submit a complaint, preferably written, to the Executive Officer, or if it involves the Executive Officer, to the Chair of the Commission and General Counsel. It is the responsibility of all of us to contribute to a work environment that is free of unlawful bias, discrimination, harassment, and retaliation.

Failure to bring forth a complaint prevents OC LAFCO from having the opportunity to correct the situation.

Managers and supervisors have a special responsibility under this policy. All levels of management and all supervisors are responsible for compliance with this Policy Against Harassment, Discrimination, and Retaliation and for ensuring that everyone in their department is aware of, understands and adheres to this policy. Supervisors and managers who receive complaints or who observe or learn of discriminatory, harassing, or retaliatory conduct must immediately inform the Executive Officer, or if it involves the Executive Officer, the Chair of the Commission and General Counsel, so that an investigation may be initiated.

Complaints should be specific and include the names of individuals involved and names of any witnesses. Individuals making such complaints must report the facts as accurately and as completely as possible. Every reported complaint of harassment, discrimination, and retaliation is taken seriously by OC LAFCO. Every reported complaint, including allegations of misconduct, will be investigated thoroughly and promptly by impartial and qualified personnel. OC LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. OC LAFCO will maintain confidentiality to the extent possible. If OC LAFCO determines that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense, up to and including termination. Appropriate action will also be taken to deter any future unlawful harassment.

Typically, the investigation will include the following steps: an interview of the employee who lodged the complaint to obtain complete details regarding the alleged harassment, discrimination, or retaliation; interviews of anyone who is alleged to have engaged in such conduct to respond to the claims; and interview of any employees who may have witnessed, or who may have knowledge of, the alleged conduct. The Executive Officer, or if it involves the Executive Officer, the Chair of the Commission and General Counsel, will notify the employee who lodged the complaint of progress during the investigation, including documentation where applicable, and timely notification of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation (e.g., parties will receive appropriate due process, OC LAFCO will reach reasonable conclusions based on the evidence collected, etc.). Employees (or other complainants) making complaints are expected to cooperate fully with the person or persons designated to investigate the complaint.

OC LAFCO prohibits conduct severe enough to be unlawful. Yet even more, OC LAFCO's workplace conduct standards also prohibit conduct and comments which are not severe enough to violate state or local or federal law—but which are still inappropriate in the workplace. For example, OC LAFCO prohibits abusive conduct in the workplace—whether or not it is based on a protected category. As a result, OC LAFCO will take prompt, appropriate, and effective corrective action (e.g., remedial measures) any time it is established that discrimination, harassment, or retaliation in violation of this policy has occurred—whether or not such violation also violates the law.

Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances.

#### External Reporting

In addition to OC LAFCO internal complaint procedure, an employee may file an external complaint by contacting the following:

1. Department of Civil Rights (CRD) [formerly known as the Department of Fair Employment and Housing (DFEH)] at 800-884-1684 or visiting <https://calcivilrights.ca.gov/contactus/>.
2. Equal Employment Opportunity Commission (EEOC) at 800-669-4000 or visiting <https://www.eeoc.gov/contact-eeoc>.

OC LAFCO will not tolerate retaliation against an individual for good faith reports of harassment, discrimination, or retaliation; assisting another in making a report; cooperating in an investigation; filing an administrative complaint with a government agency; or engaging in other protected activity. Such retaliation is a separate violation of the law and of OC LAFCO policy and is subject to disciplinary action up to employment termination. Individuals who believe they have experienced or been threatened with such retaliation, and any manager or supervisor who learns of possible retaliation, must immediately report it using the same Complaint Reporting Process above.

#### E. Sexual Harassment and Sexual Harassment Prevention Training

Sexually harassing conduct in particular may include all of the above prohibited



actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. For example, sexual harassment can be:

- Verbal: sexual innuendoes, sexually suggestive or degrading comments, text messages, gifs, memes, sexual jokes or slurs, graphic commentaries about a person's body, or repeated sexual advances or invitations.
- Nonverbal: displaying sexually suggestive objects, pictures, cartoons, magazines, calendars or posters, or making suggestive or insulting sounds, leering, whistling, or obscene gestures.
- Physical: offensive touching, brushing against a person's body, unwanted hugging or kissing, or impeding or blocking a person's normal movement. Sexually harassing conduct may arise if a reasonable person subjected to the conduct would find that the harassment so altered working conditions as to make it more difficult to do that person's job. Sexually harassing conduct can occur regardless of the sex, sexual orientation, or gender identity of the harasser or of the person being harassed. Sexually harassing conduct need not be motivated by sexual desire to be violate of this policy.

All non-managerial employees must attend a one-hour Sexual Harassment Prevention Training, and all managerial employees must attend a two-hour Sexual Harassment Prevention Training. All OC LAFCO employees will be required to attend a sexual harassment prevention training every two years as assigned by Administration. Managers will receive two hours of training every two years as assigned by Administration. Staff may be required to attend additional anti-harassment or other sensitivity trainings in regard to any protected class. OC LAFCO employees may refer to the Department of Civil Rights (CRD) [formerly known as the Department of Fair Employment and Housing (DFEH)] sexual harassment prevention online training course appropriate for their position. You may also visit <https://calcivilrights.ca.gov/> to access the online training courses.

#### F. Retaliation

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be

proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith. An employee who believes that he or she has been subjected to any form of unlawful retaliation should promptly make a complaint, preferably written, in the same manner as described above. Complaints of harassment will be investigated, and appropriate action will be taken to protect OC LAFCO employees from any form of unlawful retaliation.

### 3.7 PERFORMANCE MANAGEMENT

#### A. Overview

The intent of the performance review process is to create a supportive, safe, professional performance review process and an environment that optimizes the employee's ability to receive and actualize constructive performance feedback and that motivates the employee to authentically and actively pursue personal and professional growth/excellence.

#### B. Performance Review Policy – General Employees

A review and discussion of each employee's performance is conducted to:

1. Ensure assigned projects/tasks are completed at an acceptable level of quality to effectively serve the mission, vision, and values of the agency.
2. Plan for maximizing employee performance to serve the agency's needs.
3. Motivate and assist employees in achieving their personal growth and career objectives.

#### C. Performance Review Procedure – General Employees

The discussion of job performance and goals on an informal, weekly basis is strongly encouraged. The formal employee performance review process will include: Assessment of Employee Job Performance – At the beginning of the fiscal year, both the employee and supervisor will complete an assessment of his/her job performance. The assessment will include a summary of projects/tasks completed and a well-organized, clear and in-depth self- analysis of job performance as related to projects/tasks.

1. Assessment of Employee Professional Strengths and Weakness – Both employee and supervisor will prepare an individual written statement of employee's professional and personal strengths and weaknesses as they relate to the work environment.
2. Discussion of Employee Assessments – Following preparation of the assessments (job performance and professional strengths and weaknesses), a meeting will be convened with the employee/supervisor to compare, contrast and discuss assessments/statements and identify areas for goal setting.
3. Development of Discussion of Goals – Based upon discussion with supervisor, employee prepares draft annual goals for discussion and review with the Assistant Executive Officer and/or Executive Officer. Goals should be specific, concise, measurable and represent commitment to professional growth.
4. Finalization of Goals and Performance Review – Following goal development, a meeting will be convened involving employee/Assistant Executive Officer/Executive Officer to jointly discuss and finalize employee goals. The employee will be responsible for preparing the final, agreed to written goals and submitting them to supervisor.

Performance reviews will be completed for all General Employees by no later than the end of the first quarter of each fiscal year.

While merit-based pay adjustments are awarded by OC LAFCO in an effort to recognize truly superior employee performance, positive performance evaluations do not always guarantee increases in salary or promotions. Salary increases, and promotions are solely within the discretion of OC LAFCO and depend on many factors in addition to performance. Pay increases or bonuses will be tied to the accomplishment of specific established employee goals.

After receiving their review an employee will be required to sign the evaluation report acknowledging that it has been presented and discussed between the employee and the Assistant Executive Officer or the Executive Officer. OC LAFCO's provision of performance evaluations does not alter the at will employment relationship.

- D. Policy for Executive Officer Performance Evaluation Process (Adopted March 13, 2024)

1. As part of the performance evaluation process, the Executive Officer will prepare a year-end report summarizing the status and accomplishments of the goals and objectives included in the agency's three-year strategic/work plan adopted by the Commission.
2. The Executive Officer will complete a self-evaluation indicating his/her performance relative to the adopted goals and objectives.
3. The Chair or his/her designee will provide each Commissioner with the Executive Officer's self-evaluation and a blank evaluation form for that Commissioner's completion prior to the full Commission closed session performance discussion.
4. The Chair or his/her designee will lead the Commission's closed session discussion on the Executive Officer's performance, soliciting feedback and input from all Commissioners.
5. The Chair will be given financial parameters for negotiating compensation with the Executive Officer and delegated authority to represent the Commission in compensation discussions with the Executive Officer.
6. The Chair and his/her designee, if applicable, will meet with the Executive Officer to provide the Commission's feedback, sentiments of the discussion and to negotiate compensation.
7. The Chair will report back to the Board to close out the Executive Officer Evaluation Process and work with General Counsel to prepare any necessary agenda items and public action required to complete the process.
8. The Executive Committee will meet with the Executive Officer as warranted to check on the progress of the strategic/work plan and discuss any necessary adjustments for discussion with the full Commission.

### **3.8 PERSONNEL RECORDS**

#### **A. Overview**

The intent of this policy is to clarify the guidelines for treatment of employee personnel records and information.

## B. Policy

OC LAFCO maintains a personnel file on each employee. An employee's personnel file will contain only material that OC LAFCO determines is necessary and relevant to the administration of OC LAFCO's personnel program. Personnel files are the property of OC LAFCO, and access to the information they contain is restricted, subject to, and in accordance with, this Policy.

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of an OC LAFCO representative at a mutually convenient time. Employees may add written versions of any disputed item to their file. OC LAFCO will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy or jeopardize the safety of OC LAFCO personnel.

OC LAFCO will attempt to restrict disclosure of an employee's personnel file to authorized individuals within the organization. Any request for information from the file must be made to the Executive Officer or specific designee. Only the Executive Officer or specific designee is authorized to release information regarding current or former employees. Disclosure of personnel information to outside sources will be limited to the extent allowed by law. However, OC LAFCO will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations, with validly issued subpoenas and as otherwise required by law or legal proceeding to be released.

## 3.9 TERMINATION

### A. Overview

The intent of this policy is to explain the types of termination and OC LAFCO's procedures for processing terminations.

### B. Policy

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated.

#### 1. Voluntary Resignation

An employee who voluntarily resigns his/her employment is asked to prepare a written letter of resignation informing OC LAFCO of the intended resignation date. Although not required, employees who voluntarily resign are asked as a courtesy to give OC LAFCO at least two weeks' notice prior to the resignation date in order to provide time to search for an adequate replacement if necessary and to ensure a smooth transition.

An employee is also considered to have voluntarily terminated employment by failing to report to work for three consecutive scheduled workdays without notice, or without prior approval by the Executive Officer or Assistant Executive Officer.

## 2. Discharge

The violation of the policies and procedures of OC LAFCO or any other illegal acts may result in disciplinary action up to and including termination. Disciplinary actions may include verbal and written warnings, suspension, probationary periods, and termination of employment, depending on the conduct involved. OC LAFCO maintains its at-will status. OC LAFCO reserves the right to utilize any form of disciplinary action, up to and including termination, at any stage it deems appropriate, depending on the circumstances.

### C. Exit Interview

OC LAFCO will generally schedule exit interviews at the time of employment termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to OC LAFCO, or return of property owned by OC LAFCO. Suggestions, complaints, and questions are encouraged. Employees will receive their final pay in accordance with applicable state law.

### D. At-Will Employee

Because employment with OC LAFCO is based on mutual consent, both the employee and OC LAFCO have the right to terminate employment at will, with or without cause, at any time. Nothing in this termination policy changes the At-Will Employment policy of OC LAFCO.

### E. Benefits

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable upon termination will be paid in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued, and of the terms, conditions and limitations of such continuance.

## **PART 2 – SALARY AND WAGE ADMINISTRATION**

### **3.10 HIRING AND STAFFING**

#### **A. Overview**

The intent of this policy is to provide guidelines on the hiring and staffing practices of OC LAFCO.

#### **B. Policy**

To attract and retain qualified staff for OC LAFCO, it is the policy of OC LAFCO to use a criterion-based recruitment process and behavioral-based interview process to ensure the most qualified candidates are hired.

#### **C. Recruiting**

Recruiting applicants will be aggressive enough to assure an adequate supply of qualified candidates. The recruitment process may include, but is not limited to, the use of professional recruitment firms, referrals from current or past employees, walk-in applicants, and/or web-based postings.

#### **D. Interviews**

The employment interview is a major element in the selection process. It allows the applicant an opportunity to demonstrate his or her capabilities to perform the job and provides information to the candidate about the position. Interviews may be conducted by telephone or in face-to-face sessions.

All interview questions must be job-related and have direct bearing on the tasks

of the position. Interviews and questions are standardized so that all applicants are evaluated equally. Questions that express (directly or indirectly) any preference, limitation, or general reference to any individual on the basis of a protected category are prohibited.

E. Probationary Period

All OC LAFCO new hires will have a twelve-month probationary period beginning on the first day of employment. The OC LAFCO supervisor will provide job training during this time period and the employee will be evaluated every three months during the probationary period. OC LAFCO may terminate an employee during this twelve-month probationary period at any point in time therein. OC LAFCO retains the right to extend the probationary period. Nothing in this provision shall alter the at-will status of any employee.

### 3.11 COMPENSATION PRACTICES

A. Overview

The intent of this policy is to provide guidelines on the compensation practices of OC LAFCO.

B. Policy

It is OC LAFCO's policy to provide salaried exempt and salaried non-exempt employees with equitable salary compensation for the specific job assignment. The OC LAFCO salary compensation program is a "pay for performance" system and is designed to ensure OC LAFCO maintains an equitable value of its jobs while encouraging excellent employee performance. Consideration is given to relevant external factors such as economic conditions and the OC LAFCO annual budget. The program is implemented through established salary structures and grades, with salary ranges for both exempt and non-exempt employees. These grades provide different rates of pay for positions requiring different degrees of responsibility, experience, skills and knowledge.

Utilization of these criteria permits OC LAFCO to give individual consideration to each employee's pay in relation to his or her responsibilities, degree of contribution to the success of the agency, and job performance.

C. Salary Increases



Individual salary increases are not awarded on the basis of length of service but based on performance and OC LAFCO affordability.

D. Merit Reviews

1. Merit increases may be awarded during the compensation year in recognition of the employee's performance. The employee's performance is measured primarily on the following criteria as documented in the annual performance review: (1) did the employee successfully achieve his/her agreed upon goals and objectives? (2) what is the employee's overall value to the organization?
2. The following factors may be considered in the determination of the amount of increase: the employee's position in the pay range; compensation compared to other employees in comparable jobs; and the annual budget of the organization.
3. Merit increases, if awarded, are typically effective at the beginning of the fiscal year but may also be deferred to any effective date within the compensation year. Employees may also receive a "pass" on any merit increase in base salary if (1) his/her performance in the fiscal year has not been worthy of an increase, and/or (2) the agency's budget does not have sufficient funds for increases.
4. Probationary Merit Increase  
  
If an employee is appointed at Step 1 of the salary range, he/she may be eligible to receive a 2.5% step increase upon completion of six-months of service based on his/her performance.
5. Merit Performance Incentive Pay Program for Employee at Top-Step  
  
Once an employee reaches the top-step of the salary range for his/her classification, each year, in conjunction with the annual performance evaluation, the employee may be eligible to receive Merit Performance Incentive Pay ranging from zero to three percent of his/her annual base salary.

E. Organizational Promotion

1. A promotional increase may be awarded to an employee who experiences a significant change in the level or kind of work performed.
2. A promotional increase may be awarded to an employee who performs at a high level of competence and has demonstrated readiness to assume broader, more complex assignments if these assignments become available.

Proposed promotions from non-exempt to exempt salaried status, or from hourly to salaried status, must meet the exemption tests of the California Department of Industrial Relations, Industrial Welfare Commission Wage Order (California Wage Orders) and the Federal Fair Labor Standards Act.

### **3.12 EMPLOYMENT CATEGORIES**

#### **A. Overview**

The intent of this policy is to define employment classifications so that employees understand their employment status and benefit eligibility.

#### **B. Policy**

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and OC LAFCO.

#### **C. Exempt/Nonexempt**

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Executive Officer. Generally, EXEMPT employees (as defined by the Fair Labor Standards Act of 1938) are not eligible for overtime pay and are paid on a salary basis. Conversely, NON-EXEMPT employees are generally paid on an hourly basis and are eligible for overtime pay.

#### **D. Employment Categories**

In addition to the above categories, each employee will belong to one other employment category:

1. Regular Full Time – Employees who are not in an extra help status and who are regularly scheduled to work OC LAFCO’s full-time schedule. Generally, they are eligible for OC LAFCO’s benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. Part-Time – Employees who are not assigned to an extra help status and who are regularly scheduled to work less than 30 hours per week. While part time employees do receive all legally mandated benefits (such as Social Security and workers’ compensation insurance), they may be ineligible for some of OC LAFCO’s other benefit programs.
3. Extra Help – Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Extra help employees retain that status unless and until notified of a change in writing signed by the Executive Officer. Extra help employees are ineligible for OC LAFCO’s benefit programs unless otherwise required by law.
4. Intern – OC LAFCO sometimes utilizes the services of paid student interns. Interns are used to supplement the OC LAFCO work force and provide opportunities for local students to gain local government work experience. Employment is for a specified period of time. Interns are ineligible for OC LAFCO’s benefit programs.
5. Temporary Assignment Category (outside of regular full-time/part-time employment categories) – Occasionally, employees may be assigned additional temporary duties outside of their current position description when there is a business need, which may be due to new duties to be performed by OC LAFCO which have not yet been permanently assigned, a vacancy during a recruitment or extended leave of another employee. The term of a temporary assignment will be limited and include duties that are required to support internal efficiencies and administration operations. All temporary assignments will be approved by the Executive Officer and will be compensated at a maximum two and a half percent temporary increase to the affected employee’s current bi-weekly salary. At the end of the temporary assignment, the affected employee’s bi-weekly salary will be

returned to the previous bi-weekly salary. This additional amount will not be reportable for retirement purposes. Employees that are required to perform additional duties on a short-term basis (for less than two weeks) will not be eligible for additional pay. A temporary assignment is not intended to be applied to multiple employees at one time for sharing additional duties due to vacancies or extended leaves.

This provision does not apply to the position of Executive Officer.

E. Job Descriptions

Job descriptions are adopted by the Commission in the Classification and Compensation Resolution. Please refer to Resolution CP 18-04 for the current job descriptions.

### 3.13 PAY POLICIES

A. Overview

The intent of this policy is to explain and clarify wage administration, work hours and timekeeping.

B. Payment of Wages

All employees are paid biweekly (every two weeks). There are 26 pay periods each year with paydays being every other Friday. In the event that the normal payday falls on an OC LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

C. Pay Advances

OC LAFCO does not give advances against wages or un-accrued vacation time.

D. Corrections to Payroll

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. Payment due to a correction will be processed in accordance with state law.

E. Overtime Pay

When OC LAFCO's needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work for nonexempt employees must receive prior authorization of the Executive Officer. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws, based on actual hours worked. OC LAFCO will make an effort to evenly distribute overtime based on business necessity among the employees with the necessary skills, knowledge, and abilities. When possible, advance notification will be provided. Employees who refuse to work overtime shall be subject to corrective action, up to and potentially including termination.

*OC LAFCO policy is that all overtime should be pre-approved by the Executive Officer. OC LAFCO will pay any overtime worked, regardless if pre-approved. However, the working of overtime that has not been approved may be grounds for discipline, up to and including termination of employment.*

All employees who are classified as "non-exempt employees," as defined under applicable laws or regulations, will be eligible for overtime pay. Exempt employees are not entitled to overtime pay. Overtime is typically defined under federal law as hours worked by non-exempt employees in excess of forty (40) hours in a workweek. In California, overtime is also typically applied to hours worked over eight (8) in a standard work day; though alternate work weeks allow variance. OC LAFCO follows the applicable state and federal laws when calculating overtime. Please note that only actual hours worked in a given workday or work week apply in calculating overtime. In other words, sick leave, vacation, holidays, or other paid time off is not considered hours worked for purposes of calculating overtime. Employees are obligated to accurately report their overtime worked; any error in overtime payment must be reported in writing to management for correction.

Employees of OC LAFCO designated as exempt employees shall not be subject to the provisions of this section.

F. Work Hours

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week, at the discretion of the Executive Officer.

G. Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require OC LAFCO to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees shall accurately record the actual time they begin and end their work electronically. Each employee is responsible for the daily recording of all time worked on this device. Each employee MUST record their start and finish times for the work day and for meal periods daily. Nonexempt employees must also record departure from work for any non-work-related reason. Failure to do so will subject an employee to discipline, up to and including discharge. Submitting time for another employee is grounds for discipline, up to and including termination. Altering, falsifying, or tampering with time records may result in termination.

OC LAFCO's time keeping policies must be followed at all times. Employees are responsible for reviewing their time entries for accuracy and confirming that their paychecks accurately reflect their actual hours worked. If there are any errors on your paycheck, you should report the error immediately in writing. Any pay correction will be included in the pay period for the time period in which the correction occurred, unless otherwise stated at the time of the correction. Any modifications to a time record must be initialed by the employee, supervisor and the Executive Officer. Exempt employees are expected to also keep track of their hours on a timesheet to be provided by OC LAFCO.

### **3.14 COMPENSATION STRUCTURE**

The compensation structure is performance-based with ten-step salary ranges for each classification (See the Classification and Compensation Resolution CP 18-04 for details).

## **PART 3 – BENEFITS**

### **3.15 INSURANCE AND OTHER BENEFITS**

#### **A. Overview**

The intent of this policy is to provide insurance and other benefits to all regular full-time and part-time employees of OC LAFCO. The Commission will review and may change these benefits on an annual basis at its discretion.

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B. Policy

OC LAFCO employees will receive health insurance, dental insurance and other insurance depending on their particular classifications. These insurance benefits will generally, but are not required to be, the same as provided to County of Orange employees. OC LAFCO employees are also eligible to participate in the Orange County Employees Retirement System (OCERS) and the County of Orange Defined Contribution 457(b) and 401(a) Plans. The Commission will review and establish the benefits annually at its discretion. A Benefits Summary Chart will be prepared annually setting forth these benefits and provided to all OC LAFCO employees.

### 3.16 TUITION REIMBURSEMENT

A. Overview

OC LAFCO encourages and supports efforts by its employees to improve their skills and educate themselves for advancement. OC LAFCO believes that assisting the employee in the pursuit of an educational agenda or to otherwise expand their work-related knowledge base will benefit both the employee and OC LAFCO.

B. Policy

All regular full-time employees of OC LAFCO, who have successfully completed the twelve-month probationary period, are eligible to receive educational assistance.

Upon pre-approval by the Executive Officer, the following reimbursement policies have been outlined to cover tuition and course/seminar or degree related expenses:

1. Maximum company reimbursement for all course or degree related expenses is \$3,000 per calendar year in pursuit of any approved courses, seminars, certifications, associate degree, or bachelor's degree. Reimbursement in pursuit of an approved masters or doctoral degree program is \$5,000 per calendar year.
2. Employees will not be reimbursed for more than two (2) courses in a single semester or quarter.

3. Course must be related to the work of the employee's position or occupation and must be taken at accredited institutions.
4. Pre-approval of classes (or course of study) is required by the Executive Officer. Employees must submit a written request for tuition reimbursement, prior to enrolling in the class, to the Executive Officer for approval.
5. Must be an OC LAFCO employee throughout the duration of the course.
6. The percentage of reimbursement is based on the grade earned for each college seminar, certification, associate, bachelor, master or doctoral degree course:

Grade A	100%
Grade B	100%
Grade C*	50%
Pass/Credit	50%

\*Master's and doctoral degree courses completed with a letter grade of "C" or below are not eligible for any reimbursement.

7. Reimbursable expenses include tuition, required textbooks, lab fees, library fees, and required registration and parking fees.
8. Upon completion of the course, official grades and receipts must be submitted to the Executive Officer for reimbursement. Taxes are withheld on educational reimbursements when required by law.

### **3.17 STAFF MILEAGE REIMBURSEMENT**

#### **A. Policy**

OC LAFCO staff will be reimbursed at the currently applicable IRS rates for reasonable and necessary mileage expenses when personal vehicles are used for OC LAFCO-related business, including, but not limited to, meetings, project site visits, and conferences. To receive mileage reimbursement, a form indicating the date of the trip, number of miles traveled, purpose of the trip, and reimbursement calculation is required to be submitted for review and approval by the Executive



Officer. If approved, the form is submitted to the Bookkeeper for issuance of a reimbursement check.

#### **PART 4 – TIME OFF**

### **3.18 SICK LEAVE BENEFITS**

#### **A. Overview**

Employees who are hired to work at least thirty days are eligible for California Paid Sick Leave. The intent of this policy is to provide paid time off for the purpose of illness or other medical requirements.

The Commission will review and may change any of these sick leave benefit provisions on an annual basis at its discretion.

#### **B. Policy**

OC LAFCO provides paid sick leave benefits to all employees as required by California law.

#### **C. Accumulation of Sick Leave**

During the first three (3) years of employment, an employee shall earn .0347 hours of sick leave with pay for each paid hour in a regular scheduled workweek or period (approximately seventy-two (72) hours per year).

After an employee has been paid for six thousand two hundred forty (6240) regular scheduled hours, approximately three (3) years, the employee shall earn .0462 hours of sick leave with pay for each paid hour in a regularly scheduled work period (approximately ninety-six (96) hours per year).

Sick leave earned shall be added to the employee's sick leave accumulation account upon the completion of the pay period, with no credit to be applied during the progress of the pay period or for a portion of the pay period or for a portion of the pay period during which the employee terminates service.

Employees may only accumulate up to a maximum of 1500 hours of sick leave.

Extra Help Employees shall accrue sick leave at a rate of one hour per every 30 hours worked beginning at the commencement of employment.

Extra Help Employees will have a maximum sick leave accrual of 80 hours. Extra Help Employees will not accrue any additional sick leave hours once they hit 80 hours in their sick leave balance. Once they fall below 80 hours of sick leave accrual, they will begin to accrue sick leave again. Extra Help Employees may use up to a maximum of 40 hours sick leave annually.

Should an Extra Help Employee become a regular full time or part time employee, the pro-rated sick leave hours they accrued as an Extra Help will roll over into their sick leave account as a regular full time or part time employee.

#### D. Permitted Uses of Sick Leave

Employees may use Paid Sick Leave for the following purposes:

1. The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's qualified family member.
2. For an employee who is a victim or whose family member is a victim (an individual against whom a qualifying act of violence is committed), as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.
3. Illness while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
  - a. The illness or injury of the employee or member of the employee's immediate family was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
  - b. The employee must notify the Executive Officer within four (4) calendar days of the beginning of the illness or prior to the end of his or her vacation leave.

- c. OC LAFCO shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
  - d. Upon the employee's return to work, the employee may be requested to furnish OC LAFCO with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.
4. Absence from duty because of personal emergencies is not to exceed twenty (20) working hours during the fiscal year. A personal emergency is something unanticipated that requires the employee to personally attend to the situation and must be attended to during normal working hours.
  5. An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.

A "family member" for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling, or a designated person which is a person identified by the employee at the time the employee requests paid sick days.

Sick leave shall not be applied to an absence which occurs on a holiday observed by OC LAFCO.

In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, which exempt employees will be charged only for full-day absences. Exempt employees are defined as those employees who are exempt from overtime rules under the Fair Labor Standards Act.

To the extent possible, employees must provide reasonable advance notice of their need for California Paid Sick Leave under this policy to the Executive Officer or their immediate supervisor by telephone. If the need is not foreseeable, the employee must provide notice as soon as practicable. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day.

An employee may be required to furnish a certificate issued by a licensed health care provider or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when OC LAFCO has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.

Any accrued, unused sick leave will roll over into the next calendar year.

E. No Payout of Sick Leave

There is no payout for unused accumulated sick leave when an employee leaves employment with OC LAFCO.

F. Transfer of Sick Time between OC LAFCO Employees

OC LAFCO employees, with the approval of the Executive Officer, may transfer up to 80 hours of sick leave per year to another OC LAFCO employee if needed to cover time off for medical or dental appointments or personal emergencies. OC LAFCO employees, with the written approval of the Executive Officer, may transfer a portion of their unused sick time balance to another OC LAFCO employee under the following circumstances:

1. An OC LAFCO employee may transfer no more than 80 hours of sick time to any one OC LAFCO employee during any calendar year.
2. The OC LAFCO employee receiving the sick time transfer must be experiencing personal or family medical issues requiring extended periods of time away from the office.
3. The OC LAFCO employee transferring sick time must maintain a minimum balance of at least 40 hours of sick time after an approved transfer.
4. All sick-time transfer requests must be approved by the Executive Officer.

### 3.19 VACATION<sup>1</sup>

#### A. Overview

This policy applies to all regular full-time and part-time employees of OC LAFCO. The intent of this policy is to provide paid time off for employees as a means of rest and rejuvenation. OC LAFCO encourages employees to utilize this benefit every year. OC LAFCO believes personal time off is an important means to enable continuation of strong performance and positive contribution to OC LAFCO, as well as encourage a balanced and enriching life for employees. The Commission will review and may change any of these vacation benefit provisions on an annual basis at its discretion.

#### B. Policy

During the first three years of employment, an employee shall earn approximately .0577 hours of vacation leave with pay for each hour in a regularly scheduled workweek or period (120 hours or 15 days per year).

After an employee has been paid for 6,240 regularly scheduled hours, approximately three years, the employee shall earn approximately .077 hours of vacation leave with pay for each paid hour in a regularly scheduled work period (160 hours or 20 days per year).

After an employee has been paid for 20,800 regularly scheduled hours, approximately ten years, the employee shall earn approximately .0962 hours of vacation leave with pay for each paid hour in a regularly scheduled work period (200 hours or 25 days per year).

Regular part-time employees with continuous service working 20 hours or more per week will accrue vacation in accordance with the above schedule, on a pro-rated basis determined by normal hours worked. Active service for all regular employees commences with their first day of work and continues thereafter unless broken by an absence without pay or leave of absence. Extra help employees do not accrue paid vacation.

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<sup>1</sup> Amendment to the vacation policy for vacation accruals was approved by the Commission on October 11, 2023 with an effective date of December 15, 2023.

Employees cannot accumulate more than 240 hours of vacation.

Accrual ceases until vacation is utilized to bring the amount of accrued vacation below the applicable cap or vacation is cashed out as permitted by this policy.

In order to request vacation time, employees should submit a written request to the Executive Officer or Assistant Executive Officer. Efforts will be made to accommodate all employees' requests for specific vacation leave time. However, the Executive Officer or Assistant Executive Officer will also consider the needs of OC LAFCO when evaluating vacation requests.

In rare cases, the Executive Officer may allow an employee to take an advance on vacation accrual time; however, this advance will not be allowed to exceed the

amount of time the employee is scheduled to accrue during the current service year. Before any advance on vacation is granted, the employee will sign an authorization which authorizes OC LAFCO to deduct from his/her final paycheck the amount of any un-accrued vacation time advanced to the employee which has not subsequently been accrued.

During each fiscal year an employee may request to be paid for accrued vacation in either two (2) separate increments of up to forty-five (45) hours each or one (1) increment of up to ninety (90) hours.

Upon separation from OC LAFCO employment, an employee is eligible to be paid for accrued, unused vacation days up to a maximum of 240 hours at 100% of the employee's hourly salary. In cases where an employee terminates employment with OC LAFCO and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of unaccrued time off taken.

A holiday that falls during an employee's vacation leave will be treated and paid as a holiday and not as a day of vacation leave.

### **3.20 HOLIDAY**

#### **A. Overview**

The intent of this policy is to provide paid time off for eligible employees for holidays throughout the year.

B. Policy

Holiday time off with pay will be granted to all regular full-time employees and regular part-time employees (prorated) for the days designated by the County of Orange on an annual basis. Each part-time employee scheduled to work, but permitted to take the day off, shall receive pay computed at the employee's basic hourly rate for the number of hours the employee was regularly scheduled to work. A part-time employee shall receive compensatory time at the rate of one (1) hour for each five (5) hours of regularly scheduled work in the workweek up to a maximum of eight (8) hours of compensatory time. Holidays will vary year to year and a schedule will be published each year.

### 3.21 COMPENSATORY TIME

A. Overview

OC LAFCO employees earn compensatory time ("comp time") when a County holiday falls on a "flex" day. Limited comp time is also earned during the calendar year to all employee's time off to attend special religious or other designated events.

B. Policy

For employees who are not scheduled to work on a holiday (whose regular day off is the holiday) or their flex day falls on a holiday, management should work with employees to offer one of the following options:

1. The employee may change his or her schedule and take another day off in the same pay period where operationally feasible and without incurring overtime liability. For employees who are not on an eight-hour day schedule, the employee may go on an eight-hour day schedule for the workweek in which the holiday fills.
2. The employee may bank eight (8) hours of non-cashable compensatory time for use at a later date.

Compensatory time may be used in lieu of vacation time for time off. Compensatory time shall have no cash value and any unused hours will be forfeited upon separation from the County.

### **3.22 PREGNANCY RELATED DISABILITY LEAVE**

#### **A. Eligibility**

In accordance with applicable law and this policy, female employees are eligible for a leave of absence and/or transfer on account of pregnancy, regardless of length of service with OC LAFCO.

#### **B. Pregnancy Disability Leave**

OC LAFCO recognizes that employees may be unable to work for temporary or extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled by pregnancy, childbirth, or related medical conditions, OC LAFCO provides leave for the period of actual disability ("Pregnancy Disability Leave"), up to a maximum of four months. Pregnancy Disability Leave may be taken intermittently, or on a reduced-hours schedule, as medically advisable. An employee may also be entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions.

1. A woman is "disabled by pregnancy" if, in the opinion of her healthcare provider, she is unable to work at all or is unable to perform one or more of the essential functions of her job or to perform these without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
2. Pregnancy disability leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four months per pregnancy (eighty- eight workdays for a full-time employee). Employees who regularly work more or less than a 40-hour workweek are entitled to such leave on a pro rata basis.
3. Time off for necessary prenatal or postnatal care, as well as for any conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum



depression, childbirth, loss and end of pregnancy, and recovery from childbirth are all covered by pregnancy disability leave.

C. Leave Due to Childbirth

Even if the employee is not disabled by pregnancy, childbirth, or related medical conditions, a pregnant employee is entitled to up to six weeks of leave for normal childbirth. A pregnant employee is entitled to up to eight weeks of leave for cesarean section. Employees working more or less than a 40-hour work week are entitled to such leave on a pro rata basis.

D. Leave, Transfer and Other Reasonable Accommodation Requests

1. Pregnant employees should notify the Executive Officer as soon as possible regarding their intent/need to take a leave of absence or to transfer due to pregnancy, childbirth, or related medical conditions. Such notice should specify the anticipated timing and duration of the leave or transfer.
2. Where the need for a leave of absence or transfer is foreseeable, employees must provide such notice at least 30 days prior to the date the leave or transfer is to begin. Further, employees must consult with the Executive Officer regarding the scheduling of any planned medical treatment or supervision so as to minimize any disruption to OC LAFCO's operations. (Actual scheduling of the leave/transfer is subject to the approval of the employee's healthcare provider.)
3. Where 30 days advance notice is not possible, notice must be given as soon as possible. If an employee fails to provide the requisite 30 days' advance notice for a foreseeable need for leave, without any reasonable excuse for the delay, OC LAFCO reserves the right to delay the taking of the leave until at least 30 days after the date that the employee does provide such notice. However, OC LAFCO will not deny a pregnancy disability leave or transfer where the need for leave is an emergency or was otherwise unforeseeable.
4. OC LAFCO shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. OC LAFCO shall attempt to respond to the leave request before the date of

leave is due to begin. Once given, the approval shall be deemed retroactive to the date of the first day of the leave.

5. Reasonable accommodation other than leave or transfer will be granted upon request. Such requests must be supported by a written certification from the employee's healthcare provider.

#### E. Intermittent Leave

Pregnancy Disability Leave need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

1. If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, OC LAFCO may require that the employee transfer temporarily to an available alternative position.
2. An "alternative position" is one that provides pay and benefits equivalent to those of the employee's regular position and better accommodates recurring periods of leave than the employee's regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
3. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

#### F. Temporary Transfers

1. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's healthcare provider certifies that such a transfer is medically advisable.
2. Temporary transfers will be granted where appropriate and when OC LAFCO is able to reasonably accommodate the transfer, provided that the transfer would not require OC LAFCO to:
  - a. Create additional employment.
  - b. Discharge another employee.
  - c. Violate collective bargaining agreement.

- d. Transfer a more senior employee in order to make room for the pregnant employee's transfer; or
- e. Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

G. Certifications

1. As a condition of taking a Pregnancy Disability Leave or transfer, the employee must provide medical certification from her healthcare provider that she is disabled due to pregnancy, childbirth or related medical conditions and/or that a transfer to an alternative position is medically advisable.
2. The medical certification should include:
  - a. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer.
  - b. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
  - c. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons or a statement that, due to pregnancy, the transfer is medically advisable.
  - d. Upon expiration of the time period for the leave estimated by the health care provider, OC LAFCO may require the employee to provide another medical certification if additional leave time is requested.

H. Fitness for Duty

The employee must provide certification from her healthcare provider of her fitness for duty prior to being reinstated.

I. Pay During Leave

1. Pregnancy Disability Leave is unpaid leave. However, the employee may elect to use, or OC LAFCO may require that the employee use accrued sick leave to provide pay during the period of Pregnancy Disability Leave.
2. An employee may also elect, at her option, to use accrued vacation or other accrued paid time off, if any, to provide pay during pregnancy disability leave. The use of paid leave runs concurrently with Pregnancy Disability Leave and does not extend the length of the Pregnancy Disability Leave.
3. The employee may also be eligible to receive temporary disability insurance payments during her Pregnancy Disability Leave, and to coordinate the use of any accrued sick leave and/or vacation to supplement temporary disability insurance payments.

J. Reinstatement

1. The employee is entitled to be reinstated to the same or comparable position upon release to return to work by her healthcare provider.
  - a. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.
  - b. If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two business days, where feasible, after the employee notifies OC LAFCO of her readiness to return and provides medical certification of her fitness for duty.
  - c. Failure to return to work on the next workday following the expiration of pregnancy disability leave may be grounds for termination of employment.
2. The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the “same position” may be denied if for legitimate business reasons unrelated to the employee having taken a Pregnancy Disability Leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested.

3. Also, the employee has no greater right to reinstatement to a “comparable position” or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if there is no comparable position open on the employee’s scheduled date of reinstatement or within 60 calendar days thereafter.
4. In the event that the employee takes family and medical leave under the California Family Rights Act (“CFRA”) following her pregnancy disability leave for the birth of her child, the employee’s right to reinstatement shall be governed by the CFRA and OC LAFCO’s Family and Medical Leave Policy rather than these provisions.

K. Seniority and Benefits

1. In general, employees taking Pregnancy Disability Leave will be treated the same as other similarly situated employees taking disability leave.
2. The employee returning from a Pregnancy Disability Leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority related benefits such as vacation.
3. The employee shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority.

L. FMLA/CFRA and Pregnancy Disability Leave

In accordance with the Federal Family and Medical Leave Act (FMLA), OC LAFCO shall count each day of pregnancy disability leave against an eligible employee’s entitlement to up to 12 weeks of leave under the FMLA. Pursuant to the CFRA, the right to CFRA is separate and distinct from the right to take leave for pregnancy disability, and PDL will not be counted against the CFRA leave entitlement.

M. Group Health Insurance

Where an eligible employee is on Pregnancy Disability/FMLA Leave, OC LAFCO will continue the employee’s group health insurance coverage under the same terms and conditions as applied prior to the leave of absence.

1. In the event that the employee fails to return from leave, OC LAFCO may recover premiums it paid to maintain group health insurance coverage. (For details, see OC LAFCO's Family and Medical Leave Policy.)
2. If the employee coverage ceases after the exhaustion of Pregnancy Disability Leave/FMLA or other leaves, the employee may continue group health insurance coverage pursuant to federal and state COBRA guidelines.

### 3.23 OTHER TIME OFF

#### A. Overview

This policy applies to all regular full-time and regular part-time employees of OC LAFCO. The intent of this policy is to outline other types of paid and unpaid time off available to eligible employees.

#### B. Bereavement Leave

Upon request, employees who have been employed for at least 30 days will be entitled to five (5) days of paid leave, which will be pro-rated for part-time employees based on hours worked, for each death in the employee's immediate family. For purposes of this section, immediate family is defined as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren; the employee's domestic partner or the child of a domestic partner; person whom the employee has/had a legal guardian relationship. To the extent allowed by law, OC LAFCO may request documentation from an employee availing themselves of this leave.

The days of bereavement leave do not need to be taken consecutively, however, the employee must complete the bereavement leave within three months of their family member's death, at which time any remaining unused bereavement leave will expire.

Employees may also, with the approval of the Executive Officer, use any available paid leave for additional time off as necessary. If more time off is requested, it will be granted only at the discretion of the Executive Officer. Bereavement pay is calculated based on the base pay rate at the time of absence and prorated for part-time employees.

#### C. Reproductive Loss Event

All employees who have been employed for OC LAFCO for at least 30 days are entitled to an unpaid leave of absence up to five (5) days in total following a reproductive loss event. Such leave must be taken within three (3) months of the reproductive loss event. If an employee experiences more than one reproductive loss event within a 12-month period, OC LAFCO will grant the employee a cumulative total of up to of 20 (twenty) unpaid days of leave; subject to the limitation that each unpaid leave of absence shall not exceed five (5) days.

A reproductive loss event is defined as: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. If the employee would have been recognized as a parent if the aforementioned events were successful, the employee will be covered under this definition. This includes the employee, the employee's current spouse or domestic partner, or another individual if the person would have been a parent of a child as a result of the event.

The leave of absence following a reproductive loss event is unpaid, though an employee may elect to utilize any accrued and available paid sick leave, vacation, personal leave, or compensatory time off that is otherwise available to the employee.

#### D. Jury Duty Leave

OC LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. OC LAFCO provides 30 days of paid time off at the employee's regular rate of pay for jury duty service provided the employee deposits fees paid for hours of jury duty excluding mileage. For service longer than 30 days, employees may use any accrued vacation leave or receive unpaid leave for jury duty service.

Employees must show the jury duty summons to the Executive Officer as soon as possible so that arrangements may be made to accommodate their absence. Employees are expected to report for work whenever the court schedule permits, including any remaining parts of a normally scheduled workday.

OC LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

#### E. Domestic Violence Victim Leave, Sexual Assault or Stalking

OC LAFCO will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. OC LAFCO requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide OC LAFCO with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the Sick Leave policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

OC LAFCO prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

#### F. Crime Victims' Leave

OC LAFCO will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. OC LAFCO requires that, where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide OC LAFCO with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

#### G. Leave for Organ and Bone Marrow Donation

OC LAFCO will grant an employee the following leaves of absence:



1. Bone Marrow Donation:

A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person.

2. Organ Donation:

- a. A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating the employee's organ to another person.
- b. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of the employee donating the employee's organ to another person.

For leaves of absence under this policy that are paid, if an employee has earned and unused sick or vacation time is available, the employee is required to first use up to five days of such paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to OC LAFCO that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, OC LAFCO will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, OC LAFCO will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. OC LAFCO may decline to restore an employee because of reasons unrelated to the employee's exercise of rights under this policy.

#### H. Time Off to Vote

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, OC LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

#### I. Military Leave

Military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Military and Veterans Code Section 394.5. Advance notice of military serve is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable. Employees who have been employed for at least one year are eligible for up to 30 days of paid leave for active-duty training.

Employees on military leave will receive rights and benefits comparable to those they would receive under OC LAFCO's policies for other types of leave. Continuation of health insurance benefits is available based on the length of the leave and subject to the terms, conditions and limitations of the applicable plan for which the employee is otherwise eligible. Employees on leave for no more than 30 days will receive continued health insurance benefits but are responsible for paying their portion of the health care coverage continuation rights. Vacation, sick leave and holiday benefits will continue to accrue during any paid portion of a military leave of absence.

CFRA permits employees to take up to 12 workweeks of unpaid protected leave during a 12-month period for a "qualifying exigency" related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child or parent in the U.S. armed forces. The Federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This policy supplements our Family and Medical Leave policy and provides a general notice of employee rights to this leave. Except as stated below, such rights and

obligations for service member leave are governed by our existing Family Leave policy. Service member FMLA/CFRA runs concurrent with other leave entitlements provided under federal, state and local law. Service member FMLA provides eligible employees unpaid leave for anyone, or combination of the following reasons:

1. A “qualifying exigency” arising when the employee’s spouse, son, daughter or parent, who is a member of the Armed Forces (including National Guard and Reserves), is on covered active duty or has been notified of an impending call to order to covered active duty; and/or
2. To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating and is certified by the service member’s healthcare provider.

When leave is due because of a “qualified exigency” concerning the military duty of a family member, an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by OC LAFCO, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of his or her intent to take leave as soon as reasonably possible and provide certification of either the “qualified exigency” or family service member’s need for care as soon as practicable.

#### J. Military Spouse Leave

Qualified California employees will be given up to 10 days leave during that time in which the employee’s spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide OC LAFCO with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to OC LAFCO certifying that the military member will be on military leave from deployment.

#### K. Workers' Compensation Leave

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for a period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee's work-related injury qualifies as a serious health condition, any Workers' Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act ("FMLA") and the California Family Rights Act ("CFRA"). Employees on Workers' Compensation Leave should keep their supervisors informed as to their work status and will need to provide a doctor's release before returning to work.

For more information on how to apply for or obtain workers' compensation information, an employee may contact the County of Orange, Risk Management Department at (714) 285-5511. Additional information may also be found at the following worker's compensation resources:

1. State of CA Department of Industrial Relations  
Website: <https://www.dir.ca.gov/dwc/fileclaim.htm>.
2. Facts for Injured Workers: <https://www.dir.ca.gov/dwc/InjuredWorker.htm>.

#### L. Volunteer Emergency Leave and Training

If employees volunteer as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to unpaid leave to perform emergency duty. In addition, they may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. If an employee qualifies for these types of leave, he or she may use accrued vacation during the leave. Time spent on this leave counts for purposes of determining “length of service.” However, vacation will not be accrued, and holiday pay will not be received during this leave.

#### M. Time Off for Parents to Attend School Activity

Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to forty (40) hours per school year to attend authorized school activities which involve one or more of the employee’s school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed eight hours in any calendar month.

Employees may use any accrued vacation while they attend their child’s school activities. If not, the employee’s parental time off will be unpaid. For scheduling purposes, employees must notify the Executive Officer at least one (1) week before the date of the school activity, so that their work duties may be covered.

#### N. Literacy Education Leave

OC LAFCO will reasonably accommodate employees who are seeking to enroll in an adult literacy education program provided the accommodation requested would not result in undue hardship to OC LAFCO. OC LAFCO does not provide paid time off for participation in an adult literacy education program.

#### O. Kin Care Leave

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

1. Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee’s covered family member.

2. For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
3. If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims' services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee's then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee's annual accrued sick leave benefits can be counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

For purposes of this policy, a family member means as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

Please note, leave under this statute runs concurrently with paid sick leave and CFRA/FMLA leave.

#### P. Alcohol and Drug Rehabilitation Leave

Under California state law, employees who seek time off to voluntarily complete a rehabilitation program are eligible for this leave under this policy.

Employees may take reasonable unpaid leave as long as the leave does not cause OC LAFCO an undue hardship. This leave is unpaid but employees may choose to use available sick leave concurrently with rehabilitation leave.

### 3.24 FAMILY AND MEDICAL LEAVE

#### A. Overview

The intent of this policy is to outline and explain some of the rules and requirements applying to the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

Note: Employers with at least 50 employees are required to comply with FMLA, whereas all public employers are required to comply with the CFRA. OC LAFCO does not meet the threshold for FMLA, but by policy provides leave pursuant to the FMLA.

## B. Eligibility

Regular full-time and regular part-time employees are eligible to request unpaid Family and Medical Leave under CFRA/FMLA if at the time leave commences, all of the following apply:

1. Must have worked for OC LAFCO for at least twelve (12) months at any time (need not be continuous).
2. Must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

Part-time employees who meet the requirements will calculate Family and Medical Leave on a prorated basis according to the number of hours they are normally scheduled to work.

## C. Reasons for Leave

Leave may be requested for any of the following reasons:

1. The birth or adoption of a child, or the placement of a child in foster care.
2. To care for the employee's child (including adult children over 18 years of age, stepchildren and children of a domestic partners), spouse, sibling, registered domestic partner, parent (including parent-in-law), grandchild, grandparent or designated person with a serious health condition. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. OC LAFCO may limit an employee to one designated person per 12-month period for family care and medical leave.

3. A serious health condition that prevents the employee from performing an essential function of his/her job, except for leave taken for disability on account of pregnancy, childbirth or related medical conditions; or
4. Military spousal, and military caregiver and exigency leave.

Family and Medical Leave is not available for non-serious conditions (including minor illnesses or for voluntary or cosmetic treatments) unless inpatient care is required or for routine preventive physical examinations.

#### D. Length of Leave

The length of Family and Medical Leave is up to twelve workweeks within a twelve-month period (exception for Pregnancy Disability and Military Caregiver – see policies). The twelve-month period begins the date the leave is taken. There is no carryover of unused leave from one twelve-month period to the next twelve-month period. Holidays that fall during the leave are counted against leave entitlement.

If at the end of twelve weeks the employee is unable to return to work, they may request a personal leave without pay. Such leave is granted at the discretion of OC LAFCO, and there is no requirement to hold the job available during the personal leave. OC LAFCO will, however, be governed by the Americans with Disabilities Act, the California Fair Employment and Housing Act, and Workers' Compensation regulations, if applicable.

#### E. Intermittent or Reduced Scheduled Leave

Family leave taken for the purpose of birth or placement of a child will generally be granted in minimum amounts of two weeks. However, an employee may request smaller increments of leave time which will be granted on any two occasions and will be subject to OC LAFCO approval for any additional requests based upon business needs.

Family and Medical Leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's child (including adult child over 18 years of age), spouse, sibling, registered domestic partner, child of a registered domestic partner, parent, grandchild, grandparent or designated person and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly disrupt OC LAFCO's operations. Military exigencies' leave also may be taken intermittently or on a reduced schedule.



If leave is taken intermittently or as a reduced work schedule, the amount of time used under Family and Medical Leave is only the time actually taken. For example, one day of leave per week for an employee who works five days per week is the equivalent of 1/5 of a week of Family/Medical Leave used.

#### F. Temporary Alternative Positions

An employee may be placed in a temporary alternative position if they request intermittent or reduced schedule leave, or the existing position description may be altered, to better accommodate the employee's need for recurring periods of leave. The alternative position may not have equivalent duties but will receive equivalent pay and benefits. The employee must be qualified for the position. They may also be transferred to a part-time job with the same hourly rate of pay and benefits.

#### G. Impact on Benefits

Health insurance premiums that are normally paid by OC LAFCO will continue to be paid during Family and Medical Leave for a maximum of twelve workweeks in a twelve-month period. The employee is still responsible for his or her share of the health insurance premiums during the period of leave. If the employee substitutes paid leave for unpaid leave, such payments will be deducted from the employee's pay through payroll deductions. Otherwise, the employee must make arrangements with OC LAFCO to pay for such premiums.

OC LAFCO may recover any health insurance premiums it paid during the leave if the employee fails to pay his or her share of the premiums during the leave or the employee fails to return to work from leave for a reason other than recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstance beyond the employee's control.

Service time, as well as vacation and incidental absence time, will continue to accrue during, but not exceeding, the twelve-week period. Employees will not be paid for holidays if they are in an unpaid status. For Family and Medical Leave of 30 days or less, reviews relating to salary and performance will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon the employees return to work. For Family and Medical Leave of over thirty days, Salary and Performance Reviews will be extended equal to the length of the leave.

#### H. Pregnancy Disability

In addition to the pregnancy disability leave described in this handbook, an eligible pregnant California employee is entitled to up to 12 additional workweeks of CFRA Leave. The maximum time to be taken off is: four months pregnancy disability/FMLA (with a healthcare provider's certification) plus 12 workweeks CFRA.

#### I. Requesting a Leave

An employee will be asked to provide certification from a health care provider that the leave is medically necessary when requesting a leave for their own health condition. If the health condition is that of a parent, spouse, or child, the healthcare provider must certify that the employee's care is required.

All requests must be provided in writing and include information and a schedule relative to the leave. Employees are requested to give as much advance notice as possible. Thirty (30) days is considered a minimum. In cases of emergency, give as much notice as possible under the circumstances. If the leave schedule is flexible, employees are required to try to schedule the leave so as not to unduly disrupt OC LAFCO's operations.

#### J. Integration with Paid Leave

Leave provided under FMLA/CFRA is unpaid. However, at the option of OC LAFCO or the employee, accrued vacation (or, Sick Leave where the leave is required due to the employee's serious health condition, or the serious health condition of a family member and Sick Leave would otherwise be permitted under OC LAFCO's policy) may be substituted for any unpaid Family Medical Leave. This designation of Family and Medical Leave will be made by OC LAFCO at the time the employee requests the leave or when OC LAFCO determines that the leave qualifies as Family and Medical Leave based on the information provided. In either case, the total of paid and unpaid leave provided is limited to twelve workweeks.

#### K. Upon Return from Leave

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. OC LAFCO will comply with all applicable laws pertaining to reinstatement of employees including, where required, the reasonable accommodation of employees who have been on an approved leave. OC LAFCO will be governed by the

Americans with Disabilities Act, the Fair Employment and Housing Act, CFRA/FMLA, and/or Workers' Compensation regulations where applicable. Family and Medical Leave will not result in the loss of any employment benefit that was earned or entitled to before use of Family and Medical Leave.

Employees using Family and Medical Leave for their own serious medical condition must bring a healthcare provider's release to work upon returning from leave.

## **PART 5 – CONDUCT AND PROBLEMS**

### **3.25 SAFETY**

#### **A. Overview**

The intent of this policy is to outline safety expectations.

#### **B. Policy**

OC LAFCO is committed to providing a safe and healthy workplace. The safety of every employee is a fundamental consideration for OC LAFCO, and all reasonable precautions will be taken to protect employees from injury. In order to promote safety in the workplace, OC LAFCO expects employees to conduct business and perform their duties in a safety-conscious manner at all times. All work areas must be kept clean, and free of clutter and debris. OC LAFCO also expects all employees to refrain from horseplay and careless behavior in the workplace. Any hazards or potentially dangerous conditions must be corrected promptly and/or reported to a supervisor.

Every employee of the OC LAFCO shall be required to observe all OC LAFCO and departmental health and safety procedures. At the close of each business day, employees must ensure that all equipment is put away. All stationery and miscellaneous supplies should be removed from tables, benches and furniture tops. Paperwork should not be left out overnight. Employees must not litter or discard items on the premises.

If an employee identifies a potentially unsafe condition or risk, the employee should immediately report the matter to their supervisor.

Under California law, in the event of an emergency condition, OC LAFCO will not take or threaten adverse action against any employee for refusing to report to, or leaving, a

workplace because the employee has a “reasonable belief that the workplace is unsafe.” The law requires employees to, “when feasible,” notify employers in advance of the emergency condition that requires they either leave the workplace or refuse to report to work. If it’s not feasible, then the employee must notify the employer as soon as possible. “Emergency Condition” for purposes of this policy, is defined as conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act. And, an order to evacuate a workplace, worksite, worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.

“A reasonable belief” for purposes of this policy, is defined as the workplace or worksite is unsafe” means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises. The existence of any health and safety regulations specific to the emergency condition and an employer’s compliance or noncompliance with those regulations shall be a relevant factor if this information is known to the employee at the time of the emergency condition or the employee received training on the health and safety regulations mandated by law specific to the emergency condition.

If an employee is injured or becomes ill on the job as a result of performing job-related duties, the following steps will be taken.

- Notify their supervisor, manager or Chair immediately after an injury or symptoms of illness occur.
- Consult a physician within 24 hours after an industrial injury or illness, even if the injury or illness is considered minor. Delay or refusal to seek medical treatment can result in physical as well as compensatory complications. Whenever possible, treatment should be received from an authorized treatment facility as directed to OC LAFCO.
- If the injury requires minor first aid care, there are first aid kits located in the office of Executive Officer and break room. All rules of reporting apply, even though injury is minor and requires only first aid treatment.
- In the event of a life-threatening injury, employees will be taken to the nearest local hospital. The employee or referring agent of OC LAFCO must inform the hospital staff that they are seeking treatment for an industrial injury.
- In the event of a temporary or permanent industrial disability, the employee is entitled to Workers' Compensation Insurance coverage and/or personal long-term disability benefits in accordance with state and federal laws.

**Off-Duty Social and Recreational Activities.** OC LAFCO may sponsor social or recreational activities for its citizens and employees, both on OC LAFCO property and off-site. Employee attendance at such social activities, however, is completely voluntary and is not work-related. Neither OC LAFCO nor its insurer will be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social or athletic activity that is not part of the employee's workrelated duties.

### 3.26 WORKPLACE VIOLENCE POLICY

OC LAFCO recognizes that workplace violence is a concern among employers and employees across the country. OC LAFCO is committed to providing a safe work environment that is free of violence and the threat of violence. OC LAFCO will not tolerate any violent or dangerous behavior of any kind, whether through physical abuse, threats of any kind, intimidation, coercion, stalking or otherwise, defacing OC LAFCO's property or causing physical damage to the facilities, bring weapons or firearms of any kind onto OC LAFCO's premises, parking lots, or while conducting business, or any other behavior that suggests a propensity towards violence. OC LAFCO strictly prohibits employees, consultants, customers, visitors, or anyone else on OC LAFCO premises or engaging in an OC LAFCO-related activity from behaving in a violent or threatening manner. Moreover, OC LAFCO seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

To accomplish the above objective, OC LAFCO has adopted a separate Workplace Violence Prevention Program (Attachment A).

Employees may report all incidents of direct or indirect violence or dangerous behavior to the Executive Officer or Assistant Executive Officer as soon as possible. Reporting incidents and concerns early can help prevent a situation from escalating and becoming even more dangerous. Employees should never attempt to handle a potentially dangerous situation by themselves. Any OC LAFCO employee that violates this policy will be subject to discipline, up to and including termination, as well as potential legal action.

OC LAFCO believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs. Any such instances should be immediately reported to the Executive Officer or General Counsel.

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite, ranging from threats

and verbal abuse to physical assaults and even homicide, that can affect and involve employees, clients, customers and visitors. If any employee observes or becomes aware of any workplace violence related actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she should notify the Executive Officer or Assistant Executive Officer or General Counsel immediately. Further, employees should notify the Executive Officer or Assistant Executive Officer or General Counsel if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace. General examples of prohibited conduct include, but are not limited to the following:

1. The actual or implied threat of harm to an individual, group of individuals, or relatives of those individuals, or the property of any of them, made in person, over the telephone, through the mail, by electronic communication, or by other means.
2. Fighting or challenging another individual to a fight.
3. Intimidation through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, and pushing.
4. Making harassing or threatening telephone calls; sending harassing or threatening letters, emails, or other correspondence.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of OC LAFCO.
6. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to the individual and causes the individual to fear for their safety, or the safety of their immediate family, as defined in Civil Code section 1708.7.
7. Making a suggestion or otherwise intimating that an act to injure persons or property is appropriate behavior.
8. The possession, on OC LAFCO leased or owned property or facilities, of weapons of any kind (including toy or look-alike), unless specifically authorized by the Police Department or appointing authority, or the brandishing of any object in a threatening manner towards another.

9. Loud, disruptive or angry behavior or language which is clearly not part of the typical work environment.
10. Blatant or intentional disregard for the safety or well-being of others.
11. Willful destruction of OC LAFCO's or others personal property.
12. Commission of a violent felony or misdemeanor on OC LAFCO's property.
13. Any other act that a reasonable person would perceive as constituting an act or threat of violence.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, OC LAFCO will inform the reporting individual of the results of the investigation. To the extent possible, OC LAFCO will maintain the confidentiality of the reporting employee and of the investigation. OC LAFCO may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. OC LAFCO will not tolerate retaliation against any employee who reports workplace violence.

If OC LAFCO determines that workplace violence in violation of this policy has occurred, OC LAFCO will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, OC LAFCO will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, OC LAFCO may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, OC LAFCO may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

**Immediate Danger:** Any employee, who is subjected to, witnesses, or has knowledge of actions that pose an immediate danger to himself/herself or others must report these acts to appropriate authorities immediately. When the incident constitutes an emergency, the employee should place themselves in a safe location, notify their supervisor and/or obtain police assistance by calling 911. Information provided to the emergency dispatcher should include details regarding the exact location and the nature of the incident and the persons and/or weapons involved.

After the incident has been reported to the police the employee should notify their supervisor. The supervisor shall be responsible for contacting the Executive Officer.

The primary objective in dealing with an incident in progress is to stabilize the situation, deescalate the potential for violence, and ensure that there is no harm to any person or property. Once the emergency has passed the supervisor shall be responsible for conducting a thorough investigation of the incident and reporting the findings to the Executive Officer. All employees are required to cooperate fully in any administrative or criminal investigation.

**Potential or Suspected Future Incidents:** When an employee becomes aware of a potential violation of this policy that does not pose an immediate threat of violence, the employee is responsible for notifying their supervisor. Even without an actual threat, employees should also report any behavior that they may regard as threatening or violent when the behavior is job-related or might be carried out within the OC LAFCO workplace. It will then become the responsibility of the supervisor to prepare a report for the Executive Officer. This report will be evaluated to determine whether there was a violation of the policy and what the appropriate management response should be.

Employees who have reason to believe they or any OC LAFCO employee may be the subject of a future violent act in the workplace or as a result of their OC LAFCO employment, should immediately notify their supervisor.

No employee who, acting in good faith, initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

### 3.27 DRUG AND ALCOHOL POLICY

#### A. Overview

The intent of this policy is to provide a drug and alcohol-free work environment for all OC LAFCO employees.

#### B. Policy

It is OC LAFCO's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on OC LAFCO's premises or while conducting business-related activities off OC LAFCO's premises, no employee may use, possess, distribute, sell, or be under the



influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation of treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with the Executive Officer or Assistant Executive Officer to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through OC LAFCO's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all OC LAFCO's policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave will not cause OC LAFCO any undue hardship. Please see OC LAFCO's Alcohol and Drug Rehab Leave Policy for more detail.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify OC LAFCO of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

### **3.28 DESK INSPECTION POLICY**

#### **A. Overview**

The intent of this policy is to assist in the understanding of the usage of E-mail, the Internet, computer files and software.

#### **B. Policy**

Although desks, cabinets and shelves are made available for the convenience of employees while at work, employees should remember that all desks, cabinets and shelves remain the sole property of OC LAFCO. Moreover, OC LAFCO reserves the right to open and inspect desks, cabinets, and shelves, as well as any contents, effects, or articles

in desks, cabinets, and shelves. Such an inspection can occur at any time, with or without advance notice or consent. An inspection may be conducted before, during, or after working hours by the Executive Officer or Assistant Executive Officer or designee. Employees have no expectation of privacy in any of these items.

Prohibited materials, including weapons, explosives, alcohol and non-prescribed drugs or medications, may not be placed in a desk, cabinet or shelf. Employees who, if requested, fail to cooperate in any inspection will be subject to disciplinary action, up to and including termination. OC LAFCO is not responsible for any articles that are placed or left in a desk, cabinet, or shelf that are lost, damaged, stolen or destroyed.

### **3.29 THEFT OR LOSS OF OFFICE EQUIPMENT**

#### **A. Overview**

The intent of this policy is to outline procedures in the event OC LAFCO office equipment is lost or stolen.

#### **B. Policy**

The use of any OC LAFCO-related equipment (computers, cell phones, iPads, projectors, or other office-related equipment) outside of the OC LAFCO offices must be approved by the Executive Officer. OC LAFCO employees are fully responsible for the care and safekeeping of all office equipment offsite. Should an item be stolen or lost offsite while under the care of an OC LAFCO employee, the OC LAFCO employee is responsible to reimburse OC LAFCO for the replacement cost of all lost or stolen items.

The care and safekeeping of an iPad provided to a Commissioner for OC LAFCO- related business is the sole responsibility of the Commissioner. Any loss or theft of the iPad must be reported immediately to the Executive Officer, and the Commissioner is responsible to reimburse OC LAFCO for the replacement cost of the device.

### **3.30 PROBLEM RESOLUTION PROCEDURE**

#### **A. Overview**

The intent of this policy is to outline OC LAFCO's problem resolution procedure.

## B. Policy

OC LAFCO is committed to encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response. OC LAFCO strives to ensure fair and honest treatment of all employees. All employees are expected to treat each other with mutual respect. All employees are encouraged to offer positive and constructive criticism.

If there is a disagreement concerning established rules of conduct, policies, or practices, employees may express their concerns through the problem-resolution procedure. No one will be penalized, formally or informally, for voicing a complaint with OC LAFCO in a reasonable, business-like manner, or for using the problem-resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps:

1. Employee presents problem to the Assistant Executive Officer after incident occurs. If the Assistant Executive Officer is unavailable or an employee believes it would be inappropriate to contact the person, employee may present problem to the Executive Officer.
2. The Assistant Executive Officer responds to the problem during discussion or after consulting with the Executive Officer, when necessary, and documents discussion.
3. Employee presents problem to the Executive Officer in writing if problem is unresolved.

The Executive Officer reviews and considers the problem. The Executive Officer informs the employee of decision and forwards a copy of the written response to the employee's file. The Executive Officer has full authority to make any adjustment deemed appropriate to resolve the problem.

**Originally Adopted:** 1/8/2003  
**Last Reviewed:** 3/12/202506/11/2025  
**Last Revised:** 3/12/202506/11/2025

ATTACHMENT "A"

WORKPLACE VIOLENCE PREVENTION PROGRAM FOR THE LOCAL AGENCY FORMATION  
COMMISSION OF ORANGE COUNTY

## **WORKPLACE VIOLENCE PREVENTION PROGRAM**

### **for the LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY**

**Our establishment's Workplace Violence Prevention Plan (WVPP) addresses the hazards known to be associated with the four types of workplace violence as defined by Labor Code (LC) section 6401.9.**

**Date Originally Adopted: JUNE 11, 2025**

**Date of Last Revision(s): JUNE 11, 2025**

### **DEFINITIONS**

**Emergency** - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

**Engineering controls** - An aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the employee and the hazard.

**Log** - The violent incident log required by LC section 6401.9.

**Plan** - The workplace violence prevention plan required by LC section 6401.9.

**Serious injury or illness** - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

**Threat of violence** - Any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

**Workplace violence** - Any act of violence or threat of violence that occurs in a place of employment.

**Workplace violence** includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- The following four workplace violence types:

**Type 1 violence** - Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.

**Type 2 violence** - Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

**Type 3 violence** - Workplace violence against an employee by a present or former employee, supervisor, or manager.

**Type 4 violence** - Workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

**Workplace violence** does not include lawful acts of self-defense or defense of others.

**Work practice controls** - Procedures and rules which are used to effectively reduce workplace violence hazards.

**RESPONSIBILITY**

The WVPP administrator, the EXECUTIVE OFFICER of the ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY ("OC LAFCO"), has the authority and responsibility for implementing the provisions of this plan for OC LAFCO. If there are multiple persons responsible for the plan, their roles will be clearly described. This WVPP also applies to individuals employed by third parties who conduct business for or on behalf of the OC LAFCO. Under such situations, OC LAFCO shall provide the third party employer with a copy of OC LAFCO's WVPP.

<b><u>Responsible Persons</u></b>	<b><u>Job Title/Position</u></b>	<b><u>WVPP Responsibility(ies)</u></b>	<b><u>Phone #</u></b>	<b><u>Email</u></b>
<u>Luis Tapia</u>	<u>Interim Executive Officer</u>	<u>The Executive Officer is responsible for approving the plan as proposed by the Office Manager.</u>	<u>(714) 640-5100</u>	<u>ltapia@oclafco.org</u>
<u>Cheryl Carter-Benjamin</u>	<u>Office Manager</u>	<u>Responsible for implementing the provisions of this Plan for OC LAFCO.</u>	<u>(714) 640-5100</u>	<u>Ccarter-benjamin@oclafco.org</u>
<u>Cheryl Carter-Benjamin</u>	<u>Office Manager</u>	<u>Responsible for organizing safety meetings, updating training materials, and handling workplace violence reports, conducting safety inspections, coordinating emergency response procedures and communicating with employees regarding the Plan</u>	<u>(714) 640-5100</u>	<u>Ccarter-benjamin@oclafco.org</u>

All managers and supervisors are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the WVPP.

### **EMPLOYEE ACTIVE INVOLVEMENT**

OC LAFCO ensures the following policies and procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan.

- Management will work with and allow employees and authorized employee representatives to participate in:
  - Identifying, evaluating, and determining the corrective measures to prevent workplace violence. Designing and implementing training.
- Reporting and investigating workplace violence incidents.
- Management will ensure that all workplace violence policies and procedures within this written plan are clearly communicated and understood by all employees. Managers and supervisors will enforce the rules fairly and uniformly.
- All employees will follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment.
- The plan shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.

### **EMPLOYEE COMPLIANCE**

Our system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace, include at a minimum:

- Training employees, supervisors, and managers in the provisions of the OC LAFCO WVPP.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the WVPP.
- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Discipline employees for failure to comply with the WVPP.

### **COMMUNICATION WITH EMPLOYEES**

We recognize that open, two-way communication between our management team, staff, and other employers, about workplace violence issues is essential to a safe and productive workplace. The following communication system is designed to facilitate a continuous flow of workplace violence prevention information between management and staff in a form that is readily understandable by all employees, and consists of one or more of the following:

- New employee orientation includes workplace violence prevention policies and procedures.
- Workplace violence prevention training programs.
- Regularly scheduled meetings that address security issues and potential workplace violence hazards
- Effective communication between employees and supervisors about workplace violence prevention and violence concerns.
- Posted or distributed workplace violence prevention information.

How employees can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.

Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety. Employees' concerns will be investigated in a timely manner and they will be informed of the results of the investigation and any corrective actions to be taken.



A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively.

### **COORDINATION WITH OTHER EMPLOYEES**

OC LAFCO will implement the following effective procedures to coordinate the implementation of its plan with other employers to ensure that those employers and employees understand their respective roles, as provided in the plan.

- All employees will be trained on workplace violence prevention.
- Workplace violence incidents involving any employee are reported, investigated, and recorded.
- At a multiemployer worksite, OC LAFCO will ensure that if its employees experience workplace violence incident OC LAFCO will record the information in a violent incident log and shall also provide a copy of that log to controlling employer.

### **WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE**

OC LAFCO will implement the following effective procedures to ensure that:

- All threats or acts of workplace violence are reported to an employee's supervisor or manager, who will inform the WVPP administrator. If that's not possible, employees will report incidents directly to the WVPP administrator, Cheryl Carter-Benjamin, OFFICE MANAGER.
- OC LAFCO is a multiemployer worksite and requires all employer(s) or their respective employee(s) whom experience a workplace violence incident to record the information in a Violent Incident Report Log and to provide a copy of the Violent Incident Report Log to OC LAFCO.

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively.

### **EMERGENCY RESPONSE PROCEDURES**

OC LAFCO has in place the following specific measures to handle actual or potential workplace violence emergencies:

Employees will be notified of the presence, location, and nature of workplace violence emergencies by management or their designee as soon as is practical. If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition.

OC LAFCO will have evacuation or sheltering plans.

In the event of an act of violence which poses an immediate threat to others or an individual possessing a weapon, employees are advised to first and foremost remain calm and to not challenge or try to approach the individual. If possible, employees should leave the area and alert others to leave the area also. If safety permits, employees should call 911 and give the police as many details as possible including the name of the facility, the specific area/building where the individual is located, a description of the individual, what kind of weapon, and how many individuals may be in the building.

In the event of an emergency, including a Workplace Violence Emergency, contact the following:

<b><u>Responsible Persons</u></b>	<b><u>Job Title/Position</u></b>	<b><u>Phone #</u></b>	<b><u>Email</u></b>
<u>Cheryl Carter-Benjamin</u>	<u>OFFICE MANAGER</u>	<u>(714) 640-5100</u>	<u>Ccarter-benjamin@oclafco.org</u>

## WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION

The following policies and procedures are established and required to be conducted by OC LAFCO to ensure that workplace violence hazards are identified and evaluated:

- Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Review all submitted/reported concerns of potential hazards submitted by employees or authorized employee representatives.

### PERIODIC INSPECTIONS

Periodic inspections of workplace violence hazards will identify unsafe conditions and work practices. This may require assessment for more than one type of workplace violence. Periodic Inspections shall be conducted when the Plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.

Periodic inspections to identify and evaluate workplace violence and hazards will be performed by the WVPP Administrator, or their designee.

Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices and may require assessment for more than one type of workplace violence. OC LAFCO performs inspections for each type of workplace violence by using methods specified below to identify and evaluate workplace security hazards.

Inspections for workplace security hazards from violence by strangers (Type 1) include assessing:

- The exterior and interior of the workplace for its attractiveness to robbers.
- The need for security surveillance measures, such as mirrors or cameras.
- The ability for strangers to enter our suites.
- Procedures for reporting suspicious persons or activities.
- Posting of emergency telephone numbers for law enforcement, fire and medical services where employees have access to a telephone with an outside line.
- Limiting the amount of cash on hand and using time access safes for large bills.
- The use of work practices such as "buddy" system, as appropriate, for identified risks (i.e., walking employees to their cars at the end of the workday).
- Adequacy of lighting and security for designated parking lots or areas.
- Procedures for employee response during a robbery or other criminal attack.

Inspections for workplace security hazards from violence by customers or clients (Type 2) include assessing:

- Access to, and freedom of movement within, the workplace.
- Adequacy of workplace security systems, such as door locks, secured access, security windows, physical barriers and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who provide services to OC LAFCO.
- Effectiveness of systems and procedures to warn others of a security danger or to summon assistance, i.e., alarms or panic buttons.
- The use of work practices such as "buddy" system, as appropriate, for identified risks (i.e., walking employees to their cars at the end of the workday).
- Adequacy of lighting and security for designated parking lots or areas.
- The availability of employee escape routes.

Inspections for workplace security hazards from violence by co-workers (Type 3) include assessing:

- How well OC LAFCO's management and employees communicate with each other.
- How well our employees, managers and supervisors know the warning signs of potential workplace violence.
- Access to, and freedom of movement within, the workplace by non-employees, specifically recently terminated employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Employee disciplinary and discharge procedures.

Inspections for workplace security hazards from violence by personal relations (Type 4) include assessing:

- Access to, and freedom of movement within, the workplace by non-employees, specifically personal relations with whom one of our employees is having a dispute.
- Frequency and severity of employee-reported threats of physical or verbal abuse which may lead to violent acts by a personal relation.
- Adequacy of workplace security systems, such as door locks, secured access, security windows, physical barriers and restraint systems.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs
- Adequacy of lighting and security for designated parking lots or areas.
- Warnings or police involvement to remove personal relations of employees from the worksite and effectiveness of restraining orders.

### **EMPLOYEE TRAINING**

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- 1) When the WVPP is first established.
- 2) Annually to ensure all employees understand and comply with the plan.
- 3) Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.
- 4) Training shall be provided whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.

Additionally, all new employees or employees given a new job assignment will undergo training.

### **WORKPLACE VIOLENCE HAZARD CORRECTION**

Workplace violence hazards will be evaluated and corrected in a timely manner. OC LAFCO will implement the following effective procedures to correct workplace violence hazards that are identified:

- If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition will be provided with the necessary protection.
- All corrective actions taken will be documented and dated on the appropriate forms. Including, but not limited to, the Workplace Violent Incident Report Log.
- Corrective measures for workplace violence hazards will be specific to a given work area.

### **PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION**

After a workplace incident, the WVPP administrator or their designee will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview the involved parties, such as employees, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras if applicable.
- Examine the workplace for security risks associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring and inform affected employees as necessary.
- Record the findings and ensuring corrective actions are taken.
- Obtain any reports completed by law enforcement.
- The violent incident log will be used for every workplace violence incident. Any personal identifying information will be omitted from the violent incident log. This includes information that would reveal the identification of any person involved in a violent incident, such as the person's name.

address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity. The violent incident log will include but is not limited to the following information:

- The date, time, and location of the incident.
- The workplace violence type or types involved in the incident.
- A detailed description of the incident.
- A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
- A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
- A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- The type of incident, including, but not limited to, whether it involved any of the following:
  - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
  - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
  - Threat of physical force or threat of the use of a weapon or other object.
  - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
  - Animal attack.
  - Other.
- Consequences of the incident, including, but not limited to:
  - Whether security or law enforcement was contacted and their response.
  - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
  - Information about the person completing the log, including their name, job title, and the date completed.
- Reviewing all previous incidents.

### **TRAINING AND INSTRUCTION**

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- When the WVPP is first established.
- Annually to ensure all employees understand and comply with the plan.
- Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.
- Training shall be provided whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.

Additionally, all new employees or employees given a new job assignment will undergo training.

OC LAFCO will provide its employees with training and instruction on the definitions found on page 1 of this plan and the requirements listed below:

- The employer's WVPP, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.
- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
- Workplace violence hazards specific to the employees' jobs, the corrective OC LAFCO has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Opportunities OC LAFCO has for interactive questions and answers with a person knowledgeable about the OC LAFCO plan.
- Strategies to avoid/prevent workplace violence and physical harm, such as:
  - How to recognize workplace violence hazards including the risk factors associated with the four types of workplace violence.
  - Ways to defuse hostile or threatening situations.
- How to recognize alerts, alarms, or other warnings about emergency conditions and how to use identified escape routes or locations for sheltering.
- Employee routes of escape.
- Emergency medical care provided in the event of any violent act upon an employee
- Post-event trauma counseling for employees desiring such assistance.

**Note:** Employers must use training material appropriate in content and vocabulary to the educational level, literacy, and language of employees.

### **EMPLOYEE ACCESS TO THE WRITTEN WVPP**

OC LAFCO ensures that the WVPP plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA at all times. This will be accomplished by maintaining the most current WVPP in the Human Resources office or to request a copy via email from.

### **RECORDKEEPING**

OC LAFCO will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
- Create and maintain training records for a minimum of one (1) year and include the following:
  - Training dates.
  - Contents or a summary of the training sessions.
  - Names and qualifications of persons conducting the training.
  - Names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for minimum of five (5) years. The violent incident log will be used for every workplace violence incident. Any personal identifying information will be omitted from the violent incident log. This includes information which would reveal identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.
- Maintain records of workplace violence incident investigations for a minimum of five (5) years.
  - The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.
- All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by LC section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

### **EMPLOYEE ACCESS TO RECORDS**

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.

- Violent incident logs.

### **REVIEW AND REVISION OF THE WVPP**

OC LAFCO WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

Review and revision of the WVPP will include the procedures listed in the EMPLOYEE ACTIVE INVOLVEMENT section of this WVPP, as well as the following procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan's effectiveness:

- Review of OC LAFCO's WVPP should include, but is not limited to:
  - Review of incident investigations and the violent incident log.
  - Assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability (if applicable).
- Review that violence risks are being properly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all employees. [These revisions could involve changes to procedures, updates to contact information, and additions to training materials.]

### **EMPLOYER REPORTING RESPONSIBILITIES**

As required by California Code of Regulations (CCR), Title 8, Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries, OC LAFCO will immediately report to Cal/OSHA any serious injury or illness (as defined by CCR, Title 8, Section 330(h)), or death (including any due to Workplace Violence) of an employee occurring in a place of employment or in connection with any employment.

**ANTI-RETALIATION STATEMENT**

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively. Employees who retaliate against a coworker for reporting a workplace violence incident shall receive disciplinary action up to and including termination. The District also specifically prohibits retaliating against any employee who seeks assistance from local emergency services or law enforcement, or who obtain assistance from law enforcement.

The Executive Officer of OC LAFCO hereby authorize and ensure the establishment, implementation, and maintenance of this written workplace violence prevention plan and the documents/forms within this written plan. OF LAFCO is committed to promoting a culture of safety and violence prevention in our workplace and believes that these policies and procedures will help OC LAFCO achieve that goal.

Executive Officer: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
[Signature of person authorizing this WVPP] DATE: \_\_\_\_\_

### VIOLENT INCIDENT LOG

This log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- Information provided by the employees who experienced the incident of violence.
- Witness statements.
- All other investigation findings.

All information that personally identifies the individual(s) involved will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers
- Social security number

[Enter the date the incident occurred (Day, Month, Year)]

[Enter the time (or approximate time) that the incident occurred]a.m./p.m.

<u>Location(s) of Incident</u>	<u>Workplace Violence Type (Indicate which type(s) (Type 1, 2,3,4)</u>
<u>[Enter location(s) where the incident occurred]</u>	<u>[Enter the workplace violence type(s)]</u>

Check which of the following describes the type(s) of incident, and explain in detail:

**Note: It's important to understand that "Workplace Violence Type" and "Type of Incident" have separate requirements. For this part of the log, "Type of Incident" specifically refers to the nature or characteristics of the incident being logged. It does not refer to the type of workplace violence.**

- Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
- Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
- Threat of physical force or threat of the use of a weapon or other object.
- Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
- Animal attack.
- Other.



Explain: [Provide a detailed description of the incident and any additional information on the violence incident type and what it included. Continue on a separate sheet of paper if necessary.]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Workplace violence committed by: [For confidentiality, only include the classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.]

Circumstances at the time of the incident: [write/type what was happening at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.]

Where the incident occurred: [Where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.]

Consequences of the incident, including, but not limited to:

- Whether security or law enforcement was contacted and their response.
- Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

[Include information on what the consequences of the incident were.]

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o Were there any injuries? Yes or No. Please explain:

[Indicate here if there were any injuries, if so, provide description of the injuries]

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o Were emergency medical responders other than law enforcement contacted, such as a Fire Department, Paramedics, On-site First-aid certified personnel? Yes or No. If yes, explain below:

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Did the severity of the injuries require reporting to Cal/OSHA? If yes, document the date and time this was done, along with the name of the Cal/OSHA representative contacted.

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A copy of this violent incident log needs to be provided to the employer. Indicate when it was provided and to whom.

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This violent incident log was completed by:

[Name of person completing this log]

[Job Title of person completing this log]

[Date this log was completed]

[Signature of person completing this log]

[To be placed on OC LAFCO letterhead]

### **VIOLENT INCIDENT INVESTIGATION**

The General Manager (GM), or their designee, will complete the investigation into the violent incident. Investigation and resolution of the incident is expected within seven calendar days. The information included on this form should not contain confidential or identifying details and should be in a format that can be reviewed by other staff with little to no redactions.

Incident Analysis to be Completed by GM or/Designee:

Has this type of incident occurred before at the workplace? ☐ Yes ☐ No

What were the main factors that contributed to the incident?

What could have prevented or at least minimized the damage caused by this incident?

#### Post Incident Response

- ☐ Yes ☐ No Did the employee(s) require medical attention as a result of the incident?
- ☐ Yes ☐ No Did the employee(s) miss work as a result of the incident?
- ☐ Yes ☐ No Did the employee(s) apply for workers' compensation?
- ☐ Yes ☐ No Was security contacted?
- ☐ Yes ☐ No Was immediate counseling provided to affected workers and witnesses?
- ☐ Yes ☐ No Was critical incident debriefing provided to affected staff who desired it?
- ☐ Yes ☐ No Was post-trauma counseling provided to affected staff who desired it?
- ☐ Yes ☐ No Was all counseling provided by a professional counselor?

Has there been follow-up with the employee(s)? ☐ Yes ☐ No

Is this a recurring event? ☐ Yes ☐ No

Are there modifications to be made to WVPP to reflect updated practices? ☐ Yes ☐ No Describe updates to WVPP:

Investigation Completed By: \_\_\_\_\_

Department/Job Title: \_\_\_\_\_

Date: \_\_\_\_\_ Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**ACKNOWLEDGMENT OF WORKPLACE VIOLENCE PREVENTION PLAN TRAINING**

[To be placed on OC LAFCO letterhead]

**Acknowledgment of Workplace Violence Prevention Plan Training**

I hereby acknowledge that I have received a copy of the Workplace Violence Prevention Plan (the "Plan"). My signature below certifies that I have read, understood, and have completed training on the Plan. I understand that if I have any questions about the Plan, I may discuss them with the Plan Administrator.

Employee Name (print or type):

Employee Signature:

Date:

**Personnel Policies and Procedures of  
the  
Orange County Local Agency Formation  
Commission**

**PART 1 – EMPLOYMENT**

**3.1 EMPLOYEE ACKNOWLEDGEMENT FORM**

PLEASE READ THE FOLLOWING POLICIES AND PROCEDURES, FILL OUT AND RETURN THIS PORTION TO THE OC LAFCO COMMISSION CLERK OR IMMEDIATE SUPERVISOR WITHIN FIVE BUSINESS DAYS.

I acknowledge that I have received and read a copy of the Orange County Local Agency Formation Commission (“OC LAFCO”) employee policy and procedures and understand all the policies, guidelines, and procedures stated within. I understand that I am responsible for reading these policies and for knowing and complying with the policies set forth herein during my employment with OC LAFCO.

Additionally, I specifically acknowledge that I have read and understand the following policies: Equal Employment Opportunity, Timekeeping, Overtime Pay, and Policy Against Harassment, Discrimination, and Retaliation.

The personnel policies and procedures describe important information about OC LAFCO, and I understand that I should consult the OC LAFCO Executive Officer regarding any questions I might have. I have entered into my employment relationship with OC LAFCO voluntarily and acknowledge that there is no specific length of employment. Accordingly, either I or OC LAFCO can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law. Furthermore, I acknowledge that these policies and procedures are not a contract of employment.

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement signed by me and the OC LAFCO Executive Officer, that no other employee or representative of OC LAFCO has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by myself and the OC LAFCO Executive Officer. I further understand and agree that if the terms of this Acknowledgment are inconsistent with any guideline or practice of OC LAFCO now or in the future, the terms of this Acknowledgment shall control.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to them may occur, except to OC LAFCO’s policy of

employment-at-will. I understand that OC LAFCO reserves the right to modify, supplement or rescind any or all of its policies whenever it deems necessary or useful to do so, at any time with or without notice.

I have carefully read this Acknowledgement Form.

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EMPLOYEE'S NAME (printed)

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EMPLOYEE'S SIGNATURE

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DATE

**DISCLAIMER**

THESE POLICIES AND PROCEDURES ARE NOT DESIGNED TO EXPLAIN EVERY EMPLOYMENT SITUATION OR OUTLINE EVERY RELEVANT POLICY OR PRACTICE. THESE POLICIES AND PROCEDURES ARE NOT INTENDED TO CONSTITUTE AN EMPLOYMENT CONTRACT OR A GUARANTY OF FUTURE EMPLOYMENT. EMPLOYMENT WITH OC LAFCO IS "AT-WILL." THESE POLICIES AND PROCEDURES SUPERSEDE ANY AND ALL WRITTEN DOCUMENTS OR ORAL REPRESENTATIONS THAT CONTRADICT THE AT-WILL NATURE OF YOUR EMPLOYMENT, EXCEPT WHERE EXPRESSLY SUPERSEDED BY CONTRACT.

OC LAFCO RESERVES THE RIGHT TO REVISE, MODIFY, DELETE, OR ADD TO ANY AND ALL POLICIES, PROCEDURES, WORK RULES, OR BENEFITS STATED IN THESE POLICIES AND PROCEDURES OR IN ANY OTHER DOCUMENT, EXCEPT FOR THE POLICY OF AT-WILL EMPLOYMENT. ANY CHANGES TO THESE POLICIES AND PROCEDURES WILL BE DISTRIBUTED IN WRITING TO ALL EMPLOYEES SO THAT EMPLOYEES MAY BE AWARE OF THE NEW POLICIES.



### 3.2 AT-WILL EMPLOYMENT

#### A. Overview

The intent of this policy is to establish the At-Will-Employment Policy of OC LAFCO.

#### B. Policy

Employment at OC LAFCO is and shall be at all times on an at-will basis at all phases of employment. That means that either OC LAFCO or an employee may terminate an employee's employment at any time, for any reason, with or without cause or advance notice. The employment relationship between OC LAFCO and its employees is for an unspecified term and may be terminated by the employee, or OC LAFCO Executive Officer or the Commission of OC LAFCO ("Commission") at any time, with or without cause or advanced notice. Also, OC LAFCO reserves the right to transfer, demote, suspend, or administer discipline with or without cause or advance notice.

None of the policies, procedures, or contents of this herein is intended to create any contractual obligations which in any way conflict with OC LAFCO's policy of At-Will Employment. The at-will relationship can only be modified by a written agreement signed by the employee and the OC LAFCO Executive Officer.

### 3.3 EQUAL EMPLOYMENT OPPORTUNITY POLICY

#### A. Overview

The intent of this policy is to establish the Equal Employment Opportunity Policy of OC LAFCO.

#### B. Policy

OC LAFCO is strongly committed to providing equal opportunity to all employees and applicants for employment. OC LAFCO does not discriminate on the basis of race (including but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religious creed (including religious dress and religious grooming practices), national origin, ancestry, citizenship status, age (40 years and older), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity and expression (including transgender identity and expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning (or is perceived to be transitioning), sexual orientation, sex stereotyping, marital status, domestic partner status, reproductive health decision making (protected under §12920 of the Government Code in California), military service and veteran status, physical and/or mental disability (including HIV and AIDS), legally protected medical condition or

information (including genetic information,) protected medical leaves (requesting or approved), status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state or federal laws. Any such discrimination is unlawful and all persons involved in the operations of OC LAFCO are prohibited from engaging in this type of conduct. OC LAFCO strictly prohibits the harassment of any individual on any basis listed above (see the Policy Against Harassment for further clarification).

OC LAFCO prohibits unlawful harassment, discrimination, and retaliation based on:

1. Any combination of the above characteristics;
2. A perception that the person has any of the above characteristics or any combination of those characteristics;
3. A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics of any combination of the above characteristics.

This policy applies to all employment practices, including recruitment, advertising, job application procedures, hiring, placement, firing, advancement, compensation training, benefits, transfers, social and recreational programs, and any other terms, conditions and privileges of employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Executive Officer or his/her designee or Chair of the Commission or General Counsel. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

An employee who believes that he or she has been subjected to any form of unlawful discrimination should make a complaint, preferably written, to the Executive Officer, or if it involves the Executive Officer, to the Chair of the Commission or General Counsel. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. OC LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If OC LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken to determine any future discrimination.

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Commitment Policy or the Policy against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

### 3.4 LACTATION ACCOMMODATION

OC LAFCO provides accommodations to lactating employees who need to express breastmilk during work hours in accordance with applicable law. OC LAFCO will provide a room or other location (not a bathroom) for employees to express breastmilk in private.

OC LAFCO will ensure that the lactation room or location will:

1. Be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
2. Be clean, safe and free of hazardous materials.
3. Contain a surface to place a breast pump and other personal items.
4. Contain a place to sit.
5. Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery powered breast pump.

In addition, OC LAFCO will provide access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to an employee's workspace. In the event that more than one employee needs use of the lactation room, OC LAFCO will discuss alternative options with the employees to determine what arrangement addresses their needs, such as finding an alternative space or creating a schedule for such use.

OC LAFCO shall also provide a reasonable amount of break time for an employee to express any breast milk each time that she needs to do so. The break time, if possible, should run concurrently with any break time already provided to the employee. Break time for a nonexempt employee that does not run concurrently with rest time already authorized for the employee is unpaid. However, if the employee performs any work during such break, she must accurately record all time worked and OC LAFCO will compensate her for such time.

Employees who are nursing have a right to request a lactation accommodation. Such requests may be made verbally or in writing, should indicate the need for the accommodation in order to express breastmilk at work, and should be directed to OC LAFCO's Executive Officer. OC LAFCO shall respond to such requests in a reasonable manner, not exceeding five business days. If OC LAFCO cannot provide break time, location, or other reasonable accommodations in accordance with this policy, it will inform the requesting employee in writing. Because lactation accommodation needs may change over time, employees may request changes to existing accommodations by a written request to OC LAFCO's Executive Officer that describes the nature of the change that is requested.

OC LAFCO prohibits any form of retaliation or discrimination against an employee for exercising or attempting to exercise any rights provided under the above policies. Any such conduct or violations of the above-referenced policies should be reported to OC LAFCO's Executive Officer. Employees also have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in the policy above.

### **3.5 REASONABLE ACCOMMODATION**

#### **A. Overview**

The intent of this policy is to establish the Reasonable Accommodation Policy of OC LAFCO.

#### **B. Policy**

To carry out OC LAFCO's commitment to providing equal opportunity for all employment applicants and employees, OC LAFCO will provide reasonable accommodations, including as required under applicable laws, in accordance with this policy. As previously stated, no program or activity administered by the employer shall exclude from participation, deny benefits to or subject to discrimination any individual based on an employee's actual or perceived disability or based on an employee's association with someone who has an actual or perceived disability.

**Reasonable Accommodation to Disability and Religion:** OC LAFCO will provide reasonable accommodations for applicants and employees with disabilities in accordance with the American with Disabilities Act (the "ADA") and California law, and for applicants and employees based on their sincerely held religious beliefs, practices, or observance under state and federal law. An employment applicant or employee who seeks a reasonable accommodation in order to perform essential job functions should make such a request in writing to the attention of the OC LAFCO Executive Officer or his/her designee. The request must identify (a) the job-related functions at issue; and (b) the desired accommodation(s). Following receipt of the request, the Executive Officer or his/her designee may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee's ability to perform their essential functions (or the applicant's ability to perform the essential functions of a desired position) but will not require disclosure of diagnosis or genetic history.

OC LAFCO will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of their position. During this process, OC LAFCO will examine potential

reasonable accommodations that will make it possible for the employee or applicant to perform the essential functions of the position. Such interactive process will include a meeting with the employee or applicant, OC LAFCO's designated representative(s), and, if necessary, the employee or applicant's health care provider. OC LAFCO will determine, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of reasonable accommodation(s) to provide. OC LAFCO will not provide an accommodation that would impose an undue hardship upon OC LAFCO or that is not required by law. OC LAFCO will inform the employee or applicant of any decisions made under this section in writing.

**Reasonable Accommodations Relating to Pregnancy:** OC LAFCO will provide reasonable accommodations to employees who are affected by a pregnancy, childbirth, or related medical conditions, as medically advisable. Such accommodations may consist of:

1. Modified work duties or a modified schedule to permit earlier or later hours or more frequent breaks; stools, chairs or other furniture; modified or acquired equipment or devices; reduced work hours; or other accommodations.
2. Temporary transfers to a less strenuous or less hazardous position if such transfer can be reasonably accommodated.
3. A "Pregnancy-Related Disability Leave" if the employee is disabled by pregnancy, as described in OC LAFCO's leave of absence policy.

Employees seeking a pregnancy-related accommodation, including transfer under this policy, should notify OC LAFCO's Executive Officer or Assistant Executive Officer. This notice must be timely and be provided by employees in advance when the need for reasonable accommodation is foreseeable; in all other circumstances, notice must be provided as soon as practicable. Failure to give advance notice when the need is foreseeable may delay the reasonable accommodation or transfer until 30 days after the date the employee provides notice (unless such delay would endanger the health of the employee, her pregnancy or her coworkers).

**Reasonable Accommodations for Victims of Domestic Violence, Stalking, or Sexual Assault:** OC LAFCO will also provide reasonable accommodations for an employee who is the victim of domestic violence, stalking or sexual assault if: (i) the employee has disclosed that status to OC LAFCO, and (ii) the employee requests an accommodation for the employee's safety while at work.

In such circumstances, OC LAFCO will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation. In this process, the employee may be asked to provide: (i) a written statement, signed by the employee or someone acting on the employee's behalf, certifying that the accommodation is for the purposes stated above, and (ii) a certification confirming

the employee's status as a victim of domestic violence, sexual assault or stalking. Six months after the date of each previous certification, OC LAFCO may request a recertification of such status. OC LAFCO will maintain any such certification as confidential if it identifies the employee as a victim of domestic violence, sexual assault or stalking, disclosing such information only as required by law, or as needed to protect the employee's workplace safety, and with prior notice of such disclosure to the employee.

**Retaliation and Discrimination Prohibited:** OC LAFCO prohibits discrimination, discharge, retaliation, or any other unlawful acts against an individual because such person requests or receives an accommodation under this (or another applicable) policy, or because such individual engaged in any other conduct protected by the law. Additionally, as addressed in OC LAFCO's separate policy on harassment, discrimination and retaliation, OC LAFCO prohibits unlawful harassment, discrimination or retaliation against any employee on the basis of an individual's disability, religion, religious creed, sex (including pregnancy, childbirth and related medical conditions), status as a victim of domestic violence, sexual assault or stalking, or any other status as protected by law.

### **3.6 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION**

#### **A. Overview**

The intent of this policy is to establish the Policy Against Harassment for OC LAFCO.

#### **B. Policy**

OC LAFCO is committed to providing a professional workplace in which individuals are treated with respect and in a manner consistent with OC LAFCO's high expectations of ethical conduct. This necessarily means that OC LAFCO prohibits unlawful harassment, discrimination, and retaliation in accordance with applicable laws. OC LAFCO prohibits and will not tolerate harassment of employees, applicants, or persons providing services pursuant to a contract based on factors such as sex (which includes harassment based on sex, pregnancy, perceived pregnancy, childbirth, breastfeeding, and related medical conditions), as well as harassment, discrimination, and retaliation based on such factors as race (including hair texture, protective hairstyles such as braids, locs, and twists and other traits associated with race), color, religion and religious creed (including religious dress and religious

grooming practices), national origin, ancestry, citizenship, age (40 years and older), mental disability and physical disability (including HIV and AIDS), legally-protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned or is (or is perceived to be) transitioning, sex stereotyping, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the National Labor Relations Act or California Fair Pay Act, requesting a reasonable accommodation on a protected basis such as disability or sincerely-held religious belief, practice, or observance, or any other characteristic protected by federal, state, or local laws.

OF LAFCO prohibits unlawful harassment, discrimination, and retaliation based on:

1. Any combination of the above characteristics;
2. A perception that the person has any of the above characteristics or any combination of those characteristics;
3. A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics of any combination of the above characteristics.

OC LAFCO strongly disapproves of and will not tolerate harassment, discrimination, or retaliation against employment applicants, employees, unpaid interns, or volunteers by officials, managers, supervisors, co-workers or third parties with whom employees come into contact, consistent with applicable law. Similarly, OC LAFCO will not tolerate harassment, discrimination, or retaliation by its employees directed toward non-employees with whom OC LAFCO employees have a business, service, or professional relationship (such as independent contractors, vendors, clients, volunteers, or interns). All such harassment is prohibited by OC LAFCO and is against the law.

#### C. Definition

Harassment is generally defined as verbal, physical, or visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with an

employee's work performance, and that is based on a protected status. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

As the definition above shows, harassing conduct can take many forms and may include, but is not limited to, the following (when based upon an employee's protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, noises, unwanted or offensive letters or poems, offensive emails, texts, gifs, memes, or voicemail messages.

Prohibited unlawful harassment includes, but not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawing or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.
4. Threats, demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.

#### D. Reporting and Complaint Procedure

##### Internal Reporting

Any incidents of discrimination, harassment, or retaliation, including work-related harassment by any OC LAFCO personnel or any other person, or any conduct believed to violate this policy should promptly submit a complaint, preferably written, to the Executive Officer, or if it involves the Executive Officer, to the Chair of the Commission and General Counsel. It is the responsibility of all of us to contribute to a work



environment that is free of unlawful bias, discrimination, harassment, and retaliation. Failure to bring forth a complaint prevents OC LAFCO from having the opportunity to correct the situation.

Managers and supervisors have a special responsibility under this policy. All levels of management and all supervisors are responsible for compliance with this Policy Against Harassment, Discrimination, and Retaliation and for ensuring that everyone in their department is aware of, understands and adheres to this policy. Supervisors and managers who receive complaints or who observe or learn of discriminatory, harassing, or retaliatory conduct must immediately inform the Executive Officer, or if it involves the Executive Officer, the Chair of the Commission and General Counsel, so that an investigation may be initiated.

Complaints should be specific and include the names of individuals involved and names of any witnesses. Individuals making such complaints must report the facts as accurately and as completely as possible. Every reported complaint of harassment, discrimination, and retaliation is taken seriously by OC LAFCO. Every reported complaint, including allegations of misconduct, will be investigated thoroughly and promptly by impartial and qualified personnel. OC LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. OC LAFCO will maintain confidentiality to the extent possible. If OC LAFCO determines that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense, up to and including termination. Appropriate action will also be taken to deter any future unlawful harassment.

Typically, the investigation will include the following steps: an interview of the employee who lodged the complaint to obtain complete details regarding the alleged harassment, discrimination, or retaliation; interviews of anyone who is alleged to have engaged in such conduct to respond to the claims; and interview of any employees who may have witnessed, or who may have knowledge of, the alleged conduct. The Executive Officer, or if it involves the Executive Officer, the Chair of the Commission and General Counsel, will notify the employee who lodged the complaint of progress during the investigation, including documentation where applicable, and timely notification of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation (e.g., parties will receive appropriate due process, OC LAFCO will reach reasonable conclusions based on the evidence collected, etc.). Employees (or other complainants) making complaints are expected to cooperate fully with the person or persons designated to investigate the complaint.

OC LAFCO prohibits conduct severe enough to be unlawful. Yet even more, OC LAFCO's workplace conduct standards also prohibit conduct and comments which are not severe enough to violate state or local or federal law—but which are still inappropriate in the workplace. For example, OC LAFCO prohibits abusive conduct in the workplace—whether or not it is based on a protected category. As a result, OC LAFCO will take prompt, appropriate, and effective corrective action (e.g., remedial measures) any time it is established that discrimination, harassment, or retaliation in violation of this policy has occurred—whether or not such violation also violates the law.

Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances.

#### External Reporting

In addition to OC LAFCO internal complaint procedure, an employee may file an external complaint by contacting the following:

1. Department of Civil Rights (CRD) [formerly known as the Department of Fair Employment and Housing (DFEH)] at 800-884-1684 or visiting <https://calcivilrights.ca.gov/contactus/>.
2. Equal Employment Opportunity Commission (EEOC) at 800-669-4000 or visiting <https://www.eeoc.gov/contact-eeoc>.

OC LAFCO will not tolerate retaliation against an individual for good faith reports of harassment, discrimination, or retaliation; assisting another in making a report; cooperating in an investigation; filing an administrative complaint with a government agency; or engaging in other protected activity. Such retaliation is a separate violation of the law and of OC LAFCO policy and is subject to disciplinary action up to employment termination. Individuals who believe they have experienced or been threatened with such retaliation, and any manager or supervisor who learns of possible retaliation, must immediately report it using the same Complaint Reporting Process above.

#### E. Sexual Harassment and Sexual Harassment Prevention Training

Sexually harassing conduct in particular may include all of the above prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. For example, sexual harassment can be:

- Verbal: sexual innuendoes, sexually suggestive or degrading comments, text messages, gifs, memes, sexual jokes or slurs, graphic commentaries about a person's body, or repeated sexual advances or invitations.
- Nonverbal: displaying sexually suggestive objects, pictures, cartoons, magazines, calendars or posters, or making suggestive or insulting sounds, leering, whistling, or obscene gestures.
- Physical: offensive touching, brushing against a person's body, unwanted hugging or kissing, or impeding or blocking a person's normal movement. Sexually harassing conduct may arise if a reasonable person subjected to the conduct would find that the harassment so altered working conditions as to make it more difficult to do that person's job. Sexually harassing conduct can occur regardless of the sex, sexual orientation, or gender identity of the harasser or of the person being harassed. Sexually harassing conduct need not be motivated by sexual desire to be violate of this policy.

All non-managerial employees must attend a one-hour Sexual Harassment Prevention Training, and all managerial employees must attend a two-hour Sexual Harassment Prevention Training. All OC LAFCO employees will be required to attend a sexual harassment prevention training every two years as assigned by Administration. Managers will receive two hours of training every two years as assigned by Administration. Staff may be required to attend additional anti-harassment or other sensitivity trainings in regard to any protected class. OC LAFCO employees may refer to the Department of Civil Rights (CRD) [formerly known as the Department of Fair Employment and Housing (DFEH)] sexual harassment prevention online training course appropriate for their position. You may also visit <https://calcivilrights.ca.gov/> to access the online training courses.

#### F. Retaliation

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces

insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith. An employee who believes that he or she has been subjected to any form of unlawful retaliation should promptly make a complaint, preferably written, in the same manner as described above. Complaints of harassment will be investigated, and appropriate action will be taken to protect OC LAFCO employees from any form of unlawful retaliation.

### 3.7 PERFORMANCE MANAGEMENT

#### A. Overview

The intent of the performance review process is to create a supportive, safe, professional performance review process and an environment that optimizes the employee's ability to receive and actualize constructive performance feedback and that motivates the employee to authentically and actively pursue personal and professional growth/excellence.

#### B. Performance Review Policy – General Employees

A review and discussion of each employee's performance is conducted to:

1. Ensure assigned projects/tasks are completed at an acceptable level of quality to effectively serve the mission, vision, and values of the agency.
2. Plan for maximizing employee performance to serve the agency's needs.
3. Motivate and assist employees in achieving their personal growth and career objectives.

#### C. Performance Review Procedure – General Employees

The discussion of job performance and goals on an informal, weekly basis is strongly encouraged. The formal employee performance review process will include: Assessment of Employee Job Performance – At the beginning of the fiscal year, both the employee and supervisor will complete an assessment of his/her job performance. The assessment will include a summary of projects/tasks completed and a well-organized, clear and in-depth self- analysis of job performance as related to projects/tasks.

1. Assessment of Employee Professional Strengths and Weakness – Both employee and supervisor will prepare an individual written statement of employee's professional and personal strengths and weaknesses as they relate to the work environment.
2. Discussion of Employee Assessments – Following preparation of the assessments (job performance and professional strengths and weaknesses), a meeting will be convened with the employee/supervisor to compare, contrast and discuss assessments/statements and identify areas for goal setting.
3. Development of Discussion of Goals – Based upon discussion with supervisor, employee prepares draft annual goals for discussion and review with the Assistant Executive Officer and/or Executive Officer. Goals should be specific, concise, measurable and represent commitment to professional growth.
4. Finalization of Goals and Performance Review – Following goal development, a meeting will be convened involving employee/Assistant Executive Officer/Executive Officer to jointly discuss and finalize employee goals. The employee will be responsible for preparing the final, agreed to written goals and submitting them to supervisor.

Performance reviews will be completed for all General Employees by no later than the end of the first quarter of each fiscal year.

While merit-based pay adjustments are awarded by OC LAFCO in an effort to recognize truly superior employee performance, positive performance evaluations do not always guarantee increases in salary or promotions. Salary increases, and promotions are solely within the discretion of OC LAFCO and depend on many factors in addition to performance. Pay increases or bonuses will be tied to the accomplishment of specific established employee goals.

After receiving their review an employee will be required to sign the evaluation report acknowledging that it has been presented and discussed between the employee and the Assistant Executive Officer or the Executive Officer. OC LAFCO's provision of performance evaluations does not alter the at will employment relationship.

- D. Policy for Executive Officer Performance Evaluation Process (Adopted March 13, 2024)

1. As part of the performance evaluation process, the Executive Officer will prepare a year-end report summarizing the status and accomplishments of the goals and objectives included in the agency's three-year strategic/work plan adopted by the Commission.
2. The Executive Officer will complete a self-evaluation indicating his/her performance relative to the adopted goals and objectives.
3. The Chair or his/her designee will provide each Commissioner with the Executive Officer's self-evaluation and a blank evaluation form for that Commissioner's completion prior to the full Commission closed session performance discussion.
4. The Chair or his/her designee will lead the Commission's closed session discussion on the Executive Officer's performance, soliciting feedback and input from all Commissioners.
5. The Chair will be given financial parameters for negotiating compensation with the Executive Officer and delegated authority to represent the Commission in compensation discussions with the Executive Officer.
6. The Chair and his/her designee, if applicable, will meet with the Executive Officer to provide the Commission's feedback, sentiments of the discussion and to negotiate compensation.
7. The Chair will report back to the Board to close out the Executive Officer Evaluation Process and work with General Counsel to prepare any necessary agenda items and public action required to complete the process.
8. The Executive Committee will meet with the Executive Officer as warranted to check on the progress of the strategic/work plan and discuss any necessary adjustments for discussion with the full Commission.

### **3.8 PERSONNEL RECORDS**

#### **A. Overview**

The intent of this policy is to clarify the guidelines for treatment of employee personnel records and information.

## B. Policy

OC LAFCO maintains a personnel file on each employee. An employee's personnel file will contain only material that OC LAFCO determines is necessary and relevant to the administration of OC LAFCO's personnel program. Personnel files are the property of OC LAFCO, and access to the information they contain is restricted, subject to, and in accordance with, this Policy.

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of an OC LAFCO representative at a mutually convenient time. Employees may add written versions of any disputed item to their file. OC LAFCO will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy or jeopardize the safety of OC LAFCO personnel.

OC LAFCO will attempt to restrict disclosure of an employee's personnel file to authorized individuals within the organization. Any request for information from the file must be made to the Executive Officer or specific designee. Only the Executive Officer or specific designee is authorized to release information regarding current or former employees. Disclosure of personnel information to outside sources will be limited to the extent allowed by law. However, OC LAFCO will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations, with validly issued subpoenas and as otherwise required by law or legal proceeding to be released.

## 3.9 TERMINATION

### A. Overview

The intent of this policy is to explain the types of termination and OC LAFCO's procedures for processing terminations.

### B. Policy

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated.

#### 1. Voluntary Resignation

An employee who voluntarily resigns his/her employment is asked to prepare a written letter of resignation informing OC LAFCO of the intended resignation date. Although not required, employees who voluntarily resign are asked as a courtesy to give OC LAFCO at least two weeks' notice prior to the resignation date in order to provide time to search for an adequate replacement if necessary and to ensure a smooth transition.

An employee is also considered to have voluntarily terminated employment by failing to report to work for three consecutive scheduled workdays without notice, or without prior approval by the Executive Officer or Assistant Executive Officer.

## 2. Discharge

The violation of the policies and procedures of OC LAFCO or any other illegal acts may result in disciplinary action up to and including termination. Disciplinary actions may include verbal and written warnings, suspension, probationary periods, and termination of employment, depending on the conduct involved. OC LAFCO maintains its at-will status. OC LAFCO reserves the right to utilize any form of disciplinary action, up to and including termination, at any stage it deems appropriate, depending on the circumstances.

### C. Exit Interview

OC LAFCO will generally schedule exit interviews at the time of employment termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to OC LAFCO, or return of property owned by OC LAFCO. Suggestions, complaints, and questions are encouraged. Employees will receive their final pay in accordance with applicable state law.

### D. At-Will Employee

Because employment with OC LAFCO is based on mutual consent, both the employee and OC LAFCO have the right to terminate employment at will, with or without cause, at any time. Nothing in this termination policy changes the At-Will Employment policy of OC LAFCO.

### E. Benefits



Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable upon termination will be paid in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued, and of the terms, conditions and limitations of such continuance.

## **PART 2 – SALARY AND WAGE ADMINISTRATION**

### **3.10     HIRING AND STAFFING**

#### **A.        Overview**

The intent of this policy is to provide guidelines on the hiring and staffing practices of OC LAFCO.

#### **B.        Policy**

To attract and retain qualified staff for OC LAFCO, it is the policy of OC LAFCO to use a criterion-based recruitment process and behavioral-based interview process to ensure the most qualified candidates are hired.

#### **C.        Recruiting**

Recruiting applicants will be aggressive enough to assure an adequate supply of qualified candidates. The recruitment process may include, but is not limited to, the use of professional recruitment firms, referrals from current or past employees, walk-in applicants, and/or web-based postings.

#### **D.        Interviews**

The employment interview is a major element in the selection process. It allows the applicant an opportunity to demonstrate his or her capabilities to perform the job and provides information to the candidate about the position. Interviews may be conducted by telephone or in face-to-face sessions.

All interview questions must be job-related and have direct bearing on the tasks

of the position. Interviews and questions are standardized so that all applicants are evaluated equally. Questions that express (directly or indirectly) any preference, limitation, or general reference to any individual on the basis of a protected category are prohibited.

E. Probationary Period

All OC LAFCO new hires will have a twelve-month probationary period beginning on the first day of employment. The OC LAFCO supervisor will provide job training during this time period and the employee will be evaluated every three months during the probationary period. OC LAFCO may terminate an employee during this twelve-month probationary period at any point in time therein. OC LAFCO retains the right to extend the probationary period. Nothing in this provision shall alter the at-will status of any employee.

### 3.11 COMPENSATION PRACTICES

A. Overview

The intent of this policy is to provide guidelines on the compensation practices of OC LAFCO.

B. Policy

It is OC LAFCO's policy to provide salaried exempt and salaried non-exempt employees with equitable salary compensation for the specific job assignment. The OC LAFCO salary compensation program is a "pay for performance" system and is designed to ensure OC LAFCO maintains an equitable value of its jobs while encouraging excellent employee performance. Consideration is given to relevant external factors such as economic conditions and the OC LAFCO annual budget. The program is implemented through established salary structures and grades, with salary ranges for both exempt and non-exempt employees. These grades provide different rates of pay for positions requiring different degrees of responsibility, experience, skills and knowledge.

Utilization of these criteria permits OC LAFCO to give individual consideration to each employee's pay in relation to his or her responsibilities, degree of contribution to the success of the agency, and job performance.

C. Salary Increases

Individual salary increases are not awarded on the basis of length of service but based on performance and OC LAFCO affordability.

D. Merit Reviews

1. Merit increases may be awarded during the compensation year in recognition of the employee's performance. The employee's performance is measured primarily on the following criteria as documented in the annual performance review: (1) did the employee successfully achieve his/her agreed upon goals and objectives? (2) what is the employee's overall value to the organization?
2. The following factors may be considered in the determination of the amount of increase: the employee's position in the pay range; compensation compared to other employees in comparable jobs; and the annual budget of the organization.
3. Merit increases, if awarded, are typically effective at the beginning of the fiscal year but may also be deferred to any effective date within the compensation year. Employees may also receive a "pass" on any merit increase in base salary if (1) his/her performance in the fiscal year has not been worthy of an increase, and/or (2) the agency's budget does not have sufficient funds for increases.
4. Probationary Merit Increase  
  
If an employee is appointed at Step 1 of the salary range, he/she may be eligible to receive a 2.5% step increase upon completion of six-months of service based on his/her performance.
5. Merit Performance Incentive Pay Program for Employee at Top-Step  
  
Once an employee reaches the top-step of the salary range for his/her classification, each year, in conjunction with the annual performance evaluation, the employee may be eligible to receive Merit Performance Incentive Pay ranging from zero to three percent of his/her annual base salary.

E. Organizational Promotion

1. A promotional increase may be awarded to an employee who experiences a significant change in the level or kind of work performed.
2. A promotional increase may be awarded to an employee who performs at a high level of competence and has demonstrated readiness to assume broader, more complex assignments if these assignments become available.

Proposed promotions from non-exempt to exempt salaried status, or from hourly to salaried status, must meet the exemption tests of the California Department of Industrial Relations, Industrial Welfare Commission Wage Order (California Wage Orders) and the Federal Fair Labor Standards Act.

### **3.12 EMPLOYMENT CATEGORIES**

#### **A. Overview**

The intent of this policy is to define employment classifications so that employees understand their employment status and benefit eligibility.

#### **B. Policy**

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and OC LAFCO.

#### **C. Exempt/Nonexempt**

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Executive Officer. Generally, EXEMPT employees (as defined by the Fair Labor Standards Act of 1938) are not eligible for overtime pay and are paid on a salary basis. Conversely, NON-EXEMPT employees are generally paid on an hourly basis and are eligible for overtime pay.

#### **D. Employment Categories**

In addition to the above categories, each employee will belong to one other employment category:

1. Regular Full Time – Employees who are not in an extra help status and who are regularly scheduled to work OC LAFCO’s full-time schedule. Generally, they are eligible for OC LAFCO’s benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. Part-Time – Employees who are not assigned to an extra help status and who are regularly scheduled to work less than 30 hours per week. While part time employees do receive all legally mandated benefits (such as Social Security and workers’ compensation insurance), they may be ineligible for some of OC LAFCO’s other benefit programs.
3. Extra Help – Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Extra help employees retain that status unless and until notified of a change in writing signed by the Executive Officer. Extra help employees are ineligible for OC LAFCO’s benefit programs unless otherwise required by law.
4. Intern – OC LAFCO sometimes utilizes the services of paid student interns. Interns are used to supplement the OC LAFCO work force and provide opportunities for local students to gain local government work experience. Employment is for a specified period of time. Interns are ineligible for OC LAFCO’s benefit programs.
5. Temporary Assignment Category (outside of regular full-time/part-time employment categories) – Occasionally, employees may be assigned additional temporary duties outside of their current position description when there is a business need, which may be due to new duties to be performed by OC LAFCO which have not yet been permanently assigned, a vacancy during a recruitment or extended leave of another employee. The term of a temporary assignment will be limited and include duties that are required to support internal efficiencies and administration operations. All temporary assignments will be approved by the Executive Officer and will be compensated at a maximum two and a half percent temporary increase to the affected employee’s current bi-weekly salary. At the end of the

6. temporary assignment, the affected employee's bi-weekly salary will be returned to the previous bi-weekly salary. This additional amount will not be reportable for retirement purposes. Employees that are required to perform additional duties on a short-term basis (for less than two weeks) will not be eligible for additional pay. A temporary assignment is not intended to be applied to multiple employees at one time for sharing additional duties due to vacancies or extended leaves.

This provision does not apply to the position of Executive Officer.

#### E. Job Descriptions

Job descriptions are adopted by the Commission in the Classification and Compensation Resolution. Please refer to Resolution CP 18-04 for the current job descriptions.

### 3.13 PAY POLICIES

#### A. Overview

The intent of this policy is to explain and clarify wage administration, work hours and timekeeping.

#### B. Payment of Wages

All employees are paid biweekly (every two weeks). There are 26 pay periods each year with paydays being every other Friday. In the event that the normal payday falls on an OC LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

#### C. Pay Advances

OC LAFCO does not give advances against wages or un-accrued vacation time.

#### D. Corrections to Payroll

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. Payment due to a correction will be processed in accordance with state law.

#### E. Overtime Pay

When OC LAFCO's needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work for nonexempt employees must receive prior authorization of the Executive Officer. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws, based on actual hours worked. OC LAFCO will make an effort to evenly distribute overtime based on business necessity among the employees with the necessary skills, knowledge, and abilities. When possible, advance notification will be provided. Employees who refuse to work overtime shall be subject to corrective action, up to and potentially including termination.

*OC LAFCO policy is that all overtime should be pre-approved by the Executive Officer. OC LAFCO will pay any overtime worked, regardless if pre-approved. However, the working of overtime that has not been approved may be grounds for discipline, up to and including termination of employment.*

All employees who are classified as "non-exempt employees," as defined under applicable laws or regulations, will be eligible for overtime pay. Exempt employees are not entitled to overtime pay. Overtime is typically defined under federal law as hours worked by non-exempt employees in excess of forty (40) hours in a workweek. In California, overtime is also typically applied to hours worked over eight (8) in a standard work day; though alternate work weeks allow variance. OC LAFCO follows the applicable state and federal laws when calculating overtime. Please note that only actual hours worked in a given workday or work week apply in calculating overtime. In other words, sick leave, vacation, holidays, or other paid time off is not considered hours worked for purposes of calculating overtime. Employees are obligated to accurately report their overtime worked; any error in overtime payment must be reported in writing to management for correction.

Employees of OC LAFCO designated as exempt employees shall not be subject to the provisions of this section.

F. Work Hours

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week, at the discretion of the Executive Officer.

G. Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require OC LAFCO to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees shall accurately record the actual time they begin and end their work electronically. Each employee is responsible for the daily recording of all time worked on this device. Each employee MUST record their start and finish times for the work day and for meal periods daily. Nonexempt employees must also record departure from work for any non-work-related reason. Failure to do so will subject an employee to discipline, up to and including discharge. Submitting time for another employee is grounds for discipline, up to and including termination. Altering, falsifying, or tampering with time records may result in termination.

OC LAFCO's time keeping policies must be followed at all times. Employees are responsible for reviewing their time entries for accuracy and confirming that their paychecks accurately reflect their actual hours worked. If there are any errors on your paycheck, you should report the error immediately in writing. Any pay correction will be included in the pay period for the time period in which the correction occurred, unless otherwise stated at the time of the correction. Any modifications to a time record must be initialed by the employee, supervisor and the Executive Officer. Exempt employees are expected to also keep track of their hours on a timesheet to be provided by OC LAFCO.

### **3.14 COMPENSATION STRUCTURE**

The compensation structure is performance-based with ten-step salary ranges for each classification (See the Classification and Compensation Resolution CP 18-04 for details).

## **PART 3 – BENEFITS**

### **3.15 INSURANCE AND OTHER BENEFITS**

#### **A. Overview**

The intent of this policy is to provide insurance and other benefits to all regular full-time and part-time employees of OC LAFCO. The Commission will review and may change these benefits on an annual basis at its discretion.

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B. Policy

OC LAFCO employees will receive health insurance, dental insurance and other insurance depending on their particular classifications. These insurance benefits will generally, but are not required to be, the same as provided to County of Orange employees. OC LAFCO employees are also eligible to participate in the Orange County Employees Retirement System (OCERS) and the County of Orange Defined Contribution 457(b) and 401(a) Plans. The Commission will review and establish the benefits annually at its discretion. A Benefits Summary Chart will be prepared annually setting forth these benefits and provided to all OC LAFCO employees.

### 3.16 TUITION REIMBURSEMENT

A. Overview

OC LAFCO encourages and supports efforts by its employees to improve their skills and educate themselves for advancement. OC LAFCO believes that assisting the employee in the pursuit of an educational agenda or to otherwise expand their work-related knowledge base will benefit both the employee and OC LAFCO.

B. Policy

All regular full-time employees of OC LAFCO, who have successfully completed the twelve-month probationary period, are eligible to receive educational assistance.

Upon pre-approval by the Executive Officer, the following reimbursement policies have been outlined to cover tuition and course/seminar or degree related expenses:

1. Maximum company reimbursement for all course or degree related expenses is \$3,000 per calendar year in pursuit of any approved courses, seminars, certifications, associate degree, or bachelor's degree. Reimbursement in pursuit of an approved masters or doctoral degree program is \$5,000 per calendar year.
2. Employees will not be reimbursed for more than two (2) courses in a single semester or quarter.

3. Course must be related to the work of the employee's position or occupation and must be taken at accredited institutions.
4. Pre-approval of classes (or course of study) is required by the Executive Officer. Employees must submit a written request for tuition reimbursement, prior to enrolling in the class, to the Executive Officer for approval.
5. Must be an OC LAFCO employee throughout the duration of the course.
6. The percentage of reimbursement is based on the grade earned for each college seminar, certification, associate, bachelor, master or doctoral degree course:

Grade A	100%
Grade B	100%
Grade C*	50%
Pass/Credit	50%

\*Master's and doctoral degree courses completed with a letter grade of "C" or below are not eligible for any reimbursement.

7. Reimbursable expenses include tuition, required textbooks, lab fees, library fees, and required registration and parking fees.
8. Upon completion of the course, official grades and receipts must be submitted to the Executive Officer for reimbursement. Taxes are withheld on educational reimbursements when required by law.

### **3.17 STAFF MILEAGE REIMBURSEMENT**

#### **A. Policy**

OC LAFCO staff will be reimbursed at the currently applicable IRS rates for reasonable and necessary mileage expenses when personal vehicles are used for OC LAFCO-related business, including, but not limited to, meetings, project site visits, and conferences. To receive mileage reimbursement, a form indicating the date of the trip, number of miles traveled, purpose of the trip, and reimbursement calculation is required to be submitted for review and approval by the Executive

Officer. If approved, the form is submitted to the Bookkeeper for issuance of a reimbursement check.

#### **PART 4 – TIME OFF**

### **3.18 SICK LEAVE BENEFITS**

#### **A. Overview**

Employees who are hired to work at least thirty days are eligible for California Paid Sick Leave. The intent of this policy is to provide paid time off for the purpose of illness or other medical requirements.

The Commission will review and may change any of these sick leave benefit provisions on an annual basis at its discretion.

#### **B. Policy**

OC LAFCO provides paid sick leave benefits to all employees as required by California law.

#### **C. Accumulation of Sick Leave**

During the first three (3) years of employment, an employee shall earn .0347 hours of sick leave with pay for each paid hour in a regular scheduled workweek or period (approximately seventy-two (72) hours per year).

After an employee has been paid for six thousand two hundred forty (6240) regular scheduled hours, approximately three (3) years, the employee shall earn .0462 hours of sick leave with pay for each paid hour in a regularly scheduled work period (approximately ninety-six (96) hours per year).

Sick leave earned shall be added to the employee's sick leave accumulation account upon the completion of the pay period, with no credit to be applied during the progress of the pay period or for a portion of the pay period or for a portion of the pay period during which the employee terminates service.

Employees may only accumulate up to a maximum of 1500 hours of sick leave.

Extra Help Employees shall accrue sick leave at a rate of one hour per every 30 hours worked beginning at the commencement of employment.

Extra Help Employees will have a maximum sick leave accrual of 80 hours. Extra Help Employees will not accrue any additional sick leave hours once they hit 80 hours in their sick leave balance. Once they fall below 80 hours of sick leave accrual, they will begin to accrue sick leave again. Extra Help Employees may use up to a maximum of 40 hours sick leave annually.

Should an Extra Help Employee become a regular full time or part time employee, the pro-rated sick leave hours they accrued as an Extra Help will roll over into their sick leave account as a regular full time or part time employee.

#### D. Permitted Uses of Sick Leave

Employees may use Paid Sick Leave for the following purposes:

1. The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's qualified family member.
2. For an employee who is a victim or whose family member is a victim (an individual against whom a qualifying act of violence is committed), as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.
3. Illness while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
  - a. The illness or injury of the employee or member of the employee's immediate family was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
  - b. The employee must notify the Executive Officer within four (4) calendar days of the beginning of the illness or prior to the end of his or her vacation leave.

- c. OC LAFCO shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
  - d. Upon the employee's return to work, the employee may be requested to furnish OC LAFCO with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.
4. Absence from duty because of personal emergencies is not to exceed twenty (20) working hours during the fiscal year. A personal emergency is something unanticipated that requires the employee to personally attend to the situation and must be attended to during normal working hours.
  5. An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.

A "family member" for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling, or a designated person which is a person identified by the employee at the time the employee requests paid sick days.

Sick leave shall not be applied to an absence which occurs on a holiday observed by OC LAFCO.

In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, which exempt employees will be charged only for full-day absences. Exempt employees are defined as those employees who are exempt from overtime rules under the Fair Labor Standards Act.

To the extent possible, employees must provide reasonable advance notice of their need for California Paid Sick Leave under this policy to the Executive Officer or their immediate supervisor by telephone. If the need is not foreseeable, the employee must provide notice as soon as practicable. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day.

An employee may be required to furnish a certificate issued by a licensed health care provider or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when OC LAFCO has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.

Any accrued, unused sick leave will roll over into the next calendar year.

E. No Payout of Sick Leave

There is no payout for unused accumulated sick leave when an employee leaves employment with OC LAFCO.

F. Transfer of Sick Time between OC LAFCO Employees

OC LAFCO employees, with the approval of the Executive Officer, may transfer up to 80 hours of sick leave per year to another OC LAFCO employee if needed to cover time off for medical or dental appointments or personal emergencies. OC LAFCO employees, with the written approval of the Executive Officer, may transfer a portion of their unused sick time balance to another OC LAFCO employee under the following circumstances:

1. An OC LAFCO employee may transfer no more than 80 hours of sick time to any one OC LAFCO employee during any calendar year.
2. The OC LAFCO employee receiving the sick time transfer must be experiencing personal or family medical issues requiring extended periods of time away from the office.
3. The OC LAFCO employee transferring sick time must maintain a minimum balance of at least 40 hours of sick time after an approved transfer.
4. All sick-time transfer requests must be approved by the Executive Officer.

**3.19 VACATION<sup>1</sup>****A. Overview**

This policy applies to all regular full-time and part-time employees of OC LAFCO. The intent of this policy is to provide paid time off for employees as a means of rest and rejuvenation. OC LAFCO encourages employees to utilize this benefit every year. OC LAFCO believes personal time off is an important means to enable continuation of strong performance and positive contribution to OC LAFCO, as well as encourage a balanced and enriching life for employees. The Commission will review and may change any of these vacation benefit provisions on an annual basis at its discretion.

**B. Policy**

During the first three years of employment, an employee shall earn approximately .0577 hours of vacation leave with pay for each hour in a regularly scheduled workweek or period (120 hours or 15 days per year).

After an employee has been paid for 6,240 regularly scheduled hours, approximately three years, the employee shall earn approximately .077 hours of vacation leave with pay for each paid hour in a regularly scheduled work period (160 hours or 20 days per year).

After an employee has been paid for 20,800 regularly scheduled hours, approximately ten years, the employee shall earn approximately .0962 hours of vacation leave with pay for each paid hour in a regularly scheduled work period (200 hours or 25 days per year).

Regular part-time employees with continuous service working 20 hours or more per week will accrue vacation in accordance with the above schedule, on a pro-rated basis determined by normal hours worked. Active service for all regular employees commences with their first day of work and continues thereafter unless broken by an absence without pay or leave of absence. Extra help employees do not accrue paid vacation.

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<sup>1</sup> Amendment to the vacation policy for vacation accruals was approved by the Commission on October 11, 2023 with an effective date of December 15, 2023.

Employees cannot accumulate more than 240 hours of vacation.

Accrual ceases until vacation is utilized to bring the amount of accrued vacation below the applicable cap or vacation is cashed out as permitted by this policy.

In order to request vacation time, employees should submit a written request to the Executive Officer or Assistant Executive Officer. Efforts will be made to accommodate all employees' requests for specific vacation leave time. However, the Executive Officer or Assistant Executive Officer will also consider the needs of OC LAFCO when evaluating vacation requests.

In rare cases, the Executive Officer may allow an employee to take an advance on vacation accrual time; however, this advance will not be allowed to exceed the

amount of time the employee is scheduled to accrue during the current service year. Before any advance on vacation is granted, the employee will sign an authorization which authorizes OC LAFCO to deduct from his/her final paycheck the amount of any un-accrued vacation time advanced to the employee which has not subsequently been accrued.

During each fiscal year an employee may request to be paid for accrued vacation in either two (2) separate increments of up to forty-five (45) hours each or one (1) increment of up to ninety (90) hours.

Upon separation from OC LAFCO employment, an employee is eligible to be paid for accrued, unused vacation days up to a maximum of 240 hours at 100% of the employee's hourly salary. In cases where an employee terminates employment with OC LAFCO and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of unaccrued time off taken.

A holiday that falls during an employee's vacation leave will be treated and paid as a holiday and not as a day of vacation leave.

### **3.20 HOLIDAY**

#### **A. Overview**



The intent of this policy is to provide paid time off for eligible employees for holidays throughout the year.

B. Policy

Holiday time off with pay will be granted to all regular full-time employees and regular part-time employees (prorated) for the days designated by the County of Orange on an annual basis. Each part-time employee scheduled to work, but permitted to take the day off, shall receive pay computed at the employee's basic hourly rate for the number of hours the employee was regularly scheduled to work. A part-time employee shall receive compensatory time at the rate of one (1) hour for each five (5) hours of regularly scheduled work in the workweek up to a maximum of eight (8) hours of compensatory time. Holidays will vary year to year and a schedule will be published each year.

### 3.21 COMPENSATORY TIME

A. Overview

OC LAFCO employees earn compensatory time ("comp time") when a County holiday falls on a "flex" day. Limited comp time is also earned during the calendar year to all employee's time off to attend special religious or other designated events.

B. Policy

For employees who are not scheduled to work on a holiday (whose regular day off is the holiday) or their flex day falls on a holiday, management should work with employees to offer one of the following options:

1. The employee may change his or her schedule and take another day off in the same pay period where operationally feasible and without incurring overtime liability. For employees who are not on an eight-hour day schedule, the employee may go on an eight-hour day schedule for the workweek in which the holiday fills.
2. The employee may bank eight (8) hours of non-cashable compensatory time for use at a later date.

Compensatory time may be used in lieu of vacation time for time off. Compensatory time shall have no cash value and any unused hours will be forfeited upon separation from the County.

### **3.22 PREGNANCY RELATED DISABILITY LEAVE**

#### **A. Eligibility**

In accordance with applicable law and this policy, female employees are eligible for a leave of absence and/or transfer on account of pregnancy, regardless of length of service with OC LAFCO.

#### **B. Pregnancy Disability Leave**

OC LAFCO recognizes that employees may be unable to work for temporary or extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled by pregnancy, childbirth, or related medical conditions, OC LAFCO provides leave for the period of actual disability ("Pregnancy Disability Leave"), up to a maximum of four months. Pregnancy Disability Leave may be taken intermittently, or on a reduced-hours schedule, as medically advisable. An employee may also be entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions.

1. A woman is "disabled by pregnancy" if, in the opinion of her healthcare provider, she is unable to work at all or is unable to perform one or more of the essential functions of her job or to perform these without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
2. Pregnancy disability leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four months per pregnancy (eighty- eight workdays for a full-time employee). Employees who regularly work more or less than a 40-hour workweek are entitled to such leave on a pro rata basis.
3. Time off for necessary prenatal or postnatal care, as well as for any conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum

depression, childbirth, loss and end of pregnancy, and recovery from childbirth are all covered by pregnancy disability leave.

C. Leave Due to Childbirth

Even if the employee is not disabled by pregnancy, childbirth, or related medical conditions, a pregnant employee is entitled to up to six weeks of leave for normal childbirth. A pregnant employee is entitled to up to eight weeks of leave for cesarean section. Employees working more or less than a 40-hour work week are entitled to such leave on a pro rata basis.

D. Leave, Transfer and Other Reasonable Accommodation Requests

1. Pregnant employees should notify the Executive Officer as soon as possible regarding their intent/need to take a leave of absence or to transfer due to pregnancy, childbirth, or related medical conditions. Such notice should specify the anticipated timing and duration of the leave or transfer.
2. Where the need for a leave of absence or transfer is foreseeable, employees must provide such notice at least 30 days prior to the date the leave or transfer is to begin. Further, employees must consult with the Executive Officer regarding the scheduling of any planned medical treatment or supervision so as to minimize any disruption to OC LAFCO's operations. (Actual scheduling of the leave/transfer is subject to the approval of the employee's healthcare provider.)
3. Where 30 days advance notice is not possible, notice must be given as soon as possible. If an employee fails to provide the requisite 30 days' advance notice for a foreseeable need for leave, without any reasonable excuse for the delay, OC LAFCO reserves the right to delay the taking of the leave until at least 30 days after the date that the employee does provide such notice. However, OC LAFCO will not deny a pregnancy disability leave or transfer where the need for leave is an emergency or was otherwise unforeseeable.
4. OC LAFCO shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. OC LAFCO shall attempt to respond to the leave request before the date of leave is due to begin. Once given, the approval shall be deemed retroactive to the date of the first day of the leave.

5. Reasonable accommodation other than leave or transfer will be granted upon request. Such requests must be supported by a written certification from the employee's healthcare provider.

E. Intermittent Leave

Pregnancy Disability Leave need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

1. If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, OC LAFCO may require that the employee transfer temporarily to an available alternative position.
2. An "alternative position" is one that provides pay and benefits equivalent to those of the employee's regular position and better accommodates recurring periods of leave than the employee's regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
3. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

F. Temporary Transfers

1. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's healthcare provider certifies that such a transfer is medically advisable.
2. Temporary transfers will be granted where appropriate and when OC LAFCO is able to reasonably accommodate the transfer, provided that the transfer would not require OC LAFCO to:
  - a. Create additional employment.
  - b. Discharge another employee.
  - c. Violate collective bargaining agreement.
  - d. Transfer a more senior employee in order to make room for the pregnant employee's transfer; or

- e. Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

G. Certifications

1. As a condition of taking a Pregnancy Disability Leave or transfer, the employee must provide medical certification from her healthcare provider that she is disabled due to pregnancy, childbirth or related medical conditions and/or that a transfer to an alternative position is medically advisable.
2. The medical certification should include:
  - a. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer.
  - b. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
  - c. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons or a statement that, due to pregnancy, the transfer is medically advisable.
  - d. Upon expiration of the time period for the leave estimated by the health care provider, OC LAFCO may require the employee to provide another medical certification if additional leave time is requested.

H. Fitness for Duty

The employee must provide certification from her healthcare provider of her fitness for duty prior to being reinstated.

I. Pay During Leave

1. Pregnancy Disability Leave is unpaid leave. However, the employee may elect to use, or OC LAFCO may require that the employee use accrued sick leave to provide pay during the period of Pregnancy Disability Leave.
2. An employee may also elect, at her option, to use accrued vacation or other accrued paid time off, if any, to provide pay during pregnancy disability leave. The use of paid leave runs concurrently with Pregnancy Disability Leave and does not extend the length of the Pregnancy Disability Leave.
3. The employee may also be eligible to receive temporary disability insurance payments during her Pregnancy Disability Leave, and to coordinate the use of any accrued sick leave and/or vacation to supplement temporary disability insurance payments.

J. Reinstatement

1. The employee is entitled to be reinstated to the same or comparable position upon release to return to work by her healthcare provider.
  - a. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.
  - b. If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two business days, where feasible, after the employee notifies OC LAFCO of her readiness to return and provides medical certification of her fitness for duty.
  - c. Failure to return to work on the next workday following the expiration of pregnancy disability leave may be grounds for termination of employment.
2. The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the “same position” may be denied if for legitimate business reasons unrelated to the employee having taken a Pregnancy Disability Leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested.

3. Also, the employee has no greater right to reinstatement to a “comparable position” or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if there is no comparable position open on the employee’s scheduled date of reinstatement or within 60 calendar days thereafter.
4. In the event that the employee takes family and medical leave under the California Family Rights Act (“CFRA”) following her pregnancy disability leave for the birth of her child, the employee’s right to reinstatement shall be governed by the CFRA and OC LAFCO’s Family and Medical Leave Policy rather than these provisions.

K. Seniority and Benefits

1. In general, employees taking Pregnancy Disability Leave will be treated the same as other similarly situated employees taking disability leave.
2. The employee returning from a Pregnancy Disability Leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority related benefits such as vacation.
3. The employee shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority.

L. FMLA/CFRA and Pregnancy Disability Leave

In accordance with the Federal Family and Medical Leave Act (FMLA), OC LAFCO shall count each day of pregnancy disability leave against an eligible employee’s entitlement to up to 12 weeks of leave under the FMLA. Pursuant to the CFRA, the right to CFRA is separate and distinct from the right to take leave for pregnancy disability, and PDL will not be counted against the CFRA leave entitlement.

M. Group Health Insurance

Where an eligible employee is on Pregnancy Disability/FMLA Leave, OC LAFCO will continue the employee’s group health insurance coverage under the same terms and conditions as applied prior to the leave of absence.

1. In the event that the employee fails to return from leave, OC LAFCO may recover premiums it paid to maintain group health insurance coverage. (For details, see OC LAFCO's Family and Medical Leave Policy.)
2. If the employee coverage ceases after the exhaustion of Pregnancy Disability Leave/FMLA or other leaves, the employee may continue group health insurance coverage pursuant to federal and state COBRA guidelines.

### **3.23 OTHER TIME OFF**

#### **A. Overview**

This policy applies to all regular full-time and regular part-time employees of OC LAFCO. The intent of this policy is to outline other types of paid and unpaid time off available to eligible employees.

#### **B. Bereavement Leave**

Upon request, employees who have been employed for at least 30 days will be entitled to five (5) days of paid leave, which will be pro-rated for part-time employees based on hours worked, for each death in the employee's immediate family. For purposes of this section, immediate family is defined as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren; the employee's domestic partner or the child of a domestic partner; person whom the employee has/had a legal guardian relationship. To the extent allowed by law, OC LAFCO may request documentation from an employee availing themselves of this leave.

The days of bereavement leave do not need to be taken consecutively, however, the employee must complete the bereavement leave within three months of their family member's death, at which time any remaining unused bereavement leave will expire.

Employees may also, with the approval of the Executive Officer, use any available paid leave for additional time off as necessary. If more time off is requested, it will be granted only at the discretion of the Executive Officer. Bereavement pay is calculated based on the base pay rate at the time of absence and prorated for part-time employees.

#### **C. Reproductive Loss Event**



All employees who have been employed for OC LAFCO for at least 30 days are entitled to an unpaid leave of absence up to five (5) days in total following a reproductive loss event. Such leave must be taken within three (3) months of the reproductive loss event. If an employee experiences more than one reproductive loss event within a 12-month period, OC LAFCO will grant the employee a cumulative total of up to of 20 (twenty) unpaid days of leave; subject to the limitation that each unpaid leave of absence shall not exceed five (5) days.

A reproductive loss event is defined as: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. If the employee would have been recognized as a parent if the aforementioned events were successful, the employee will be covered under this definition. This includes the employee, the employee's current spouse or domestic partner, or another individual if the person would have been a parent of a child as a result of the event.

The leave of absence following a reproductive loss event is unpaid, though an employee may elect to utilize any accrued and available paid sick leave, vacation, personal leave, or compensatory time off that is otherwise available to the employee.

#### D. Jury Duty Leave

OC LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. OC LAFCO provides 30 days of paid time off at the employee's regular rate of pay for jury duty service provided the employee deposits fees paid for hours of jury duty excluding mileage. For service longer than 30 days, employees may use any accrued vacation leave or receive unpaid leave for jury duty service.

Employees must show the jury duty summons to the Executive Officer as soon as possible so that arrangements may be made to accommodate their absence. Employees are expected to report for work whenever the court schedule permits, including any remaining parts of a normally scheduled workday.

OC LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

#### E. Domestic Violence Victim Leave, Sexual Assault or Stalking

OC LAFCO will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. OC LAFCO requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide OC LAFCO with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the Sick Leave policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

OC LAFCO prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

#### F. Crime Victims' Leave

OC LAFCO will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. OC LAFCO requires that, where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide OC LAFCO with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

#### G. Leave for Organ and Bone Marrow Donation

OC LAFCO will grant an employee the following leaves of absence:

1. Bone Marrow Donation:

A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person.

2. Organ Donation:

- a. A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating the employee's organ to another person.
- b. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of the employee donating the employee's organ to another person.

For leaves of absence under this policy that are paid, if an employee has earned and unused sick or vacation time is available, the employee is required to first use up to five days of such paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to OC LAFCO that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, OC LAFCO will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, OC LAFCO will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. OC LAFCO may decline to restore an employee because of reasons unrelated to the employee's exercise of rights under this policy.

#### H. Time Off to Vote

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, OC LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

#### I. Military Leave

Military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Military and Veterans Code Section 394.5. Advance notice of military serve is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable. Employees who have been employed for at least one year are eligible for up to 30 days of paid leave for active-duty training.

Employees on military leave will receive rights and benefits comparable to those they would receive under OC LAFCO's policies for other types of leave. Continuation of health insurance benefits is available based on the length of the leave and subject to the terms, conditions and limitations of the applicable plan for which the employee is otherwise eligible. Employees on leave for no more than 30 days will receive continued health insurance benefits but are responsible for paying their portion of the health care coverage continuation rights. Vacation, sick leave and holiday benefits will continue to accrue during any paid portion of a military leave of absence.

CFRA permits employees to take up to 12 workweeks of unpaid protected leave during a 12-month period for a "qualifying exigency" related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child or parent in the U.S. armed forces. The Federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This policy supplements our Family and Medical Leave policy and provides a general notice of employee rights to this leave. Except as stated below, such rights and

obligations for service member leave are governed by our existing Family Leave policy. Service member FMLA/CFRA runs concurrent with other leave entitlements provided under federal, state and local law. Service member FMLA provides eligible employees unpaid leave for anyone, or combination of the following reasons:

1. A “qualifying exigency” arising when the employee’s spouse, son, daughter or parent, who is a member of the Armed Forces (including National Guard and Reserves), is on covered active duty or has been notified of an impending call to order to covered active duty; and/or
2. To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating and is certified by the service member’s healthcare provider.

When leave is due because of a “qualified exigency” concerning the military duty of a family member, an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by OC LAFCO, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of his or her intent to take leave as soon as reasonably possible and provide certification of either the “qualified exigency” or family service member’s need for care as soon as practicable.

#### J. Military Spouse Leave

Qualified California employees will be given up to 10 days leave during that time in which the employee’s spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide OC LAFCO with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to OC LAFCO certifying that the military member will be on military leave from deployment.

#### K. Workers' Compensation Leave

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for a period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee's work-related injury qualifies as a serious health condition, any Workers' Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act ("FMLA") and the California Family Rights Act ("CFRA"). Employees on Workers' Compensation Leave should keep their supervisors informed as to their work status and will need to provide a doctor's release before returning to work.

For more information on how to apply for or obtain workers' compensation information, an employee may contact the County of Orange, Risk Management Department at (714) 285-5511. Additional information may also be found at the following worker's compensation resources:

1. State of CA Department of Industrial Relations  
Website: <https://www.dir.ca.gov/dwc/fileclaim.htm>.
2. Facts for Injured Workers: <https://www.dir.ca.gov/dwc/InjuredWorker.htm>.

#### L. Volunteer Emergency Leave and Training

If employees volunteer as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to unpaid leave to perform emergency duty. In addition, they may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. If an employee qualifies for these types of leave, he or she may use accrued vacation during the leave. Time spent on this leave counts for purposes of determining “length of service.” However, vacation will not be accrued, and holiday pay will not be received during this leave.

#### M. Time Off for Parents to Attend School Activity

Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to forty (40) hours per school year to attend authorized school activities which involve one or more of the employee’s school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed eight hours in any calendar month.

Employees may use any accrued vacation while they attend their child’s school activities. If not, the employee’s parental time off will be unpaid. For scheduling purposes, employees must notify the Executive Officer at least one (1) week before the date of the school activity, so that their work duties may be covered.

#### N. Literacy Education Leave

OC LAFCO will reasonably accommodate employees who are seeking to enroll in an adult literacy education program provided the accommodation requested would not result in undue hardship to OC LAFCO. OC LAFCO does not provide paid time off for participation in an adult literacy education program.

#### O. Kin Care Leave

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

1. Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee’s covered family member.

2. For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
3. If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims' services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee's then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee's annual accrued sick leave benefits can be counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

For purposes of this policy, a family member means as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

Please note, leave under this statute runs concurrently with paid sick leave and CFRA/FMLA leave.

#### P. Alcohol and Drug Rehabilitation Leave

Under California state law, employees who seek time off to voluntarily complete a rehabilitation program are eligible for this leave under this policy.

Employees may take reasonable unpaid leave as long as the leave does not cause OC LAFCO an undue hardship. This leave is unpaid but employees may choose to use available sick leave concurrently with rehabilitation leave.

### 3.24 FAMILY AND MEDICAL LEAVE

#### A. Overview



The intent of this policy is to outline and explain some of the rules and requirements applying to the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

Note: Employers with at least 50 employees are required to comply with FMLA, whereas all public employers are required to comply with the CFRA. OC LAFCO does not meet the threshold for FMLA, but by policy provides leave pursuant to the FMLA.

## B. Eligibility

Regular full-time and regular part-time employees are eligible to request unpaid Family and Medical Leave under CFRA/FMLA if at the time leave commences, all of the following apply:

1. Must have worked for OC LAFCO for at least twelve (12) months at any time (need not be continuous).
2. Must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

Part-time employees who meet the requirements will calculate Family and Medical Leave on a prorated basis according to the number of hours they are normally scheduled to work.

## C. Reasons for Leave

Leave may be requested for any of the following reasons:

1. The birth or adoption of a child, or the placement of a child in foster care.
2. To care for the employee's child (including adult children over 18 years of age, stepchildren and children of a domestic partners), spouse, sibling, registered domestic partner, parent (including parent-in-law), grandchild, grandparent or designated person with a serious health condition. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. OC LAFCO may limit an employee to one designated person per 12-month period for family care and medical leave.

3. A serious health condition that prevents the employee from performing an essential function of his/her job, except for leave taken for disability on account of pregnancy, childbirth or related medical conditions; or
4. Military spousal, and military caregiver and exigency leave.

Family and Medical Leave is not available for non-serious conditions (including minor illnesses or for voluntary or cosmetic treatments) unless inpatient care is required or for routine preventive physical examinations.

#### D. Length of Leave

The length of Family and Medical Leave is up to twelve workweeks within a twelve-month period (exception for Pregnancy Disability and Military Caregiver – see policies). The twelve-month period begins the date the leave is taken. There is no carryover of unused leave from one twelve-month period to the next twelve-month period. Holidays that fall during the leave are counted against leave entitlement.

If at the end of twelve weeks the employee is unable to return to work, they may request a personal leave without pay. Such leave is granted at the discretion of OC LAFCO, and there is no requirement to hold the job available during the personal leave. OC LAFCO will, however, be governed by the Americans with Disabilities Act, the California Fair Employment and Housing Act, and Workers' Compensation regulations, if applicable.

#### E. Intermittent or Reduced Scheduled Leave

Family leave taken for the purpose of birth or placement of a child will generally be granted in minimum amounts of two weeks. However, an employee may request smaller increments of leave time which will be granted on any two occasions and will be subject to OC LAFCO approval for any additional requests based upon business needs.

Family and Medical Leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's child (including adult child over 18 years of age), spouse, sibling, registered domestic partner, child of a registered domestic partner, parent, grandchild, grandparent or designated person and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly disrupt OC LAFCO's operations. Military exigencies' leave also may be taken intermittently or on a reduced schedule.

If leave is taken intermittently or as a reduced work schedule, the amount of time used under Family and Medical Leave is only the time actually taken. For example, one day of leave per week for an employee who works five days per week is the equivalent of 1/5 of a week of Family/Medical Leave used.

#### F. Temporary Alternative Positions

An employee may be placed in a temporary alternative position if they request intermittent or reduced schedule leave, or the existing position description may be altered, to better accommodate the employee's need for recurring periods of leave. The alternative position may not have equivalent duties but will receive equivalent pay and benefits. The employee must be qualified for the position. They may also be transferred to a part-time job with the same hourly rate of pay and benefits.

#### G. Impact on Benefits

Health insurance premiums that are normally paid by OC LAFCO will continue to be paid during Family and Medical Leave for a maximum of twelve workweeks in a twelve-month period. The employee is still responsible for his or her share of the health insurance premiums during the period of leave. If the employee substitutes paid leave for unpaid leave, such payments will be deducted from the employee's pay through payroll deductions. Otherwise, the employee must make arrangements with OC LAFCO to pay for such premiums.

OC LAFCO may recover any health insurance premiums it paid during the leave if the employee fails to pay his or her share of the premiums during the leave or the employee fails to return to work from leave for a reason other than recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstance beyond the employee's control.

Service time, as well as vacation and incidental absence time, will continue to accrue during, but not exceeding, the twelve-week period. Employees will not be paid for holidays if they are in an unpaid status. For Family and Medical Leave of 30 days or less, reviews relating to salary and performance will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon the employees return to work. For Family and Medical Leave of over thirty days, Salary and Performance Reviews will be extended equal to the length of the leave.

#### H. Pregnancy Disability

In addition to the pregnancy disability leave described in this handbook, an eligible pregnant California employee is entitled to up to 12 additional workweeks of CFRA Leave. The maximum time to be taken off is: four months pregnancy disability/FMLA (with a healthcare provider's certification) plus 12 workweeks CFRA.

#### I. Requesting a Leave

An employee will be asked to provide certification from a health care provider that the leave is medically necessary when requesting a leave for their own health condition. If the health condition is that of a parent, spouse, or child, the healthcare provider must certify that the employee's care is required.

All requests must be provided in writing and include information and a schedule relative to the leave. Employees are requested to give as much advance notice as possible. Thirty (30) days is considered a minimum. In cases of emergency, give as much notice as possible under the circumstances. If the leave schedule is flexible, employees are required to try to schedule the leave so as not to unduly disrupt OC LAFCO's operations.

#### J. Integration with Paid Leave

Leave provided under FMLA/CFRA is unpaid. However, at the option of OC LAFCO or the employee, accrued vacation (or, Sick Leave where the leave is required due to the employee's serious health condition, or the serious health condition of a family member and Sick Leave would otherwise be permitted under OC LAFCO's policy) may be substituted for any unpaid Family Medical Leave. This designation of Family and Medical Leave will be made by OC LAFCO at the time the employee requests the leave or when OC LAFCO determines that the leave qualifies as Family and Medical Leave based on the information provided. In either case, the total of paid and unpaid leave provided is limited to twelve workweeks.

#### K. Upon Return from Leave

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. OC LAFCO will comply with all applicable laws pertaining to reinstatement of employees including, where required, the reasonable accommodation of employees who have been on an approved leave. OC LAFCO will be governed by the

Americans with Disabilities Act, the Fair Employment and Housing Act, CFRA/FMLA, and/or Workers' Compensation regulations where applicable. Family and Medical Leave will not result in the loss of any employment benefit that was earned or entitled to before use of Family and Medical Leave.

Employees using Family and Medical Leave for their own serious medical condition must bring a healthcare provider's release to work upon returning from leave.

## **PART 5 – CONDUCT AND PROBLEMS**

### **3.25 SAFETY**

#### **A. Overview**

The intent of this policy is to outline safety expectations.

#### **B. Policy**

OC LAFCO is committed to providing a safe and healthy workplace. The safety of every employee is a fundamental consideration for OC LAFCO, and all reasonable precautions will be taken to protect employees from injury. In order to promote safety in the workplace, OC LAFCO expects employees to conduct business and perform their duties in a safety conscious manner at all times. All work areas must be kept clean, and free of clutter and debris. OC LAFCO also expects all employees to refrain from horseplay and careless behavior in the workplace. Any hazards or potentially dangerous conditions must be corrected promptly and/or reported to a supervisor.

Every employee of the OC LAFCO shall be required to observe all OC LAFCO and departmental health and safety procedures. At the close of each business day, employees must ensure that all equipment is put away. All stationery and miscellaneous supplies should be removed from tables, benches and furniture tops. Paperwork should not be left out overnight. Employees must not litter or discard items on the premises.

If an employee identifies a potentially unsafe condition or risk, the employee should immediately report the matter to their supervisor.

Under California law, in the event of an emergency condition, OC LAFCO will not take or threaten adverse action against any employee for refusing to report to, or leaving, a

workplace because the employee has a “reasonable belief that the workplace is unsafe.” The law requires employees to, “when feasible,” notify employers in advance of the emergency condition that requires they either leave the workplace or refuse to report to work. If it’s not feasible, then the employee must notify the employer as soon as possible. “Emergency Condition” for purposes of this policy, is defined as conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act. And, an order to evacuate a workplace, worksite, worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.

“A reasonable belief” for purposes of this policy, is defined as the workplace or worksite is unsafe” means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises. The existence of any health and safety regulations specific to the emergency condition and an employer’s compliance or noncompliance with those regulations shall be a relevant factor if this information is known to the employee at the time of the emergency condition or the employee received training on the health and safety regulations mandated by law specific to the emergency condition.

If an employee is injured or becomes ill on the job as a result of performing job-related duties, the following steps will be taken.

- Notify their supervisor, manager or Chair immediately after an injury or symptoms of illness occur.
- Consult a physician within 24 hours after an industrial injury or illness, even if the injury or illness is considered minor. Delay or refusal to seek medical treatment can result in physical as well as compensatory complications. Whenever possible, treatment should be received from an authorized treatment facility as directed to OC LAFCO.
- If the injury requires minor first aid care, there are first aid kits located in the office of Executive Officer and break room. All rules of reporting apply, even though injury is minor and requires only first aid treatment.
- In the event of a life-threatening injury, employees will be taken to the nearest local hospital. The employee or referring agent of OC LAFCO must inform the hospital staff that they are seeking treatment for an industrial injury.
- In the event of a temporary or permanent industrial disability, the employee is entitled to Workers' Compensation Insurance coverage and/or personal long-term disability benefits in accordance with state and federal laws.

**Off-Duty Social and Recreational Activities.** OC LAFCO may sponsor social or recreational activities for its citizens and employees, both on OC LAFCO property and off-site. Employee attendance at such social activities, however, is completely voluntary and is not work-related. Neither OC LAFCO nor its insurer will be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social or athletic activity that is not part of the employee's work related duties.

### 3.26 WORKPLACE VIOLENCE POLICY

OC LAFCO recognizes that workplace violence is a concern among employers and employees across the country. OC LAFCO is committed to providing a safe work environment that is free of violence and the threat of violence. OC LAFCO will not tolerate any violent or dangerous behavior of any kind, whether through physical abuse, threats of any kind, intimidation, coercion, stalking or otherwise, defacing OC LAFCO's property or causing physical damage to the facilities, bring weapons or firearms of any kind onto OC LAFCO's premises, parking lots, or while conducting business, or any other behavior that suggests a propensity towards violence. OC LAFCO strictly prohibits employees, consultants, customers, visitors, or anyone else on OC LAFCO premises or engaging in an OC LAFCO-related activity from behaving in a violent or threatening manner. Moreover, OC LAFCO seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

To accomplish the above objective, OC LAFCO has adopted a separate Workplace Violence Prevention Program (**Attachment A**).

Employees may report all incidents of direct or indirect violence or dangerous behavior to the Executive Officer or Assistant Executive Officer as soon as possible. Reporting incidents and concerns early can help prevent a situation from escalating and becoming even more dangerous. Employees should never attempt to handle a potentially dangerous situation by themselves. Any OC LAFCO employee that violates this policy will be subject to discipline, up to and including termination, as well as potential legal action.

OC LAFCO believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs. Any such instances should be immediately reported to the Executive Officer or General Counsel.

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite, ranging from threats

and verbal abuse to physical assaults and even homicide, that can affect and involve employees, clients, customers and visitors. If any employee observes or becomes aware of any workplace violence related actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she should notify the Executive Officer or Assistant Executive Officer or General Counsel immediately. Further, employees should notify the Executive Officer or Assistant Executive Officer or General Counsel if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace. General examples of prohibited conduct include, but are not limited to the following:

1. The actual or implied threat of harm to an individual, group of individuals, or relatives of those individuals, or the property of any of them, made in person, over the telephone, through the mail, by electronic communication, or by other means.
2. Fighting or challenging another individual to a fight.
3. Intimidation through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, and pushing.
4. Making harassing or threatening telephone calls; sending harassing or threatening letters, emails, or other correspondence.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of OC LAFCO.
6. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to the individual and causes the individual to fear for their safety, or the safety of their immediate family, as defined in Civil Code section 1708.7.
7. Making a suggestion or otherwise intimating that an act to injure persons or property is appropriate behavior.
8. The possession, on OC LAFCO leased or owned property or facilities, of weapons of any kind (including toy or look-alike), unless specifically authorized by the Police Department or appointing authority, or the brandishing of any object in a threatening manner towards another.



9. Loud, disruptive or angry behavior or language which is clearly not part of the typical work environment.
10. Blatant or intentional disregard for the safety or well-being of others.
11. Willful destruction of OC LAFCO's or others personal property.
12. Commission of a violent felony or misdemeanor on OC LAFCO's property.
13. Any other act that a reasonable person would perceive as constituting an act or threat of violence.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, OC LAFCO will inform the reporting individual of the results of the investigation. To the extent possible, OC LAFCO will maintain the confidentiality of the reporting employee and of the investigation. OC LAFCO may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. OC LAFCO will not tolerate retaliation against any employee who reports workplace violence.

If OC LAFCO determines that workplace violence in violation of this policy has occurred, OC LAFCO will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, OC LAFCO will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, OC LAFCO may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, OC LAFCO may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

**Immediate Danger:** Any employee, who is subjected to, witnesses, or has knowledge of actions that pose an immediate danger to himself/herself or others must report these acts to appropriate authorities immediately. When the incident constitutes an emergency, the employee should place themselves in a safe location, notify their supervisor and/or obtain police assistance by calling 911. Information provided to the emergency dispatcher should include details regarding the exact location and the nature of the incident and the persons and/or weapons involved.

After the incident has been reported to the police the employee should notify their supervisor. The supervisor shall be responsible for contacting the Executive Officer.

The primary objective in dealing with an incident in progress is to stabilize the situation, deescalate the potential for violence, and ensure that there is no harm to any person or property. Once the emergency has passed the supervisor shall be responsible for conducting a thorough investigation of the incident and reporting the findings to the Executive Officer. All employees are required to cooperate fully in any administrative or criminal investigation.

**Potential or Suspected Future Incidents:** When an employee becomes aware of a potential violation of this policy that does not pose an immediate threat of violence, the employee is responsible for notifying their supervisor. Even without an actual threat, employees should also report any behavior that they may regard as threatening or violent when the behavior is job-related or might be carried out within the OC LAFCO workplace. It will then become the responsibility of the supervisor to prepare a report for the Executive Officer. This report will be evaluated to determine whether there was a violation of the policy and what the appropriate management response should be.

Employees who have reason to believe they or any OC LAFCO employee may be the subject of a future violent act in the workplace or as a result of their OC LAFCO employment, should immediately notify their supervisor.

No employee who, acting in good faith, initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

### 3.27 DRUG AND ALCOHOL POLICY

#### A. Overview

The intent of this policy is to provide a drug and alcohol-free work environment for all OC LAFCO employees.

#### B. Policy

It is OC LAFCO's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on OC LAFCO's premises or while conducting business-related activities off OC LAFCO's premises, no employee may use, possess, distribute, sell, or be under the

influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation of treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with the Executive Officer or Assistant Executive Officer to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through OC LAFCO's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all OC LAFCO's policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave will not cause OC LAFCO any undue hardship. Please see OC LAFCO's Alcohol and Drug Rehab Leave Policy for more detail.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify OC LAFCO of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

### **3.28 DESK INSPECTION POLICY**

#### **A. Overview**

The intent of this policy is to assist in the understanding of the usage of E-mail, the Internet, computer files and software.

#### **B. Policy**

Although desks, cabinets and shelves are made available for the convenience of employees while at work, employees should remember that all desks, cabinets and shelves remain the sole property of OC LAFCO. Moreover, OC LAFCO reserves the right to open and inspect desks, cabinets, and shelves, as well as any contents, effects, or articles in desks, cabinets, and shelves. Such an inspection can occur at any time, with or without

advance notice or consent. An inspection may be conducted before, during, or after working hours by the Executive Officer or Assistant Executive Officer or designee. Employees have no expectation of privacy in any of these items.

Prohibited materials, including weapons, explosives, alcohol and non-prescribed drugs or medications, may not be placed in a desk, cabinet or shelf. Employees who, if requested, fail to cooperate in any inspection will be subject to disciplinary action, up to and including termination. OC LAFCO is not responsible for any articles that are placed or left in a desk, cabinet, or shelf that are lost, damaged, stolen or destroyed.

### **3.29 THEFT OR LOSS OF OFFICE EQUIPMENT**

#### **A. Overview**

The intent of this policy is to outline procedures in the event OC LAFCO office equipment is lost or stolen.

#### **B. Policy**

The use of any OC LAFCO-related equipment (computers, cell phones, iPads, projectors, or other office-related equipment) outside of the OC LAFCO offices must be approved by the Executive Officer. OC LAFCO employees are fully responsible for the care and safekeeping of all office equipment offsite. Should an item be stolen or lost offsite while under the care of an OC LAFCO employee, the OC LAFCO employee is responsible to reimburse OC LAFCO for the replacement cost of all lost or stolen items.

The care and safekeeping of an iPad provided to a Commissioner for OC LAFCO- related business is the sole responsibility of the Commissioner. Any loss or theft of the iPad must be reported immediately to the Executive Officer, and the Commissioner is responsible to reimburse OC LAFCO for the replacement cost of the device.

### **3.30 PROBLEM RESOLUTION PROCEDURE**

#### **A. Overview**

The intent of this policy is to outline OC LAFCO's problem resolution procedure.

#### **B. Policy**

OC LAFCO is committed to encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response. OC LAFCO strives to ensure fair and honest treatment of all employees. All employees are expected to treat each other with mutual respect. All employees are encouraged to offer positive and constructive criticism.

If there is a disagreement concerning established rules of conduct, policies, or practices, employees may express their concerns through the problem-resolution procedure. No one will be penalized, formally or informally, for voicing a complaint with OC LAFCO in a reasonable, business-like manner, or for using the problem-resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps:

1. Employee presents problem to the Assistant Executive Officer after incident occurs. If the Assistant Executive Officer is unavailable or an employee believes it would be inappropriate to contact the person, employee may present problem to the Executive Officer.
2. The Assistant Executive Officer responds to the problem during discussion or after consulting with the Executive Officer, when necessary, and documents discussion.
3. Employee presents problem to the Executive Officer in writing if problem is unresolved.

The Executive Officer reviews and considers the problem. The Executive Officer informs the employee of decision and forwards a copy of the written response to the employee's file. The Executive Officer has full authority to make any adjustment deemed appropriate to resolve the problem.

**Originally Adopted: 1/8/2003**

**Last Reviewed: 06/11/2025**

**Last Revised: 06/11/2025**

**ATTACHMENT "A"**

**WORKPLACE VIOLENCE PREVENTION PROGRAM FOR THE LOCAL AGENCY FORMATION  
COMMISSION OF ORANGE COUNTY**

**WORKPLACE VIOLENCE PREVENTION PROGRAM**  
**for the LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY**

Our establishment's Workplace Violence Prevention Plan (WVPP) addresses the hazards known to be associated with the four types of workplace violence as defined by Labor Code (LC) section 6401.9.

Date Originally Adopted: JUNE 11, 2025

Date of Last Revision(s): JUNE 11, 2025

**DEFINITIONS**

**Emergency** - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

**Engineering controls** - An aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the employee and the hazard.

**Log** - The violent incident log required by LC section 6401.9.

**Plan** - The workplace violence prevention plan required by LC section 6401.9.

**Serious injury or illness** - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

**Threat of violence** - Any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

**Workplace violence** - Any act of violence or threat of violence that occurs in a place of employment.

**Workplace violence** includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- The following four workplace violence types:

**Type 1 violence** - Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.

**Type 2 violence** - Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

**Type 3 violence** - Workplace violence against an employee by a present or former employee, supervisor, or manager.

**Type 4 violence** - Workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

**Workplace violence** does not include lawful acts of self-defense or defense of others.

**Work practice controls** - Procedures and rules which are used to effectively reduce workplace violence hazards.



**RESPONSIBILITY**

The WVPP administrator, the EXECUTIVE OFFICER of the ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY ("OC LAFCO"), has the authority and responsibility for implementing the provisions of this plan for OC LAFCO. If there are multiple persons responsible for the plan, their roles will be clearly described. This WVPP also applies to individuals employed by third parties who conduct business for or on behalf of the OC LAFCO. Under such situations, OC LAFCO shall provide the third party employer with a copy of OC LAFCO's WVPP.

Responsible Persons	Job Title/Position	WVPP Responsibility(ies)	Phone #	Email
Luis Tapia	Interim Executive Officer	The Executive Officer is responsible for approving the plan as proposed by the Office Manager.	(714) 640-5100	<a href="mailto:ltapia@oclafco.org">ltapia@oclafco.org</a>
Cheryl Carter-Benjamin	Office Manager	Responsible for implementing the provisions of this Plan for OC LAFCO.	(714) 640-5100	<a href="mailto:Ccarter-benjamin@oclafco.org">Ccarter-benjamin@oclafco.org</a>
Cheryl Carter-Benjamin	Office Manager	Responsible for organizing safety meetings, updating training materials, and handling workplace violence reports, conducting safety inspections, coordinating emergency response procedures and communicating with employees regarding the Plan	(714) 640-5100	<a href="mailto:Ccarter-benjamin@oclafco.org">Ccarter-benjamin@oclafco.org</a>

All managers and supervisors are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the WVPP.

### **EMPLOYEE ACTIVE INVOLVEMENT**

OC LAFCO ensures the following policies and procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan.

- Management will work with and allow employees and authorized employee representatives to participate in:
  - Identifying, evaluating, and determining the corrective measures to prevent workplace violence. Designing and implementing training.
- Reporting and investigating workplace violence incidents.
- Management will ensure that all workplace violence policies and procedures within this written plan are clearly communicated and understood by all employees. Managers and supervisors will enforce the rules fairly and uniformly.
- All employees will follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment.
- The plan shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.

### **EMPLOYEE COMPLIANCE**

Our system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace, include at a minimum:

- Training employees, supervisors, and managers in the provisions of OC LAFCO WVPP.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the WVPP.
- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Discipline employees for failure to comply with the WVPP.

### **COMMUNICATION WITH EMPLOYEES**

We recognize that open, two-way communication between our management team, staff, and other employers, about workplace violence issues is essential to a safe and productive workplace. The following communication system is designed to facilitate a continuous flow of workplace violence prevention information between management and staff in a form that is readily understandable by all employees, and consists of one or more of the following:

- New employee orientation includes workplace violence prevention policies and procedures.
- Workplace violence prevention training programs.
- Regularly scheduled meetings that address security issues and potential workplace violence hazards
- Effective communication between employees and supervisors about workplace violence prevention and violence concerns.
- Posted or distributed workplace violence prevention information.

How employees can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.

Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety. Employees' concerns will be investigated in a timely manner and they will be informed of the results of the investigation and any corrective actions to be taken.

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively

### **COORDINATION WITH OTHER EMPLOYEES**

OC LAFCO will implement the following effective procedures to coordinate the implementation of its plan with other employers to ensure that those employers and employees understand their respective roles, as provided in the plan.

- All employees will be trained on workplace violence prevention.
- Workplace violence incidents involving any employee are reported, investigated, and recorded.
- At a multiemployer worksite, OC LAFCO will ensure that if its employees experience workplace violence incident OC LAFCO will record the information in a violent incident log and shall also provide a copy of that log to controlling employer.

### **WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE**

OC LAFCO will implement the following effective procedures to ensure that:

- All threats or acts of workplace violence are reported to an employee's supervisor or manager, who will inform the WVPP administrator. If that's not possible, employees will report incidents directly to the WVPP administrator, Cheryl Carter-Benjamin, OFFICE MANAGER.
- OC LAFCO is a multiemployer worksite and requires all employer(s) or their respective employee(s) whom experience a workplace violence incident to record the information in a Violent Incident Report Log and to provide a copy of the Violent Incident Report Log to the OC LAFCO.

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively.

### **EMERGENCY RESPONSE PROCEDURES**

OC LAFCO has in place the following specific measures to handle actual or potential workplace violence emergencies:

Employees will be notified of the presence, location, and nature of workplace violence emergencies by management or their designee as soon as is practical. If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition.

OC LAFCO will have evacuation or sheltering plans.

In the event of an act of violence which poses an immediate threat to others or an individual possessing a weapon, employees are advised to first and foremost remain calm and to not challenge or try to approach the individual. If possible, employees should leave the area and alert others to leave the area also. If safety permits, employees should call 911 and give the police as many details as possible including the name of the facility, the specific area/building where the individual is located, a description of the individual, what kind of weapon, and how many individuals may be in the building.

In the event of an emergency, including a Workplace Violence Emergency, contact the following:

Responsible Persons	Job Title/Position	Phone #	Email
Cheryl Carter-Benjamin	OFFICE MANAGER	(714) 640-5100	<a href="mailto:Ccarter-benjamin@oclafco.org">Ccarter-benjamin@oclafco.org</a>

### **WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION**

The following policies and procedures are established and required to be conducted by OC LAFCO to ensure that workplace violence hazards are identified and evaluated:

- Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Review all submitted/reported concerns of potential hazards submitted by employees or authorized employee representatives.

### **PERIODIC INSPECTIONS**

Periodic inspections of workplace violence hazards will identify unsafe conditions and work practices. This may require assessment for more than one type of workplace violence. Periodic Inspections shall be conducted when the Plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.

Periodic inspections to identify and evaluate workplace violence and hazards will be performed by the WVPP Administrator, or their designee.

Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices and may require assessment for more than one type of workplace violence. OC LAFCO performs inspections for each type of workplace violence by using methods specified below to identify and evaluate workplace security hazards.

Inspections for workplace security hazards from violence by strangers (Type 1) include assessing:

- The exterior and interior of the workplace for its attractiveness to robbers.
- The need for security surveillance measures, such as mirrors or cameras.
- The ability for strangers to enter our suites.
- Procedures for reporting suspicious persons or activities.
- Posting of emergency telephone numbers for law enforcement, fire and medical services where employees have access to a telephone with an outside line.
- Limiting the amount of cash on hand and using time access safes for large bills.
- The use of work practices such as “buddy” system, as appropriate, for identified risks (i.e., walking employees to their cars at the end of the workday).
- Adequacy of lighting and security for designated parking lots or areas.
- Procedures for employee response during a robbery or other criminal attack.

Inspections for workplace security hazards from violence by customers or clients (Type 2) include assessing:

- Access to, and freedom of movement within, the workplace.
- Adequacy of workplace security systems, such as door locks, secured access, security windows, physical barriers and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who provide services to OC LAFCO.
- Effectiveness of systems and procedures to warn others of a security danger or to summon assistance, i.e., alarms or panic buttons.
- The use of work practices such as “buddy” system, as appropriate, for identified risks (i.e., walking employees to their cars at the end of the workday).
- Adequacy of lighting and security for designated parking lots or areas.
- The availability of employee escape routes.

Inspections for workplace security hazards from violence by co-workers (Type 3) include assessing:

- How well OC LAFCO’s management and employees communicate with each other.
- How well our employees, managers and supervisors know the warning signs of potential workplace violence.
- Access to, and freedom of movement within, the workplace by non-employees, specifically recently terminated employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Employee disciplinary and discharge procedures.

Inspections for workplace security hazards from violence by personal relations (Type 4) include assessing:

- Access to, and freedom of movement within, the workplace by non-employees, specifically personal relations with whom one of our employees is having a dispute.
- Frequency and severity of employee-reported threats of physical or verbal abuse which may lead to violent acts by a personal relation.
- Adequacy of workplace security systems, such as door locks, secured access, security windows, physical barriers and restraint systems.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs
- Adequacy of lighting and security for designated parking lots or areas.
- Warnings or police involvement to remove personal relations of employees from the worksite and effectiveness of restraining orders.

### **EMPLOYEE TRAINING**

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- 1) When the WVPP is first established.
- 2) Annually to ensure all employees understand and comply with the plan.
- 3) Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.
- 4) Training shall be provided whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.

Additionally, all new employees or employees given a new job assignment will undergo training.

### **WORKPLACE VIOLENCE HAZARD CORRECTION**

Workplace violence hazards will be evaluated and corrected in a timely manner. LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY will implement the following effective procedures to correct workplace violence hazards that are identified:

- If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition will be provided with the necessary protection.
- All corrective actions taken will be documented and dated on the appropriate forms. Including, but not limited to, the Workplace Violent Incident Report Log.
- Corrective measures for workplace violence hazards will be specific to a given work area.

### **PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION**

After a workplace incident, the WVPP administrator or their designee will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview the involved parties, such as employees, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras if applicable.
- Examine the workplace for security risks associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring and inform affected employees as necessary.
- Record the findings and ensuring corrective actions are taken.
- Obtain any reports completed by law enforcement.
- The violent incident log will be used for every workplace violence incident. Any personal identifying information will be omitted from the violent incident log. This includes information that would reveal the identification of any person involved in a violent incident, such as the person's name,

address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity. The violent incident log will include but is not limited to, the following information:

- o The date, time, and location of the incident.
- o The workplace violence type or types involved in the incident.
- o A detailed description of the incident.
- o A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
- o A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
- o A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- o The type of incident, including, but not limited to, whether it involved any of the following:
  - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
  - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
  - Threat of physical force or threat of the use of a weapon or other object.
  - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
  - Animal attack.
  - Other.
- o Consequences of the incident, including, but not limited to:
  - Whether security or law enforcement was contacted and their response.
  - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
  - Information about the person completing the log, including their name, job title, and the date completed.
- Reviewing all previous incidents.

### **TRAINING AND INSTRUCTION**

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- When the WVPP is first established.
- Annually to ensure all employees understand and comply with the plan.
- Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.
- Training shall be provided whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.

Additionally, all new employees or employees given a new job assignment will undergo training.

OC LAFCO will provide its employees with training and instruction on the definitions found on page 1 of this plan and the requirements listed below:

- The employer's WVPP, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.
- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
- Workplace violence hazards specific to the employees' jobs, the corrective OC LAFCO has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Opportunities LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY has for interactive questions and answers with a person knowledgeable about the LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY plan.
- Strategies to avoid/prevent workplace violence and physical harm, such as:
  - o How to recognize workplace violence hazards including the risk factors associated with the four types of workplace violence.
  - o Ways to defuse hostile or threatening situations.
- How to recognize alerts, alarms, or other warnings about emergency conditions and how to use identified escape routes or locations for sheltering.
- Employee routes of escape.
- Emergency medical care provided in the event of any violent act upon an employee
- Post-event trauma counseling for employees desiring such assistance.

**Note:** Employers must use training material appropriate in content and vocabulary to the educational level, literacy, and language of employees.

### **EMPLOYEE ACCESS TO THE WRITTEN WVPP**

OC LAFCO ensures that the WVPP plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA at all times. This will be accomplished by maintaining the most current WVPP in the Human Resources office or to request a copy via email from.

### **RECORDKEEPING**

OC LAFCO will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
- Create and maintain training records for a minimum of one (1) year and include the following:
  - o Training dates.
  - o Contents or a summary of the training sessions.
  - o Names and qualifications of persons conducting the training.
  - o Names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for minimum of five (5) years. The violent incident log will be used for every workplace violence incident. Any personal identifying information will be omitted from the violent incident log. This includes information which would reveal identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.
- Maintain records of workplace violence incident investigations for a minimum of five (5) years.
  - o The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.
- All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by LC section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

### **EMPLOYEE ACCESS TO RECORDS**

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within **15 calendar days of a request**:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.

- Violent incident logs.

### **REVIEW AND REVISION OF THE WVPP**

OC LAFCO WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

Review and revision of the WVPP will include the procedures listed in the EMPLOYEE ACTIVE INVOLVEMENT section of this WVPP, as well as the following procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan's effectiveness:

- Review of OC LAFCO's WVPP should include, but is not limited to:
  - Review of incident investigations and the violent incident log.
  - Assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability (if applicable).
- Review that violence risks are being properly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all employees. [These revisions could involve changes to procedures, updates to contact information, and additions to training materials.]

### **EMPLOYER REPORTING RESPONSIBILITIES**

As required by California Code of Regulations (CCR), Title 8, Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries, OC LAFCO will immediately report to Cal/OSHA any serious injury or illness (as defined by CCR, Title 8, Section 330(h)), or death (including any due to Workplace Violence) of an employee occurring in a place of employment or in connection with any employment.



**ANTI-RETALIATION STATEMENT**

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively. Employees who retaliate against a coworker for reporting a workplace violence incident shall receive disciplinary action up to and including termination. The District also specifically prohibits retaliating against any employee who seeks assistance from local emergency services or law enforcement, or who obtain assistance from law enforcement.

The Executive Officer of OC LAFCO hereby authorize and ensure the establishment, implementation, and maintenance of this written workplace violence prevention plan and the documents/forms within this written plan. OF LAFCO is committed to promoting a culture of safety and violence prevention in our workplace and believes that these policies and procedures will help OC LAFCO achieve that goal.

Executive Officer: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
[Signature of person authorizing this WVPP]

DATE: \_\_\_\_\_

**VIOLENT INCIDENT LOG**

This log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- Information provided by the employees who experienced the incident of violence.
- Witness statements.
- All other investigation findings.

All information that personally identifies the individual(s) involved will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers
- Social security number

[Enter the date the incident occurred (Day, Month, Year)]

[Enter the time (or approximate time) that the incident occurred] a.m./p.m.

Location(s) of Incident	Workplace Violence Type (Indicate which type(s) (Type 1, 2,3,4)
[Enter location(s) where the incident occurred]	[Enter the workplace violence type(s)]

Check which of the following describes the type(s) of incident, and explain in detail:

**Note:** It's important to understand that "Workplace Violence Type" and "Type of Incident" have separate requirements. **For this part of the log, "Type of Incident" specifically refers to the nature or characteristics of the incident being logged. It does not refer to the type of workplace violence.**

- Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
- Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
- Threat of physical force or threat of the use of a weapon or other object.
- Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
- Animal attack.
- Other.

Explain: [Provide a detailed description of the incident and any additional information on the violence incident type and what it included. Continue on a separate sheet of paper if necessary.]

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Workplace violence committed by: [For confidentiality, only include the classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.]

Circumstances at the time of the incident: [write/type what was happening at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.]

Where the incident occurred: [Where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.]

Consequences of the incident, including, but not limited to:

- Whether security or law enforcement was contacted and their response.
- Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

[Include information on what the consequences of the incident were.]

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○ Were there any injuries? Yes or No. Please explain:

[Indicate here if there were any injuries, if so, provide description of the injuries]

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- Were emergency medical responders other than law enforcement contacted, such as a Fire Department, Paramedics, On-site First-aid certified personnel? Yes or No. If yes, explain below:

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Did the severity of the injuries require reporting to Cal/OSHA? If yes, document the date and time this was done, along with the name of the Cal/OSHA representative contacted.

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A copy of this violent incident log needs to be provided to the employer. Indicate when it was provided and to whom.

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This violent incident log was completed by:

\_\_\_\_\_  
[Name of person completing this log]

\_\_\_\_\_  
[Job Title of person completing this log]

\_\_\_\_\_  
[Date this log was completed]

\_\_\_\_\_  
[Signature of person completing this log]

[To be placed on OC LAFCO letterhead]

### **VIOLENT INCIDENT INVESTIGATION**

The General Manager (GM), or their designee, will complete the investigation into the violent incident. Investigation and resolution of the incident is expected within seven calendar days. The information included on this form should not contain confidential or identifying details and should be in a format that can be reviewed by other staff with little to no redactions.

Incident Analysis to be Completed by GM or/Designee:

Has this type of incident occurred before at the workplace? ☐ Yes ☐ No

What were the main factors that contributed to the incident?

What could have prevented or at least minimized the damage caused by this incident?

#### Post Incident Response

- |  |   |
|--|---|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Did the employee(s) require medical attention as a result of the incident?  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Did the employee(s) miss work as a result of the incident?                  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Did the employee(s) apply for workers' compensation?                        |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Was security contacted?   |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Was immediate counseling provided to affected workers and witnesses?        |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Was critical incident debriefing provided to affected staff who desired it? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Was post-trauma counseling provided to affected staff who desired it?       |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Was all counseling provided by a professional counselor?                    |

Has there been follow-up with the employee(s)? ☐ Yes ☐ No

Is this a recurring event? ☐ Yes ☐ No

Are there modifications to be made to WVPP to reflect updated practices? ☐ Yes ☐ No Describe updates to WVPP:

Investigation Completed By: \_\_\_\_\_

Department/Job Title: \_\_\_\_\_

Date: \_\_\_\_\_ Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**ACKNOWLEDGMENT OF WORKPLACE VIOLENCE PREVENTION PLAN TRAINING**

[To be placed on OC LAFCO letterhead]

**Acknowledgment of Workplace Violence Prevention Plan Training**

I hereby acknowledge that I have received a copy of the Workplace Violence Prevention Plan (the “Plan”). My signature below certifies that I have read, understood, and have completed training on the Plan. I understand that if I have any questions about the Plan, I may discuss them with the Plan Administrator.

Employee Name (print or type): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REGULAR MEMBERS****CHAIR**  
**Donald P. Wagner**  
County Member**VICE CHAIR**  
**Wendy Bucknum**  
City Member**IMMEDIATE PAST CHAIR**  
**Douglass Davert**  
Special District Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**Derek J. McGregor**  
Public Member**VACANT**  
County Member**ALTERNATES****Kathryn Freshley**  
Special District Member**Carol Moore**  
City Member**Lou Penrose**  
Public Member**VACANT**  
County Member**STAFF****Luis Tapia**  
Interim Executive Officer**Scott Smith**  
General Counsel**MEETING DATE:** June 11, 2025**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Interim Executive Officer**SUBJECT:** Legislative Report (June 2025)

The new two-year legislative session started on January 1, 2025, and the Legislature received a total of 2,350 newly introduced bills by the February 21 deadline. The total amount of bills introduced remained high, considering the new limit on the number of bills each legislator can submit during the legislative session. Members of the Senate reduced their 40-bill limit to 35, and members of the Assembly reduced their 50-bill limit to 35 as well. In the coming weeks, proposed legislation will continue to make its way through the numerous committees, with a deadline of June 6 for bills to pass out of the house of origin.

As part of the ongoing communication between the LAFCOs (Los Angeles, Orange, San Bernardino, and San Diego) included in the Memorandum of Understanding, staff identified Senate Bill 777 as being of interest to LAFCOs. This report provides a summary of SB 777 and a recommendation for the Commission to consider adopting a position on the bill.

**LEGISLATION OF LAFCO INTEREST****Senate Bill 777 (Richardson) Abandoned endowment care cemeteries: local agency possession and responsibility.**

Under current State law, the Cemetery and Funeral Bureau (Bureau), an entity within the Department of Consumer Affairs, licenses and regulates over 11,000 entities across various categories within the cemetery and funeral industries, including cemetery authorities, cemetery managers, and other relevant entities. Private cemeteries established after 1955 are required to be endowment care cemeteries. Endowment care cemeteries maintain an endowment trust that is funded by a portion of the purchase price of a burial plot. The trust is managed by the cemetery manager, who oversees the care and maintenance of the cemetery, funded by the investment gains of the endowment trust.

Endowment cemeteries are considered abandoned when a license to operate has been revoked, suspended, or surrendered, and the owner does not provide maintenance to the cemetery. Current State law



delineates a process for a court to appoint a manager to oversee the cemetery until a permanent manager is identified. However, finding new management for these cemeteries is difficult due to the aging infrastructure and concerns over liabilities from deferred maintenance. The Bureau manages the trusts of abandoned cemeteries to honor burial contracts, but it is not responsible for the care and maintenance of the property. Alternatively, a city or county may address safety, public health, or welfare issues and use generated income from the trust when available.

SB 777 proposes that for abandoned endowment cemeteries that have lost their license to operate and have not been transferred to a manager within one year, the local LAFCO would be responsible for identifying a successor local agency. The responsible LAFCO would initiate the process to identify a receiving local agency, including the County or a city, within 30 days of being notified by the Bureau and finalize the transition process within six months. The local agency would be responsible for the care, maintenance, and enhancement upon the transfer of fee title. The local agency would also take title of any endowment care funds and all necessary bookkeeping, records, real property, personal property, and trust fund assets.

Staff recommends that the Commission consider adopting an **Oppose** position based on the following:

- SB 777 does not provide any direction on how the local LAFCO would perform an analysis to determine which local agency is suited to take over the endowment cemetery.
- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not include a process for transitioning an endowment cemetery to a local agency.
- The Cemetery and Funeral Bureau is best suited to take over the operations of an abandoned endowment cemetery rather than a local agency, including the County or a city, which does not have experience with cemeteries.

The recommended position also aligns with the Commission's legislative policy of opposing legislation that does not ensure good governance and does not enhance LAFCO authority.

**RECOMMENDED ACTION:** Adopt an **Oppose** position on SB 777.

**SUPPORT:** None on record.

**OPPOSE:** California Association of Local Agency Formation Commissions, California Special Districts Association, California State Association of Counties, Coachella Valley Public Cemetery District, Imperial LAFCO, League of California Cities, Los Angeles LAFCO, Marin LAFCO, Mendocino LAFCO, Nevada County LAFCO, Orlando Cemetery District, Riverside LAFCO, Rural County Representatives of California, Russian River Cemetery District, Sacramento LAFCO, San Bernardino LAFCO, Sonoma LAFCO, Urban Counties of California, Vacaville-Elmira Cemetery District.

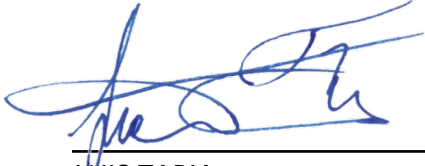
**BILL LOCATION/STATUS:** Senate.

**RECOMMENDED ACTION**

Staff Recommends the Commission:

1. Adopt an **Oppose** position on SB 777.

Respectfully Submitted,



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LUIS TAPIA

Attachment:

1. Senate Bill 777 (Richardson)

Exhibit:

- A. Letter of Opposition – SB 777


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## SB-777 Abandoned endowment care cemeteries: local agency possession and responsibility. (2025-2026)

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Date Published: 03/26/2025 09:00 PM

AMENDED IN SENATE MARCH 26, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### SENATE BILL

**NO. 777**

Introduced by Senator Richardson

February 21, 2025

An act to amend the heading of Chapter 7 (commencing with Section 8825) of *Part 3 of* Division 8 of, ~~to add Section 8749 to,~~ and to add Chapter 6 (commencing with Section 8800) to Part 3 of Division 8 of, the Health and Safety Code, relating to cemeteries.

### LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Richardson. Abandoned endowment care cemeteries: ~~county~~ *local agency* possession and responsibility.

Existing law, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of, among others, cemeteries and cemetery authorities, which includes cemetery associations, corporations sole, limited liability companies, and other persons owning or controlling cemetery lands or property. Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and to establish, maintain, and operate an endowment care fund. Ninety days following the cancellation, surrender, or revocation of a certificate of authority, existing law gives the bureau title to any endowment care funds of a cemetery authority and possession of all necessary books, records, property, real and personal, and assets, and requires the bureau to act as conservator over the management of the endowment care funds.

This bill would ~~make the~~ *require a local agency formation commission for the* county in which an abandoned endowment care cemetery is located *to identify a local agency to be* responsible for the care, maintenance, and embellishment of the ~~cemetery.~~ *cemetery, as specified.* The bill would vest fee title of the cemetery in the ~~county,~~ *local agency and* would restrict the ~~county's local agency's~~ use of the property to *uses consistent with* cemetery ~~purposes, and would exempt the county from various provisions related to the care of active cemeteries.~~ *purposes.* The bill would give the ~~county~~ *local agency* title to any endowment care funds of the prior cemetery authority held by the bureau, and would require the ~~county~~ *local agency* to take possession of all

necessary books, records, real property, personal property, and assets of the fund. The bill would require the assets to be liquidated, and the proceeds placed in a special fund ~~within the county treasury~~ to be expended on care, maintenance, or embellishment of the abandoned endowment care cemetery. The bill would define an abandoned endowment care cemetery and would make conforming changes. *By imposing additional duties on local agencies, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 8749 is added to the Health and Safety Code, to read:~~

~~8749. This article shall not apply to a county that takes title to an abandoned endowment care cemetery pursuant to Chapter 6 (commencing with Section 8800):~~

~~SEC. 2.~~ **SECTION 1.** Chapter 6 (commencing with Section 8800) is added to Part 3 of Division 8 of the Health and Safety Code, to read:

### CHAPTER 6. Abandonment of Endowment Care Cemeteries

**8800.** For purposes of this chapter, "abandoned endowment care cemetery" means a cemetery for which an endowment care fund was maintained, that was formerly licensed by the bureau, and for which the certificate of authority has been canceled, surrendered, or revoked and ownership has not been transferred pursuant to Section 8585 within one year of the cancellation, surrender, or revocation.

**8801.** (a) Upon the expiration of the one-year period described in Section 8800, ~~fee title of an abandoned care cemetery shall vest in the county in which the cemetery is located and shall be recorded with the county.~~ *the bureau shall notify the local agency formation commission for the county in which the abandoned endowment care cemetery is located that there is an abandoned endowment care cemetery in that county.*

*(b) No later than 30 days following the notification from the bureau described in subdivision (a), the local agency formation commission shall commence proceedings to identify a local agency take over the care, maintenance, and embellishment of the abandoned endowment care cemetery. The local agency formation commission shall complete its proceedings and identify the receiving local agency within six months of receiving the notification from the bureau.*

*(c) Upon completion of the proceeding described in subdivision (b), fee title of an abandoned endowment care cemetery shall vest in, and be recorded with, the local agency identified by the local agency formation commission.*

~~(b)~~

*(d) Any ~~county~~ local agency acquiring fee title to a cemetery pursuant to this section shall be responsible for the care, maintenance, and embellishment of the abandoned endowment care cemetery, and shall only use the property for uses consistent with cemetery purposes.*

**8802.** (a) Upon the transfer of title described in Section 8801, the ~~county~~ local agency shall also take title of any endowment care funds of the prior cemetery authority held by the bureau pursuant to Section 7613.11 of the Business and Professions Code, and shall take possession of all necessary books, records, real property, personal property, and assets of the fund.

*(b) The assets of the fund described in subdivision (a) shall be liquidated, and the proceeds shall be placed in a special ~~fund within the county treasury.~~ fund. The moneys within the special fund shall only be expended on care, maintenance, or embellishment of the abandoned endowment care ~~cemetery.~~ cemetery acquired by the local agency pursuant to this chapter and for which the endowment care funds were maintained.*

**8803.** A ~~county~~ *local agency* that acquires title to an abandoned endowment care cemetery shall keep a record of, and honor, all remaining contracts for burial executed by the prior cemetery authority.

~~SEC. 3.~~ **SEC. 2.** The heading of Chapter 7 (commencing with Section 8825) of Part 3 of Division 8 of the Health and Safety Code is amended to read:

**CHAPTER 7. Abandoned Nonendowment Care Cemeteries**

~~SEC. 4.~~

**SEC. 3.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**REGULAR MEMBERS**

## CHAIR

**Donald P. Wagner**

County Member

## VICE CHAIR

**Wendy Bucknum**

City Member

## IMMEDIATE PAST CHAIR

**Douglass Davert**

Special District Member

**James Fisler**

Special District Member

**Peggy Huang**

City Member

**Derek J. McGregor**

Public Member

**VACANT**

County Member

**ALTERNATES****Kathryn Freshley**

Special District Member

**Carol Moore**

City Member

**Lou Penrose**

Public Member

**VACANT**

County Member

**STAFF****Luis Tapia**

Interim Executive Officer

**Scott Smith**

General Counsel

June 11, 2025

Senate Member Laura Richardson

California State Senate

1021 O Street, Suite 7340

Sacramento, CA 95814

**RE:                    Oppose – SB 777 (Richardson) Abandoned Endowment Care Cemeteries: Local Agency Possession and Responsibility**

Dear Senator Richardson:

The Local Agency Formation Commission of Orange County (OC LAFCO) respectfully opposes SB 777, which would require LAFCOs to direct local agencies to assume responsibility for abandoned privately operated cemeteries. SB 777 not only would add significant responsibility to LAFCOs, but it fails to provide direction to LAFCOs as to how to assess which local agency is best suited to assume such responsibility, nor does it identify any procedures or notice requirements for the assessment process. Additionally, SB 777 would burden the local agency with additional fiscal and liability risks.

LAFCOs are subject to a broad body of law known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). In creating this statutory structure, the Legislature delegated the power to regulate the boundaries and services of local government agencies to LAFCOs. LAFCOs are statutorily tasked with discouraging urban sprawl, preserving open space and prime agricultural lands, encouraging the orderly formation and development of local agencies, and ensuring the efficient delivery of government services on the state's behalf.

The Commission understands the challenges when private cemeteries have been abandoned and left vulnerable to vandalism and decay, especially for those family members whose loved ones are interred. Other than independent cemetery districts, the overwhelming majority of local government agencies (counties, cities, and other special districts) do not currently provide cemetery services. For a LAFCO to direct a local agency to take responsibility for an abandoned private cemetery, especially one that likely does not have expertise that would lend itself to operating a cemetery, is inconsistent with LAFCO's statutory role and historic practice.

LAFCOs do not just force service obligations upon local agencies; instead, we engage in a deliberative process that incorporates publicly noticed hearings, engagement of local agencies, and opportunity for public comment. SB 777 would burden a LAFCO with the unenviable position of trying to make an assessment without any guidance as to procedure or priorities from the Legislature.

Finally, we are aware of no adequate funding mechanism that would accompany the transfer of responsibility for managing an abandoned cemetery, making the challenge of taking on the task even more difficult and less desirable for a local agency. We are concerned that taxpayers of a local agency may not appreciate taking on the new fiscal and liability responsibilities associated with operating a private enterprise, especially when that enterprise does not serve the public at large.

For these reasons, OC LAFCO opposes SB 777. If you or your staff have any questions, please contact Interim Executive Officer, Luis Tapia at (714) 640-5100.

Respectfully,

Donald P. Wagner  
Chair

cc: Jose Henriquez, Interim Executive Director, California Association of Local Agency Formation Commissions (CALAFCO)  
Orange County Legislators



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### STAFF

**Luis Tapia**

Interim Executive Officer

**Scott Smith**

General Counsel

**MEETING DATE:** June 11, 2025

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** OC LAFCO Ad Hoc Committee

**SUBJECT:** Selection Process and Appointment of OC LAFCO  
Alternate Public Member

In accordance with State law, the term for the OC LAFCO Alternate Public Member is four years. Additionally, the Commission's "Guidelines for the Appointment of OC LAFCO's Regular and Alternate Public Members and Commissioners' Terms of Office" establish the appointment process for the Public Member expiring terms and vacancies.

This report summarizes the process for the Alternate Public Member term that expires on June 30, 2025, and a recommendation from the Ad Hoc Committee to reappoint the incumbent, Commissioner Lou Penrose.

### Appointment Process for Alternate Public Member Seat

In accordance with Commission policy and State law, the announcement of the application period for the Alternate Public Member seat was published in the Orange County Register, distributed to the County, City Clerks, Clerks of the Special Districts, and Orange County Business Council, and posted on the agency's website. The 30-day application period began on April 7, 2025, and closed on May 8, 2025, with the Commission receiving one application from the incumbent Alternate Public Member, Lou Penrose (see attached).

Subsequent to the closing of the application period, and in accordance with local policy, the Ad Hoc Committee, comprised of Chair Wagner, Vice Chair Bucknum, and Commissioner Davert, reviewed the candidate's application materials and unanimously selected Mr. Penrose for consideration by the Commission to continue serving as the Alternate Public Member. Commissioner Penrose has been notified of the Committee's recommendation and will be available at the June 11 Regular Meeting to address any questions of the Commission.

If the Commission approves the Ad Hoc Committee's recommendation, Mr. Penrose will receive the oath for the new term (July 1, 2025 – June 30, 2029) at the July 9 Commission meeting.

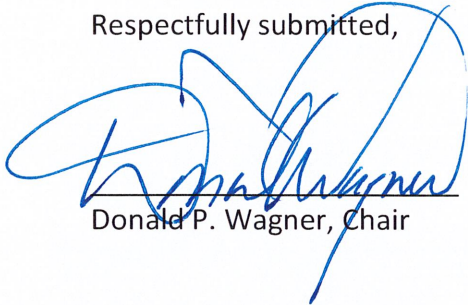


**RECOMMENDED ACTION:**

The Ad Hoc Committee recommends that the Commission:

1. Reappoint Lou Penrose to the Alternate Public Member seat for the term to commence July 1, 2025.

Respectfully submitted,



Donald P. Wagner, Chair

Attachment: Alternate Public Member Application for Lou Penrose

*Statement of Qualifications for:*

*(Lou Penrose  
Rossetti)*

*Resident of San Clemente*

**CANDIDATE FOR THE POSITION OF:**

**ALTERNATE PUBLIC MEMBER  
OF LAFCO**

Donald P, Wagner Chair

Local Agency Formation Commission – Orange County

2677 North Main Street Suite 1050

Santa Ana, CA 92705

April 08, 2025

Chairman Wagner and Members of the Commission:

I am pleased to submit to you my resume for consideration of the position of OC-LAFCO alternate public member. I currently serve as alternative public member and wish to continue to serve.

I am currently the principal consultant at Lou Penrose Government Relations serving clients here in Orange County and throughout California. Prior I served as Executive Director for the Apartment Association of Orange County, the industry voice for apartment owners, investors, residents, and professional members of the multi-family housing industry in Orange County.

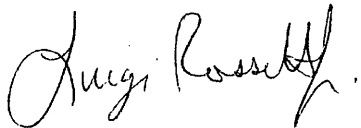
From 2002 -2014, I spent 12+ years serving as District Director and senior advisor for Members of Congress here in Orange County. My duties and responsibilities have included public policy communication, community and external affairs, strategy, as well as leading the team of congressional staff here in the district office.

For the first half of my career, I was on the broadcasting side of the public policy debate, hosting my own successful radio talk program in Palm Springs. As well, I directed a team of news journalists on staff. I am happy to say I am back on the radio nightly on Newsradio 600 KOGO in San Diego.

Leadership, communication skills, and issue strategy are strengths in my resume. I believe these qualities make this opportunity of public member on OC LAFCO a good fit.

Thank you for your consideration, and I look forward to serving this important policy making body.

Onward and Upward,

A handwritten signature in black ink, reading "Luigi Rossetti Jr." with a stylized flourish at the end.

Luigi Rossetti Jr.

(Lou Penrose)

## APPLICATION

### ALTERNATE PUBLIC MEMBER

Orange County Local Agency Formation Commission (OC LAFCO)

Term of Office Expires 06/30/2029

Name: Luigi Rossetti Jr. (Lou Penrose)

[REDACTED]

Email Address: Lou@LouPenrose.com

Employer: iHeart Media

Business Address: 9660 Granite Ridge Dr, San Diego, CA 92123

Business Telephone & Fax Number: (800) 600-5646

Briefly describe your experience in local government and/or with local community organizations:

13 years as DISTRICT DIRECTOR / REPRESENTATIVE FOR MEMBERS OF CONGRESS

Briefly describe your employment experience:

Gov't ISSUE STRATEGY & COMMS

Briefly describe your educational background:

BA POL SCI

Please attach your letter of interest to this application explaining why you are interested in serving on OC LAFCO and how your background and experience would be of benefit to the Commission and the community. **Please do not exceed one page.**

SIGNED:

Luigi Rossetti Jr.

Date:

08 APRIL 2025

The application and letter of interest must be received no later than **4:00 p.m. on Thursday, May 8, 2025.**

In accordance with OC LAFCO policy, applicants for the OC LAFCO regular or alternate public member seats shall not be an officer or employee of the County or any city or special district with territory in Orange County.

**Lou Penrose**  
**(Luigi Rossetti Jr.)**

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<b>EXPERIENCE</b>	Lou Penrose Government Relations <b>Principal Consultant</b>	2018 - Present
	iHeartMedia Newsradio 600 KOGO <b>Radio Talk Show Host</b>	2018 - Present
	Apartment Association of Orange County <b>Executive Director</b>	2013 - 2018
	<ul style="list-style-type: none"><li>• Government Affairs and Public Policy</li><li>• Membership services and development</li><li>• Manage office, staff and budget</li></ul>	
	U.S. Congressman John Campbell Irvine, CA <b>Deputy Chief of Staff</b>	2006 - 2013
	<ul style="list-style-type: none"><li>• Senior aide and advisor to the Congressman</li><li>• Manage district office and staff</li><li>• Serve as point person for the Congressman in the district</li></ul>	
	U.S. Congressman Ed Royce Fullerton, CA <b>District Representative / Federal Grants Coordinator/ Scheduler</b>	2004 - 2006
	<ul style="list-style-type: none"><li>• Congressional aide and advisor</li><li>• Control the district schedule of Congressman Ed Royce</li><li>• Federal liaison for district cities' legislative affairs</li></ul>	
	U.S. Congresswoman Mary Bono Palm Springs, CA <b>Deputy Chief of Staff</b>	2000 - 2004
	<ul style="list-style-type: none"><li>• Senior aide and advisor to the Congresswoman</li><li>• Manage 3 congressional district offices and staff</li><li>• Serve as point person for the Congresswoman in the district</li></ul>	
<b>EDUCATION</b>	Morris Desert Media, Palm Springs, CA <b>Director of Operations for News and Talk Programming</b>	1994 - 2000
	<ul style="list-style-type: none"><li>• Talk Radio Show Host - KNWZ 1010 AM Radio</li><li>• Supervisor radio news and talk division</li><li>• Broadcast facility operations manager</li></ul>	
	KPSL-AM Radio, Palm Springs, CA <b>Talk Radio Show Host / Producer</b>	1993 - 1994
<b>INTERESTS</b>	Binghamton University at State University of New York Degree: Bachelor of Arts                      Major: Political Science Post-graduate Accounting and Business Management	
	News and current events, media and politics, fitness, and family	