

**LOCAL AGENCY
FORMATION COMMISSION
OF NEVADA COUNTY**

(LAFCo)

**PERSONNEL
POLICIES**

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LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY
PERSONNEL POLICIES

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Personnel Policies

1. WELCOME AND INTRODUCTION

1.1. WELCOME

Nevada Local Agency Formation Commission is an independent public agency formed to regulate the boundaries and the creation of cities and special districts throughout Nevada County. As a public agency, LAFCo is responsible for providing a service to all members of the public.

LAFCo has prepared this manual to provide all employees a summary of its policies and benefits. It is not intended to be exhaustive of all employees requirements and regulations. **These policies may be changed at any time. Employees have no vested right to the continuance of any policy.**

LAFCo strives to improve its policies, the services that it provides, and positive relations with its employees. All employees are encouraged to bring suggestions for improvements to the attention of the Executive Officer. By working together, LAFCo hopes that it will share with its employees a sincere pride in the services we are providing.

1.2. APPLICATION

The foregoing personnel rules shall apply to all employees who have been:

1.1.1. Appointed by and serve at the pleasure of the Commission; or

1.1.2. Appointed by the Executive Officer with concurrence of the Commission and serve at the will of the Executive Officer.

2. RECRUITING AND HIRING

2.1. EQUAL OPPORTUNITY COMMITMENT

LAFCo believes that equal opportunity is a fundamental principle, and that all persons are entitled to equal employment opportunity. LAFCo does not discriminate against its employees or applicants because of race, color, religion, sex, pregnancy, national origin, ancestry, age, sexual orientation, marital status, physical or mental disability, medical condition, or any other grounds prohibited by state or federal law. Equal opportunity will be extended in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall and termination.

Employment decisions shall, therefore, comply with all applicable state and federal laws prohibiting discrimination in employment.

2.2. IMMIGRATION LAW COMPLIANCE

LAFCo is committed to full compliance with the state and federal immigration laws.

2.3. HIRING POLICY & PROCEDURE

2.4.1 Each vacancy is announced simultaneously for internal and external recruitment.

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2.4.2 For positions under direction of the Executive Officer, the Executive Officer shall conduct the screening process, interview applicants, choose the top candidates for an open position, check references of the top candidates, and select the individual for the position.

2.4.3 For positions which report directly to the Commission (e.g., the Executive Officer), the Commission shall have exclusive authority to conduct the selection process as appropriate.

3. SEPARATIONS FROM SERVICE

3.1. TERMINATION AT WILL

LAFCo has not adopted any civil service provisions. All employees are at-will employees. LAFCo reserves the right to terminate at will and without notice, if the agency determines that it is necessary.

3.2. VOLUNTARY REDUCTION OF HOURS

If LAFCo determines that a reduction in the work force is warranted due to any reason, all recruitment, hiring, and transfers will be frozen; employees will be invited and permitted to request a voluntary reduction of their hours or days of work; LAFCo will consider any request for time off without pay; and employees will be encouraged to take accrued vacation time off.

3.3. INVOLUNTARY REDUCTION OF HOURS

If a voluntary reduction in employees' hours is not sufficient to meet LAFCo's needs and objectives, LAFCo may implement an involuntary reduction in hours or days of work. Such reductions will be administered to maximize productivity and efficiency and can be made on a temporary, indefinite or permanent basis.

3.4. LAYOFF

If LAFCo determines that the options noted above are insufficient or inappropriate to meet its needs and objectives, it may decide to implement a layoff. All layoffs are effectively permanent separations from service, with no right of rehire. However, all employees who are laid off are encouraged to reapply for employment when positions are available.

4. COMPENSATION

The compensation for each position shall be fixed by the Commission. The rate of compensation shall represent the total compensation in every form except for health insurance benefits, retirement benefits, overtime compensation, and reimbursement for actual and necessary expenses authorized and incurred incident to employment.

4.1. PAYDAYS AND PAYCHECKS

All employees are paid bi-weekly (every two weeks), with paychecks distributed covering work performed during the preceding pay period. There are 26 pay periods each year. Paychecks will be distributed within one working week of the close of each pay period. All employees are responsible to ensure that timesheets submitted are accurate and complete.

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4.2. OVERTIME

- 4.2.1. Employees shall be paid for hours worked in accordance with all legal requirements.
- 4.2.2. The Executive Officer's position is considered exempt from the overtime provisions of the Federal Fair Labor Standards Act and any applicable state laws.
- 4.2.3. The Clerk to the Commission's position is subject to the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this position are expected to work no more than their scheduled number of hours, and in any case, no more than 40 hours per week, and are entitled to overtime pay should circumstances require them to work in excess of 40 hours in a workweek. Employees in this position are required to maintain a daily timesheet, recording hours worked each day. Any and all overtime work must be approved in advance by the Executive Officer. Unauthorized overtime is against LAFCo policy.
- 4.2.4. Overtime pay is calculated at one and one-half times the employee's regular rate for all hours worked over 40 hours in one workweek. Overtime is computed on the basis of the employee's total hours worked in a workweek.

4.3. TIME WORKED

Those employees who are required to record time must note all hours worked, including time worked over their normal schedule, in the period the work actually occurs. At the close of each pay period, hourly records will be reviewed by the employee's supervisor. Time is rounded up to the nearest tenth of an hour.

4.4. OUTSIDE EMPLOYMENT

Provided there is no conflict with their regular LAFCo duties, part-time LAFCo employees may be employed outside of LAFCo.

4.5. COMPENSATORY TIME OFF

LAFCo does not maintain any compensatory time off plan or arrangement.

4.6. REST AND MEAL PERIODS

Employees are entitled to one fifteen minute paid break and one hour unpaid lunch break for each four hours worked.

5. PERFORMANCE EVALUATIONS

5.1. PURPOSE OF EVALUATION

LAFCo provides employees with feedback regarding their performance in order to constantly improve the agency's overall operations and to better serve the public. Since LAFCo employees serve in an "at will" capacity, an evaluation is not an indicator of guaranteed employment.

5.2. EXECUTIVE OFFICER

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The Commission shall perform a written evaluation of the Executive Officer at least once a year, at or before the Commission's regular meeting in March.

5.3. OTHER EMPLOYEES

The Executive Officer shall annually evaluate the performance and progress of each employee. Performance reports for each employee shall be prepared prior to the end of the first six months of employment, and at least once a year thereafter. The Executive Officer shall review the performance report with the affected employee. Employees who do not concur with the Executive Officer's performance report may, within 15 days following the review of the performance rating, file a written request with the Executive Officer to be heard by the Commission.

5.4. CONFIDENTIALITY OF RECORDS

Employees shall be permitted to review their own personnel files, in accordance with Section 1198.5 of the Labor Code, and personnel files shall be maintained in a confidential manner.

6. COMPENSATION ADJUSTMENTS

6.1. SALARY RANGES

6.1.1. The Commission shall establish a salary range structure for each staff position, including that of the Executive Officer.

6.1.2. Adjustments to salary or wage ranges for employees may be granted at the sole discretion of the Commission.

6.2. COST OF LIVING ADJUSTMENTS

Cost of living adjustments ("COLAs"), at the rates provided by Nevada County for employees in equivalent bargaining units, shall be applied to adjust each approved LAFCo salary range. (Such adjustments, usually granted annually, are now designated by Nevada County as "Recruitment and Retention General Adjustments" or RRGAs.)

6.2.1. The equivalent bargaining unit for the Clerk/Analyst and the Assistant Clerk is considered "Miscellaneous Employees."

6.2.2. The equivalent bargaining unit for the Executive Officer is considered "Department Heads."

6.3. MERIT INCREASES

The Executive Officer may approve an annual merit increase for an employee of one-half or one full step of the appropriate salary range, upon favorable review of that employee's performance. Merit increases will not be granted after an employee's salary has reached the highest step of the appropriate range. Employees should understand that merit increases are not granted automatically, but only as a result of demonstrated performance, documented by a performance evaluation.

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6.4. MERIT INCREASES FOR THE EXECUTIVE OFFICER

Merit increases for the Executive Officer may be granted at the sole discretion of the Commission.

6.5 BUDGETING FOR COMPENSATION ADJUSTMENTS

The Commission may include funding for potential merit, range, and cost of living adjustments when adopting its annual budget; however, such inclusion does not commit the Commission or the Executive Officer to granting adjustments. Normally, adjustments are granted as a result of performance review or Commission's review of its staff compensation ranges.

7. PAID BENEFITS

7.1 TEMPORARY EMPLOYEES NOT ELIGIBLE FOR BENEFITS

From time to time, the Executive Officer may hire temporary employees to carry out a particular project of limited duration. Temporary employees are not eligible for benefits beyond their hourly compensation.

7.2 HEALTH INSURANCE

LAFCo provides each regular employee working half-time or more a medical benefit in such amount as determined from time to time by the Commission.

7.3 VACATION

7.3.1 Vacation benefits are provided to regular employees working half-time or more.

7.3.1.1 The Executive Officer is eligible for three weeks paid vacation time after one year of service. After twelve years of service, the Executive Officer is eligible for four weeks paid vacation time per year.

7.3.1.2 The Clerk to the Commission and the Accounting Technician/Assistant are eligible for two weeks paid vacation time after one year of service.

7.3.2 Vacation time may not accumulate in excess of six weeks. If maximum amounts are reached, further accrual is suspended until vacation balances are reduced by usage.

7.3.3 Vacations shall be scheduled in advance and shall be scheduled so as not to interfere unnecessarily in the business of LAFCo.

7.3.4 Subject to the recovery of any outstanding advances, earned vacation benefits that have not been used will be paid to an employee at the time of separation.

7.4 HOLIDAYS

7.4.1 LAFCo recognizes the following holidays:

New Year's Day

Labor Day

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Martin Luther King’s Day	Columbus Day
Lincoln’s Birthday	Veterans’ Day
Presidents’ Day	Thanksgiving Day & Day After
Memorial Day	Christmas
Independence Day	Floating Holiday

- 7.4.2 To be eligible for paid holidays, an employee must have been employed for at least 6 months.
- 7.4.3 Each employee’s pay for holidays shall be pro-rated based on the number of hours or percentage of full time at which their positions are rated.

7.5 SICK LEAVE

- 7.5.1 LAFCo provides its employees sick leave accrual at the rate required by State Law. Such leave accrues from the date of hire.
- 7.5.2 Temporary employees and employees with less than three months’ tenure are not eligible to receive sick pay benefits.
- 7.5.3 Sick leave may be used in the instances of actual illness or injury or doctor, dental, visual or chiropractic appointment of an employee or family member.
- 7.5.4 Sick leave may not accumulate in excess of three weeks. If maximum amounts are reached, further accrual is suspended until balances are reduced by usage.
- 7.5.5 Accumulated sick leave credit may be used to cover time off required in case of illness, death, or funeral.
- 7.5.6 No sick leave benefits are paid upon termination of employment for any reason, nor can sick leave benefits be applied as extra vacation or credit toward retirement.

7.6 WORKERS’ COMPENSATION

The California Workers’ Compensation Law is a no-fault insurance plan paid for by LAFCo, supervised by the State of California, and operated in the manner required by law. In general, the law provides that if an employee of LAFCo is unable to work because of a job-related injury or illness, Workers’ Compensation pays the employee’s medical expenses and a predetermined amount of money until they are able to return to work. All employees of LAFCo are protected by Workers’ Compensation.

Workers’ Compensation is sometimes confused with another State insurance program—State Disability Insurance (SDI). There are important differences. Workers’ Compensation takes care of on-the-job injuries and illnesses and is paid for by LAFCo. SDI covers off-the-job injury or illness and is paid for by deductions from employees’ paychecks.

7.7 BENEFIT PLAN CONTRIBUTIONS

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7.7.1 LAFCo provides all employees with retirement benefits as required by law through the Public Employees Retirement System (PERS). As a benefit, LAFCo pays the employee's contribution to PERS (equivalent to approximately 7% of the employee's salary), as well as the employer contribution. A brochure explaining PERS benefits is available upon request.

7.7.2 A Deferred Compensation program is available to LAFCo employees. See the Executive Officer for details on this program.

7.8 CAR MILEAGE

Employees required to travel outside the Nevada City area on LAFCo business shall be reimbursed for actual car mileage at the current IRS approved rate when utilizing their personal vehicles. Mileage claims must be turned in within one month of the date of travel. Employees using their personal vehicles for LAFCo business shall be required to supply the Executive Officer with proof of insurance.

7.9 JURY DUTY LEAVE OF ABSENCE

In accordance with law, a leave of absence shall be granted for jury duty. LAFCo shall compensate employees (provided they have been employed for at least six months, and provided they are not considered temporary employees as defined in Section 7.1) called to jury duty up to a maximum of two weeks. The employee will be paid their regular rate of pay for time missed due to jury duty, less any compensation received from the court for jury attendance.

8. LEGISLATED BENEFITS

In accordance with law, LAFCo provides for the following types of unpaid leaves of absence:

8.1. FAMILY/MEDICAL LEAVE OF ABSENCE

A Family and Medical Leave of Absence allows unpaid time off to care for a newborn child, an adopted child, a seriously ill child, parent or spouse, or the employee's own serious health condition. If the employee has worked a minimum of 1,250 hours in the previous 12 month period, the employee will be entitled to take up to 12 weeks within a twelve month period (pro-rated for part-time employees) upon certification by a Health Care Provider as designated in the California Family Rights Act. Employees shall be required to use all vacation and sick leave prior to going on an unpaid status.

Upon granting a Family and Medical Leave, LAFCo guarantees the employee 1) continued employment in the same or comparable position upon the termination of the leave unless the position ceases to exist for legitimate business reasons or unless the employee is considered a "key" employee (among the highest paid 10% of all employees) and 2) continuation of health benefits at the same level as an active employee in a paid status. Should the employee exhaust all leave balances during this unpaid leave, vacation and sick leave accruals and retirement benefits shall discontinue.

To initiate a Family/Medical Leave, the employee should submit a request in compliance with the provisions of the California Family Rights Act. If

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practicable, such notice should be given 30 days in advance, and should include the following information:

8.1.1. The date of the birth or adoption of a child;

8.1.2. In the case of the serious health condition of a family member or the employee, the date, if known, on which the serious health condition commenced, the probable duration of the condition, an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

- If intermittent leave or reduced leave is requested, the certification should indicate the medical necessity for the leave and its expected duration.
- If the leave is requested due to the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform any one or more essential functions of the employee's position.

8.2. PREGNANCY/DISABILITY LEAVE

If an employee is unable to work at all or is unable to perform the essential duties as a result of disability due to pregnancy, childbirth or related medical conditions as certified by a recognized health care provider, the employee shall be entitled to receive a 4 month Pregnancy Disability Leave (pro-rated for part-time employees) which is considered separate and distinct from the 12 week Family and Medical Leave provided under the California Family Rights Act.

At the conclusion of the Pregnancy Disability Leave, LAFCo shall return the employee to same or comparable position with medical certification of the employee's ability to perform the essential functions of the position.

9. DISCRETIONARY BENEFITS

9.1 DISCRETIONARY PERSONAL LEAVE OF ABSENCE

Any employee may apply to the Commission for an unpaid leave of absence of any duration up to 3 months. Leaves of absence shall be granted at the sole discretion of the Commission. Employees who are granted an unpaid leave of absence will not continue to earn retirement benefits during leave. Additionally, vacation, health insurance, holiday or sick-leave benefits shall not continue to be earned during personal leave of absence.

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