



SAN FERNANDO

MAYOR/CHAIR CELESTE T. RODRIGUEZ
VICE MAYOR/VICE CHAIR MARY MENDOZA
COUNCILMEMBER/BOARDMEMBER CINDY MONTAÑEZ
COUNCILMEMBER/BOARDMEMBER JOEL FAJARDO
COUNCILMEMBER/BOARDMEMBER MARY SOLORIO

CITY OF SAN FERNANDO

CITY COUNCIL SPECIAL MEETING AGENDA SUMMARY MONDAY, JANUARY 30, 2023 - 6:00 PM

CITY HALL COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340
TELECONFERENCE – PURSUANT TO PROVISIONS OF ASSEMBLY BILL 361

SPECIAL NOTICE REGARDING COVID-19

NOTICE OF TELECONFERENCE: Pursuant to Adopted Resolution No. 8098 by the City Council of the City of San Fernando, effective January 12, 2022, the City of San Fernando's Legislative Bodies may participate via teleconference and/or video in Accordance with Government Code Section 54953 as permitted under the provisions of Assembly Bill 361

PUBLIC PARTICIPATION OPTIONS

WATCH THE MEETING

Live stream with audio and video, via YouTube Live, at:

<https://www.youtube.com/c/CityOfSanFernando>

Note: Comments submitted via YouTube will not be read into the record.

SUBMIT PUBLIC COMMENT IN PERSON

Members of the public may provide comments in person in the City Council Chambers during the Public Comments section of the Agenda by submitting a comment card to the City Clerk.

SUBMIT PUBLIC COMMENT VIA EMAIL

Members of the public may submit comments **by email** to cityclerk@sfcity.org no later than **5:00 p.m. the day of the meeting**, to ensure distribution to the City Council prior to consideration of the agenda. Comments received via email will be distributed to the City Council, read into the record, limited to three minutes, and made part of the official public record of the meeting.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

Special Meeting Notice and Agenda – January 30, 2023

Page 2 of 3

CALL-IN TO PROVIDE PUBLIC COMMENT LIVE AT THE MEETING

Members of the public may **call-in between 6:00 p.m. and 6:15 p.m.** Comments will be heard in the order received, and limited to three minutes. If necessary, the call-in period may be extended by the Mayor. Note: This is audio only and no video.

Call-in Telephone Number: (669) 900-6833
Meeting ID: 833 6022 0211
Passcode: 924965

When connecting to the Zoom meeting to speak, you will be placed in a virtual “waiting area,” with your audio disabled, until it is your turn to speak and limited to three minutes.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

APPROVAL OF AGENDA

Recommend that the City Council approve the agenda as presented and move that all ordinances presented tonight be read in title only as authorized under Government Code Section 36934.

DECORUM AND ORDER

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council (SF Procedural Manual). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the sergeant-at-arms and such person may be barred from further audience before the City Council.

PUBLIC STATEMENTS

Members of the public may **provide comments in person in the City Council Chambers** during the Public Comments section of the Agenda by submitting a comment card to the City Clerk.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

Special Meeting Notice and Agenda – January 30, 2023

Page 3 of 3

Members of the public may submit comments by email to cityclerk@sfcity.org no later than **5:00 p.m. the day of the meeting** to ensure distribution to the City Council and read into the record.

Members of the public may provide a **live public comment by calling in between 6:00 p.m. and 6:15 p.m. CALL-IN INFORMATION: Telephone Number: (669) 900-6833; Meeting ID: 833 6022 0211; Passcode: 924965**

ADMINISTRATIVE REPORTS

1) INFORMATIONAL PRESENTATION AND DISCUSSION REGARDING AN OVERVIEW OF OPERATIONS AND ADMINISTRATION OF THE SAN FERNANDO POLICE DEPARTMENT

- a. Receive and file a presentation from staff; and
- b. Provide direction to staff, as appropriate.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

ADJOURNMENT The meeting will adjourn to its next regular meeting.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing special meeting agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting.

Julia Fritz, CMC

City Clerk

Signed and Posted: January 27, 2023 (12:00 p.m.)

The Regular Meetings of the City Council of the City of San Fernando also serves as concurrent Regular Meetings of the Successor Agency to the San Fernando Redevelopment Agency and will be identified as (SA) following the item, and, from time to time, such other bodies of the City composed exclusive of the Members of the City Council.

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website www.sfcity.org. These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk Department at (818) 898-1204 or cityclerk@sfcity.org at least 48 hours prior to the meeting.

*This Page
Intentionally
Left Blank*

Special Meeting

San Fernando City Council

*This Page
Intentionally
Left Blank*

*This Page
Intentionally
Left Blank*



AGENDA REPORT

To: Mayor Celeste T. Rodriguez and Councilmembers

From: Nick Kimball, City Manager
By: Fabian Valdez, Police Chief

Date: January 30, 2022

Subject: Informational Presentation and Discussion Regarding an Overview of Operations and Administration of the San Fernando Police Department

RECOMMENDATION:

It is recommended that the City Council:

- a. Receive and file a presentation from staff; and
- b. Provide direction to staff, as appropriate.

BACKGROUND:

1. On January 3, 2023, Councilmember Fajardo agendized an item to direct staff to schedule a special meeting to receive an informational presentation from staff related to the San Fernando Police Department, discuss the Citizens Academy, Parent University and related matters. The City Council directed staff to move forward with scheduling a Special Meeting and provide responses to questions submitted by City Councilmembers prior to the meeting.
2. By January 13, 2023, City Councilmembers provided staff with specific questions to be addressed prior to the January 30, 2023 special meeting.
3. On January 26, 2023, staff provided a memorandum (Attachment "A"), along with related reference material, responding to questions submitted by City Councilmembers.

ANALYSIS:

The San Fernando Police Department (SFPD) has been undergoing operational and administrative changes to enhance operational efficiency, community engagement, recruitment and retention, alignment with "best practices," and compliance with recent state legislative requirements, most significantly, Senate Bill 2 (SB2).

Informational Presentation and Discussion Regarding an Overview of Operations and Administration of the San Fernando Police Department

Page 2 of 2

Staff will give a presentation providing an overview of these enhancements and address many of the questions posed by the City Council, which are included as Attachment "A."

BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

CONCLUSION:

Staff recommends that the City Council receive and file the informational presentation and provide direction to staff, as applicable.

ATTACHMENT:

- A. Memorandum Regarding City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses, including:
 - Exhibit 1: Senate Bill 2 (SB2) Reference Guide
 - Exhibit 2: City of San Fernando Personnel Rules
 - Exhibit 3: Police Officer Bill of Rights (POBR) Reference Guide
 - Exhibit 4: Contract No. 2087 – Liebert Cassidy Whitmore
 - Exhibit 5: San Fernando Police Department Recruitment Flyers
 - Exhibit 6: City of San Fernando Employment Application



MEMORANDUM

To: Nick Kimball, City Manager

From: Fabian Valdez, Chief of Police

Date: January 30, 2023

Subject: City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

At the January 3, 2023 Council Meeting, the City Council instructed staff to prepare responses and provide literature, where appropriate, to questions submitted by City Councilmembers relating Police Department matters. The following questions were received from the City Council:

1) How has SB 2 impacted and/or changed operations and policies related to SFPD? SB 2 has impacted the day-to-day operations of the SFPD?

SB 2 has not directly impacted or changed the daily enforcement operations of the Department. However, SB 2 has impacted the administrative responsibilities of the Police Department as it pertains to newly hired police officers and how certain types of complaints made against current San Fernando Police Officers are handled and reported.

SB 2 expanded oversight of police departments by the California Commission on Police Officers Standards and Training (POST) in specific areas, particularly related to increasing accountability for police officer misconduct. This expanded oversight includes:

- Creating a process for POST to revoke the certifications of police officers;
- Expanding the list of circumstances when a person is disqualified from employment as a police officer;
- Requiring police departments to investigate all complaints or claims of serious misconduct by police officers regardless of whether the subject officer(s) is still employed by the agency;
- Requiring police departments to report to POST all complaints, claims, allegations, and findings of serious misconduct; and
- Removing some immunity provisions for police officers and Police Departments in civil rights lawsuits brought under the Tom Bane Civil Rights Act.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 2 of 13

POST defines serious police misconduct in the following manner:

- Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a police officer or custodial officer, including making false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct;
- Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest;
- Physical abuse, including, but not limited to, the excessive or unreasonable use of force;
- Sexual assault;
- Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a police officer's obligation to carry out their duties in a fair and unbiased manner;
- Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a police officer's obligation to uphold the law or respect the rights of members of the public, as determined by POST;
- Participation in a "law enforcement gang";
- Failure to cooperate with an investigation into potential police misconduct;
- Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.

Additionally, SB 2 authorizes POST to conduct investigations to determine the fitness of any person to serve as a police officer and to conduct audits of agencies that employ police officers.

Please refer to Exhibit "1" for additional detail on SB 2.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 3 of 13

2) What triggers an IA on a police officer, and what are the steps and timeline for an IA?

An Internal Investigation (“IA”) is initiated generally upon receipt of a citizen complaint about potential misconduct by an officer, or when it becomes known internally that there is credible information that the officer may have committed some kind of misconduct.

The amount of time needed to complete an investigation is based on a number of variables including, but not limited to:

- The complexity and nature of the allegation (e.g. is it administrative or potentially criminal);
- The number of subjects, witnesses, officers or other persons involved;
- The time required to schedule witness interviews at dates available for not only the officers, but also their attorneys;
- How much evidence needs to be gathered and assimilated into a report; and
- Time needed to review the investigation and determine the appropriate level of proposed discipline.

In general, the amount of time required to investigate and impose discipline can range from approximately one month for minor offenses to a year or more depending on the severity of the matter such as criminal conduct, excessive force allegations, or sexual misconduct.

Under Government Code section 3304(d), subject to certain exceptions, an investigation of peace officer misconduct must be completed within one (1) year of the discovery of misconduct by a person authorized to initiate an investigation.

3) Who handles an IA?

The Chief of Police ultimately decides who will investigate a complaint or possible policy violation. Sometimes, the investigation is handled internally and other times an outside investigator is assigned depending on a number of factors including the rank of the employee involved, complexity of the investigation, and nature of the allegations (e.g. administrative or criminal).

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 4 of 13

4) If a complaint against a police officer seems frivolous, how does this impact the IA?

A frivolous complaint by a member of the public must still be investigated under Penal Code section 832.5. However, the Department has some discretion regarding the approach to an investigation of a seemingly frivolous complaint. A frivolous complaint is defined by Code of Civil Procedure section 128.5 as one that is “totally and completely without merit or for the sole purpose of harassing an opposing party.” For example, if a person complained that an officer improperly ticketed them for driving without a license because the person does not believe they are bound by state law and are not required to have a license, then that would be a frivolous complaint. The investigation of such a complaint would be perfunctory. Moreover, such a complaint and report are required by law to be maintained in a separate file and may not be used for evaluation or discipline purposes.

5) How does the arbitration and appeals process for a police officer work?

- Step 1: After the internal investigation is completed, if there are sustained allegations, the next step is to prepare and serve a Notice of Intent to Discipline, which must be served upon the officer within one year of discovery of the violation, subject to certain exceptions that may toll the statute of limitations.
- Step 2: Upon service of a Notice of Intent to Discipline, the officer has 10 days to choose to accept the discipline or request an informal *Skelly* hearing with the Chief to rebut the charges. If the officer chooses to request a *Skelly* hearing, the hearing will be scheduled with the employee and their representative, generally the officer’s legal counsel or union representative.
- Step 3: After the *Skelly* hearing, the Chief makes a decision whether to sustain, modify or reject the proposed discipline. In most cases, the Chief will advise the officer of his decision within thirty days of the *Skelly* hearing.
- Step 4: If the officer disagrees with the final discipline in Step 3, he or she can file an appeal of that discipline within 10 days. The appeal is heard before an independent arbitrator mutually agreed upon by both sides, commonly through an alternating strike out process.

Independent Arbitrators’ schedules are often very full, meaning that a hearing date may not be available for a number of months after the parties agree to assign a particular Arbitrator. The hearing before the Arbitrator can take some time to complete depending on the availability of the parties and the Arbitrator, but generally most hearings last about a week. After the hearing is completed, the Arbitrator needs time to review the testimony, related legal precedent, and other

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 5 of 13

relevant information prior to issuing his/her Decision. Depending on the Arbitrator, the Decision may not be received for months after the hearing concludes.

Step 5: After the Arbitrator serves the decision, either side can appeal the decision to the City Council within 10 days. If appealed by either party, the City Council reviews the pertinent information, including the Arbitrator's report, investigation report, and related documentation. The City Council then makes the final decision on the discipline. Thereafter, either party can appeal the matter to the Superior Court for a final determination.

Overall, the amount of time to investigate and impose discipline can range from approximately one month for minor offenses to a year or more depending on the severity of the matter such as criminal conduct, excessive force allegations, or sexual misconduct.

6) When were our current rules put into place?

Disciplinary procedures are part of the City's Personnel Rules. The current Personnel Rules were adopted on January 5, 1987 (Exhibit "2"). Since Personnel Rules impact working conditions of all City employees, changes to the Personnel Rules requires the City to meet and confer with all bargaining units.

7) If an arbitrator rules in favor of a defendant (police officer), does the report ever become available to the City Council?

Generally, peace officer personnel records are confidential pursuant to Penal Code Section 832.7 and not able to be released by the Police Department. Additionally, Police Officers have rights under the Public Safety Officers Procedural Bill of Rights Act (Exhibit "3"), Government Code Section 3300-3313, which further outlines what Departments can and cannot do during disciplinary investigations of Police Officers. If an arbitrator rules in favor of a police officer on a disciplinary appeal, and the Department does not appeal the decision to the City Council, then records are not available to the City Council. If an arbitrator rules in favor of a police officer on a disciplinary appeal, and the Department appeals the decision to the City Council, then the City Council would have access to the records as part of their responsibility to make a final decision.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 6 of 13

8) What information can the City Council be apprised to related to personnel?

- a. If someone is fired?**
- b. If someone is rehired?**
- c. The reason for an IA?**
- d. The outcome of arbitration?**

- a. The fact of the separation can be disclosed as the dates of employment are public information, but generally the reasons (and the fact that the separation was involuntary) should not be disclosed. Additionally, when an employee is terminated, since the City Council can ultimately hear appeals of employee discipline, privacy and due process limit what information can be shared with the City Council and when.
- b. The hiring, or re-hiring, of an employee can be disclosed to the Council as dates of employment are public record.
- c. As to the reason for an IA, such information is generally not be able to be disclosed to the Council unless part of the formal disciplinary process to which they are the decision maker (i.e., the final appeal procedure to the City Council by either party after the arbitrator's decision). See above process described in section 4.
- d. The outcome of an arbitration is also confidential subject to certain exceptions. However, when a decision is appealed to the City Council, the Council will have access to the arbitration report as part of the appeal. See above process described in Section 4.

Generally, records of sustained allegations of certain types of misconduct are available as a public record if they fall under the conditions established under Penal Code section 832.7, as amended by SB 1421 and, more recently, SB 16, and all appeals are exhausted.

9) Can you provide further information on how the Glendale appeal process works for Police Officers?

The disciplinary process for the Glendale Police Department are as follows:

- 1. Discipline involving suspension or termination is rendered by the Chief through a Notice of Intent to the disciplined employee.
- 2. Upon receipt of a Notice of Intent to Discipline, the employee can request a *Skelly* hearing with the Chief of Police to rebut the charges.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 7 of 13

3. A *Skelly* Hearing is provided to the disciplined employee to rebut the charges, after which the Police Chief can sustain, reduce, or modify the charges and impose the discipline.
4. The disciplined employee can appeal the Police Chief's decision to the Civil Service Commission.
5. An appeal is held by the Civil Service Commission, or its authorized representative, who makes a non-binding, recommended decision to the Civil Service Commission for its final determination. The affected employee may pursue legal action if they disagree with the final decision rendered by the Civil Service Commission. At no time is the City Council involved in the disciplinary process and the Civil Service Commission's decision is final. The City of Glendale does not use arbitration for disciplinary matters except that an arbitrator could be appointed as the Commission's authorized representative to make a non-binding recommended decision to the Commission.

10) Who is our legal counsel for issues regarding police officers?

Liebert Cassidy Whitmore (LCW) provides special employment, labor, and workforce related legal services to the City of San Fernando through a Special Legal Services Agreement approved each year by City Council (Exhibit "4" - Contract No. 2087). Through this Agreement, LCW provides legal counsel to the Police Department on discipline and other related employment matters. Chief Valdez has requested to work with J. Scott Tiedemann and Jeffery E. Stockley on the bulk of the matters for the Department.

11) Do they report to the City Council, or only staff?

Legal counsel is retained on behalf of, and represents, the City through a Special Services Agreement (Contract No. 2087) approved by City Council. Employment related legal services are requested through the City Manager and provided directly to the affected department (e.g. Police Department, Public Works Department, Personnel Division, labor negotiations, etc.). Legal Counsel can report to the City Council in certain circumstances in closed session, but there are limitations on what direct communications can be held in closed session.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 8 of 13

12) What can we discuss in closed session regarding any of the above?

The Brown Act is very specific about what types of matters can be discussed in closed session: primarily litigation, personnel matters, labor relations, and real property transactions. Under certain circumstances (i.e. when the City Council is the direct hiring authority), a City can hold closed session meetings to consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee, or to hear complaints or charges brought by another person or employee. However, since the City Council is not the appointing authority for any positions other than the City Manager and City Attorney, these exceptions do not apply in the context of discipline of San Fernando Police Department employees.

Given the City's existing disciplinary process, which makes the City Council the final decision maker on discipline of police officers if the full appeal process is exercised, privacy and due process concerns limit the kinds of information that can be discussed in closed session or otherwise with the City Council. This is to preserve the integrity of the disciplinary process and counter arguments by employees that the City Council has overstepped its role as an objective assessor of disciplinary appeals before it. Thus, it will rarely be the case that the City Council can or should discuss disciplinary matters of police officers in closed session.

13) Please provide a summary of the changes to SFPD since the new chief has arrived, including changes to policies, procedures (i.e. cleaning cars, not responding to domestic violence calls unless there is a second person), and proposals (i.e. precinct captains, SROs)

Below is a summary of some of the changes implemented by Chief Valdez since being hired.

Administrative Directives Issued:

- Maintaining presentable/clean vehicles
- Communication Directive: No self-dispatching/informing dispatch of location.

Policy Changes/Updates (2022)

- Use of Force Policy
- Pursuit Policy
- Communication Policy* In process, discussions with POA ongoing
- Personnel Complaints
- Conducted Energy Device
- Rapid Response and Deployment
- Concealed Carry Weapon Permit Issuance * Currently under development
- Body Worn Camera/Portable Audio Video Recorders
- First Amendment Assemblies
- Cite and Release Policy

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 9 of 13

14) How many police officers is SFPD short by?

There are currently three (3) Police Officer vacancies. This number is based on the budget number of thirty-six (36) sworn Police Officers in Fiscal Year 2022-2023. We currently have six (6) Police Officers unavailable for patrol due to injuries and administrative leave. There are currently three (3) lateral police applicants in the final stages of processing. If they successfully complete the final stages, the Department will have all Police Officer vacancies filled.

15) How does the shortage impact our patrolling?

Staffing shortage require officers to work overtime pursuant to MOU and Side letter. The current minimum deployment on each shift is three (3) police officers and one (1) supervisor. Therefore, Sixteen (16) patrol officers are required to staff the patrol operation without overtime, not accounting for vacation or other time off. There are currently sixteen (16) full-duty officers available for patrol as well as four (4) detectives available to patrol to cover vacations and time off. There are currently two (2) recruits in the police academy and three (3) lateral transfers in the final stages of processing. All newly hired San Fernando Police Officers/Lateral officers will need to successfully complete the Department's field training program as required by the California Commission on Police Officer Standards and Training to be counted as solo patrol officers and staffed into the patrol schedule, which typically takes 4 – 6 months, depending on previous law enforcement experience.

The City Council approved a Side Letter in September 2022 to provide a "stand-by mechanism" to reduce overtime and cover minimum deployment. New hires and returning employees will further reduce the need for additional overtime to cover shifts in the near future.

16) What policy and procedures do we have in place regarding patrolling?

The San Fernando Police Department utilizes a service called Lexipol to provide fully developed, state-specific policies researched and written by subject matter experts and vetted by attorneys. The policies provided through Lexipol are based on nationwide standards and best practices while also incorporating state and federal laws and regulations, where appropriate. SFPD currently has 35 Policies relating to Patrol Procedures, including:

- A. Patrol Function
- B. Bias-Based Policing
- C. Roll Call Training
- D. Crime and Disaster Scene Integrity
- E. Ride-Along Policy
- F. Hazardous Material Response

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 10 of 13

- G. Hostage and Barricade Incidents
- H. Response to Bomb Calls
- I. Mental Illness Commitments
- J. Cite and Release Policy
- K. Foreign Diplomatic and Consular
- L. Rapid Response and Deployment
- M. Transportation of Arrested Persons
- N. Immigration Violations
- O. Emergency Utility Service
- P. Aircraft Accidents
- Q. Field Training Officer Program
- R. Obtaining Helicopter Assistance
- S. Contacts and Temporary Detentions
- T. Criminal Organizations
- U. Watch Commanders
- V. Mobile Digital Terminal Use
- W. Portable Audio/Video Recorders
- X. Medical Marijuana
- Y. Bicycle Patrol Unit
- Z. Foot Pursuits
- AA. Automated License Plate Readers
- BB. People Experiencing Homelessness
- CC. Crisis Intervention Incidents
- DD. Public Recording of Law Enforcement Activity
- EE. First Amendment Assemblies
- FF. Civil Disputes
- GG. Suspicious Activity Reporting
- HH. Medical Aid and Response
- II. Mobile Audio/Video
- JJ. Vehicle Pursuits

Lexipol requires that Police Officers and Supervisors read and acknowledge individual policies and updates on a time schedule. Some policies are reviewed in roll-call training such as “Vehicle Pursuit,” “Use-of-Force,” and “Mobile Audio/Video (Body Worn Camera).”

17) What is the plan to hire more police officers?

The plan is to continue to recruit police officers aggressively and fill vacant positions as quickly as possible. This plan will be executed through the continual recruitment and marketing efforts currently undertaken by the Department and a streamlined hiring process.

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 11 of 13

These efforts include:

1. Attend job fairs such as those hosted by the Native American Veterans Association.
2. Post job announcements at local police academies.
3. Attend and host recruitment booths at events such as the San Fernando Mall Market Fair.
4. Word of mouth by current members of the SFPD.
5. Posting on the City's website.
6. Through national recruiting sites such as Nation Testing Network.
7. Created a new recruitment flier (Exhibit "5") and currently developing a recruitment bumper stick with a QR Code to be placed on all police vehicles.

The hiring process has been streamlined and/or enhanced in three significant ways:

1. Currently, SFPD Officers and Sergeants are directly involved with the interview process, thus providing them the opportunity to provide direct input to Administration as to which applicants would best fit the San Fernando Police Department. This process was implemented shortly after Chief Fabian Valdez was appointed.
2. The SFPD put together a team who revised the Conditional Offer Letter in collaboration the Personnel Division and the City's attorney to provide the Department the ability to make conditional officers to viable candidates within days of the initial interview.
3. Frequently holding initial interviews for police officer candidates.

18) What does our hiring process look like? Please provide a list of steps including a copy of the application.

Step 1: Application

Step 2: First Interview

Step 3: Intake (Second Interview)

Step 4: Conditional Offer

NICK KIMBALL, CITY MANAGER**City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses**Page 12 of 13

Step 5: Submission of Personal History Questionnaire and Legal Documents

Step 6: POST compliant Background

Step 7: Polygraph

Step 8: Psychological Exam

Step 9: Medical Exam

A copy of the application is included as Exhibit "6."

19) What standards for hiring has the Chief changed?

Applicants and their backgrounds are looked at on a case-by-case basis with those applicants who have challenging backgrounds given the opportunity to explain themselves and provide administration demonstrating growth and learning since the incident(s) in questions.

20) How many people applied under the previous chief (Vairo), and how many were hired? What are the statistics for the current chief?**CHIEF VAIRO**

YEAR	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
Applied	65	44	68	58	47	41	50	15	338
Hired	3	2	2	2	4	3	3	1	20

Note: Of the 20 hired: Five did not successfully complete the field training program and three have resigned.

CHIEF VALDEZ

YEAR	2/22/2022	TOTAL
Applied	64	64
Hired	4	4

NICK KIMBALL, CITY MANAGER

City Council Special Meeting (1/30/23): City Councilmember Questionnaire and Staff Responses

Page 13 of 13

EXHIBITS:

1. SB 2 Reference Guide
2. City of San Fernando Personnel Rules
3. Police Officer Bill of Rights (POBR) Reference Guide
4. Contract No. 2087 – Liebert Cassidy Whitmore
5. San Fernando Police Department Recruitment Flyers
6. City of San Fernando Employment Application



LCW LIEBERT CASSIDY WHITMORE

What's New with SB 2: The Changing Landscape for Peace Officer Employment in 2023

Presented by:
Paul D. Knothe

Overview

• SB 2 Overview

- Establishes decertification process
- Expands employment disqualifications
- Requires agencies to investigate all complaints or claims of serious misconduct
- Requires agencies to report to POST
- Removes some litigation immunity



LIEBERT CASSIDY WHITMORE

On September 30, 2021, Governor Gavin Newsom signed into law Senate Bill 2 ("SB 2"). The bill's stated intent is to increase accountability for misconduct by peace officers and makes five significant changes:

- (1) It creates a process for the Commission on Peace Officer Standards and Training ("POST") to revoke certifications for peace officers such that those individuals will be disqualified from peace officer employment in California. Until 2022, California was one of only four states that did not have a decertification process for peace officers. Officers terminated for misconduct at one agency could therefore find another chance at an agency with staffing needs.
- (2) It expands the list of circumstances that will disqualify a person from employment as a peace officer;
- (3) It requires law enforcement agencies to investigate all complaints or claims of serious misconduct by peace officers regardless of whether the subject officer(s) is still employed by the agency;
- (4) It requires law enforcement agencies to report to POST all complaints, claims, allegations, and findings of serious misconduct;
- (5) It removes some immunity provisions for peace officers and their employing agencies in civil rights lawsuits brought under the Tom Bane Civil Rights Act.

POST's two new bodies:

- **SB 2 created two new bodies within POST:**

Accountability Division	Accountability Advisory Board	POST Commission
Sufficient number of employees	9 members of specific types	13 members
Reviews agency investigations Conducts audits	Reviews Division investigations Makes recommendations to Commission	Reviews Board recommendation Two-thirds vote
Reasonable grounds standard	Clear and convincing evidence standard	Clear and convincing evidence standard



LIEBERT CASSIDY WHITMORE

Accountability Division

SB 2 created a Peace Officer Standards Accountability Division within POST to review investigations conducted by law enforcement agencies and to conduct additional investigations into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification. All indications at this point are the Division will rarely, if ever exercise its power to conduct its own additional investigations.

- **Primary** responsibility is to **review** investigations conducted by law enforcement agencies or any other investigative authority and to conduct additional investigation, as necessary, into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification, present finding and recommendations to the board and commission, and bring proceedings seeking the suspension or revocation of certification of peace officers as directed by the board and commission"

Accountability Advisory Board:

3 year terms

9 members (7 appointed by Governor)

- 2 peace officers (or former peace officers), one with command experience and one with management experience in IA investigations or discipline.
- 2 members of the public with experience in police accountability issues working at nonprofit or academic institutions, one of which is appointed by the Speaker of the Assembly.
- 2 members of the public with experience in police accountability issues working in community-based organizations, one of which is appointed by the Senate Rules Committee.
- 2 additional members of the public, with "strong consideration" given to individuals who

have been subject to wrongful use of force by a peace officer or surviving family members of a person killed by wrongful use of force by a peace officer.
-1 attorney with professional experience involving police oversight.

POST Commission:

Public meetings to review the findings after an investigation made by the Peace Officer Standards Accountability Division and make a recommendation to the Commission regarding suspension or decertification.

POST's Expanded Authority

- **POST's expanded authority includes:**

- Authority to review and investigate potential grounds for decertification
- Authority to establish procedures for accepting complaints from members of the public regarding peace officers
- Authority to investigate and determine a person's fitness to serve as a peace officer



LIEBERT CASSIDY WHITMORE

The division shall promptly review any grounds for decertification received from an agency. The division shall have the authority to review any agency or other investigative authority file, as well as to conduct additional investigation, if necessary. The division shall only have authority to review and investigate allegations for purposes of decertification.

The board, in their discretion, may request that the division review an investigative file or recommend that the POST Commission direct the Accountability Division to investigate any potential grounds for decertification of a peace officer. Those requests and recommendations from the Accountability Advisory Board to the Accountability Division or POST Commission must be based upon a decision by a majority vote.

The commission shall establish procedures for accepting complaints from members of the public regarding peace officers or law enforcement agencies that may be investigated by the division or referred to the peace officers' employing agency or the Department of Justice.

Eligibility and Hiring



Minimum Certification Standards

- May only hire only officers with a Basic POST Certificate, or:
- Effective 1/1/23, all peace officers who do not possess or are not eligible for a Basic Certificate are required to obtain a Proof of Eligibility (POE) within 10 days of appointment
 - Reserve officers issued POE if appointed by 12/31/22
 - POE requirements (1) basic training, (2) POST-approved appointment
 - Disqualifying events discovered in audit will result in POE cancellation
 - Denial of POE application can be appealed

 LIEBERT CASSIDY WHITMORE

Before SB 2, the Commission on Peace Officer Standards and Training (POST) set minimum standards for recruitment and training of peace officers, developed curriculum for training courses, and issues professional certificates to peace officers in order to foster education, experience, and best practices in the profession. SB 2 significantly expands POST's authority in a variety of ways.

Under SB 2, the law requires law enforcement agencies to employ as peace officers only those individuals who hold a current and valid Basic certificate from POST, except for provisional employment for up to 24 months of individuals awaiting certification.

POE:

The Proof of Eligibility (POE) is a certification that confirms an individual is eligible to be a California peace officer. It went into effect on January 1, 2023. The POE requirement is only required for individuals who do not already possess a Basic Certificate – including reserve peace officers. POST will automatically issue a POE to reserve officers without basic certificate if appointed by December 31, 2022. So a lateral transfer from one agency to another agency with a POST Basic Certificate will not require the POE.

Eligibility:

Reg. 1202 lists POE will be issued by POST to those who: (1) satisfy the basic training requirement and (2) have a POST-approved appointment as a peace officer submitted

Cancellation:

Under SB 2, POST has the authority to suspend or revoke a POE or Basic Certificate for serious misconduct or when an individual becomes ineligible to hold office as a peace officer.

If audit discovers disqualifying event, POE will be cancelled. Applications may be temporarily denied for the following reasons:

1. Incomplete information and/or unsigned attestation of peace officer eligibility, as specified in Commission Regulation 1003(a)(1)(A)1.a.,
2. Incomplete background information, or
3. Not a qualifying employment classification.

Reg. 1202 clarifies that if an individual's certificate is cancelled, they can appeal it.

New Disqualifiers: SB 2 & POST Reg. Art. 4 § 1203 (proposed)

- **Peace Officer Ineligibility: New Disqualifiers**

- Discharge from the military for felony offense (California)
- Conviction of a felony overturned on appeal unless found factually innocent of the crime
- Convicted of an enumerated crime of dishonesty (i.e. bribery, corruption, perjury, falsifying evidence)
- Adjudicated and determined to have committed act that would be a crime in process requiring "clear and convincing evidence"
- Subject to POST certification being revoked or denied or voluntarily surrendered their POST certificate
- Listed in the National Decertification Index or similar



LIEBERT CASSIDY WHITMORE

Currently, under Government Code Section 1029, there are numerous circumstances that will disqualify an individual from holding office or being employed as a peace officer in California. Most notably, a person will be disqualified if they have been convicted of a felony, or convicted of a non-felony offense in another jurisdiction that would have been a felony in California.

SB 2 amends Government Code 1029 to exclude the following individuals from peace officer employment:

- An individual discharged from the military after adjudication by a military tribunal for committing an offense that would have been a felony if committed in California, whether or not the person received a criminal conviction for the offense.
- An individual convicted of a felony, including by a guilty plea or a plea of nolo contendere, will remain disqualified even if a later court sets aside, vacates, withdraws, expunges, or otherwise reverses the conviction, unless the court specifically finds the person to be factually innocent of the crime for which they were convicted. SB 2 amends Government Code § 1029 to require California Department of Justice to supply POST with any disqualifying felony or misdemeanor conviction data for all persons known to be current or former peace officers, for use in decertification.
- An individual convicted of any one of several specific enumerated crimes of dishonesty, or conduct in another jurisdiction that would have constituted one of those crimes if committed in California. The listed crimes include, but are not limited to, bribery, corruption, perjury, falsifying evidence, witness tampering, forging or falsifying government records, tampering with a jury or the jury selection process.

- An individual adjudicated to have committed acts that would constitute one of those enumerated crimes in an administrative, military, or civil judicial process that requires at least “clear and convincing evidence.”
- An individual whose POST certificate was revoked (or denied) or who voluntarily surrendered the certification.
- An individual whose name appears in the National Decertification Index or any similar database designated by the federal government and the individual’s certification as a law enforcement officer was revoked for misconduct, or if the individual engaged in serious misconduct that – had they been employed in California – would have resulted in POST revoking their certificate.

POST Reg. 1203 mirrors the SB 2 language and provides the procedure for which to decertify an officer.

Disqualifying Procedure: SB 2 & POST Reg. Art. 4 § 1203 (proposed)

- **Disqualifying Procedure:**

- POST Accountability Division will make preliminary determination and officer will be served NOI to revoke certification.
 - NOI will advise officer has right to respond
 - Officer would have 30 days to provide written response
 - If no response in 30 days, officer's certification will be revoked pending Commission's final order.
 - Upon Commission approval, decertification will be final



LIEBERT CASSIDY WHITMORE

Cancellation of Appointment: SB 2 & POST Reg. Art. 4 § 1204 (proposed)

- **SB 2:** Authorizes POST to suspend, revoke, or cancel certification
- **§1204: Provides for specific procedure**
- POST can cancel POST roster appointments for the following reasons:
 - (1) Appointment made as a result of misrepresentation or fraud;
 - (2) Appointment made as a result of administrative error on the part of the commission or the employing agency;
 - (3) Audit revealed the appointee did not meet the minimum hiring and selection standards required at the time of appointment.
- Immediate cancellation when in interest of health, safety, welfare
- Appeal process



LIEBERT CASSIDY WHITMORE

Before SB 2: aside from a certificate awarded in error or obtained through misrepresentation or fraud, POST could not cancel a certificate issued. Now under SB 2 and 1204, POST has broader grounds to cancel POST agency roster appointments.

Upon a determination made in accordance with (2) or (3) that an appointment resulted from a deficiency in file documentation, the commission shall notify the agency of the deficiency in writing and shall permit the agency an opportunity to correct the deficiency.

Failure to correct the deficiency within 30 days of the commission's notice to the agency will result in cancellation of the appointment to the POST agency roster by the commission.

Notice of cancellation can be appealed.

Poll Question

If a peace officer is convicted of a felony but later a court expunges or otherwise reverses the conviction, does this peace officer remain disqualified?



LIEBERT CASSIDY WHITMORE

Answer:

An individual convicted of a felony, including by a guilty plea or a plea of nolo contendere, will remain disqualified even if a later court sets aside, vacates, withdraws, expunges, or otherwise reverses the conviction, unless the court specifically finds the person to be factually innocent of the crime for which they were convicted at the time of entry of the order.

Voluntary Surrender: SB 2 & POST Reg. §1210 (proposed)

- **SB 2:** Officer may voluntarily surrender their certification permanently. Voluntary permanent surrender:
 - Cannot be reactivated.
 - Has same effect as revocation.
 - Is not the same as placing certification in inactive status.
- **§1210:** Establishes process to surrender certification:
 - POST Surrender form, acknowledgement, signed under penalty of perjury.
 - POST shall notify National Decertification Index.



LIEBERT CASSIDY WHITMORE

Agency Background Checks

- **Background Check Requirements**

- Before hiring a peace officer who worked for another agency, agency must contact POST to inquire why officer was separated.



LIEBERT CASSIDY WHITMORE

Any time an agency employs or appoints a peace officer who has previously worked as a peace officer for another agency, the hiring agency is required under SB 2 to contact POST to inquire as to the facts and reasons the officer was separated from any previous employing agency. POST is required to respond with any relevant information in its possession.

Reporting to POST

- **Reporting Requirements – 10 days to report:**

- **Appointment** of any peace officer
- **Separation** of any peace officer
 - Separation: report must include affidavit stating reasons for separation
 - Officer can respond.



LIEBERT CASSIDY WHITMORE

Serious Misconduct



“Serious Misconduct” SB 2

- 1) Dishonesty relating to reporting, investigation or prosecution of a crime;
- 2) Abuse of power;
- 3) Excessive or unreasonable use of force;
- 4) Sexual assault as defined in Penal Code § 832.7;
- 5) Demonstrating bias on the basis of protected status;



LIEBERT CASSIDY WHITMORE

“Serious Misconduct” SB 2 (contd.)

- 6) Acts that violate that law and are inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public;
- 7) Participation in a “law enforcement gang”;
- 8) Failure to cooperate with an investigation into potential police misconduct;
- 9) Failure to intercede when witnessing another officer clearly using unreasonable force.




LIEBERT CASSIDY WHITMORE

“Serious Misconduct” POST Reg. Art. 4 § 1205 (adopted)

POST adopted a definition of “serious misconduct” that went into effect January 1, 2023. POST Reg. 1205 mirrors SB 2 with some differences for:

- Dishonesty
- Abuse of Power
- Law enforcement gangs
- Sexual Assault
- Demonstrating Bias

 LIEBERT CASSIDY WHITMORE

POST Reg 1205 mostly mirrors the statutory language of SB 2. However, Reg. 1205 differs in the following ways:

Dishonesty: Reg. 1205 adds the following: For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

Abuse of power- including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

Abuse of Power: Reg. 1205 adds the following: For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Sexual Assault: Reg. 1205 adds the following: that it shall also extend to acts committed amongst members of any law enforcement agency.

Bias: SB 2 says demonstrating bias "on the basis of race." While Reg. 1205 says demonstrating bias "on the basis of actual or perceived race."

Law enforcement gang: Reg 1205 defines engaging in a pattern of on-duty behavior that intentionally violates the law or principles of professional policing to include “harassing or discriminating” against any individual based on a protected category. The language largely mirrors the statutory language of SB 2, except SB 2 also includes the act of “excluding” an individual based on a protected category.

- *NOTE: These biases are broader than those screened for during recruiting as part of AB846. Accordingly, Departments may want to consider also screening for these biases as well in order to avoid future problems down the road.
- A separate law, AB 958, requires agencies to maintain a policy that prohibits participation in a law enforcement gang and make violation of that policy grounds for termination. The two bills use the same definition of law enforcement gang.

Agency Serious Misconduct Investigations

- **Investigation Requirement**

- Effective January 1, 2023, all law enforcement agencies must complete any investigation into allegations of “serious misconduct” by a peace officer regardless of employment status



LIEBERT CASSIDY WHITMORE

This requirement means that if a peace officer voluntarily resigns, retires, is released from probationary employment, is terminated on unrelated grounds, or separates from employment for any other reason so that no disciplinary action could take place, the agency is still required to complete any pending investigation of serious misconduct.

Agency Reporting Requirements: SB 2 & POST Reg. Art. 4 §1207 (proposed)

- **Potential Misconduct**
- If the following could subject a peace officer to suspension or decertification:
 - The finding or recommendation by an oversight entity
 - The final disposition of the investigation
 - The civil judgment or court finding against a peace officer based on conduct or the settlement of a civil claim against a peace officer



Beginning January 1, 2023, any agency employing peace officers shall report to the commission within 10 days, any of the following events:

(1) Appointments & Separation:

Agencies must report to the commission within **10 days** the employment, appointment, termination, or separation of any peace officer.

Separation report must include an affidavit: (1) Describing the reason for separation and (2) Stating whether separation is part of settling a civil, criminal, or administrative charge or investigation. The officer has opportunity to provide a written response.

(2) Potential Misconduct

Agencies must report any complaint, charge, or allegations of serious misconduct within **10 days**

(3) Oversight Entity Finding:

Any finding or recommendation by a civilian oversight entity, including a civilian review board, civilian police commission, police chief, or civilian inspector general, that a peace officer employed by that agency engaged in conduct that could render a peace officer subject to suspension or revocation of certification by the commission

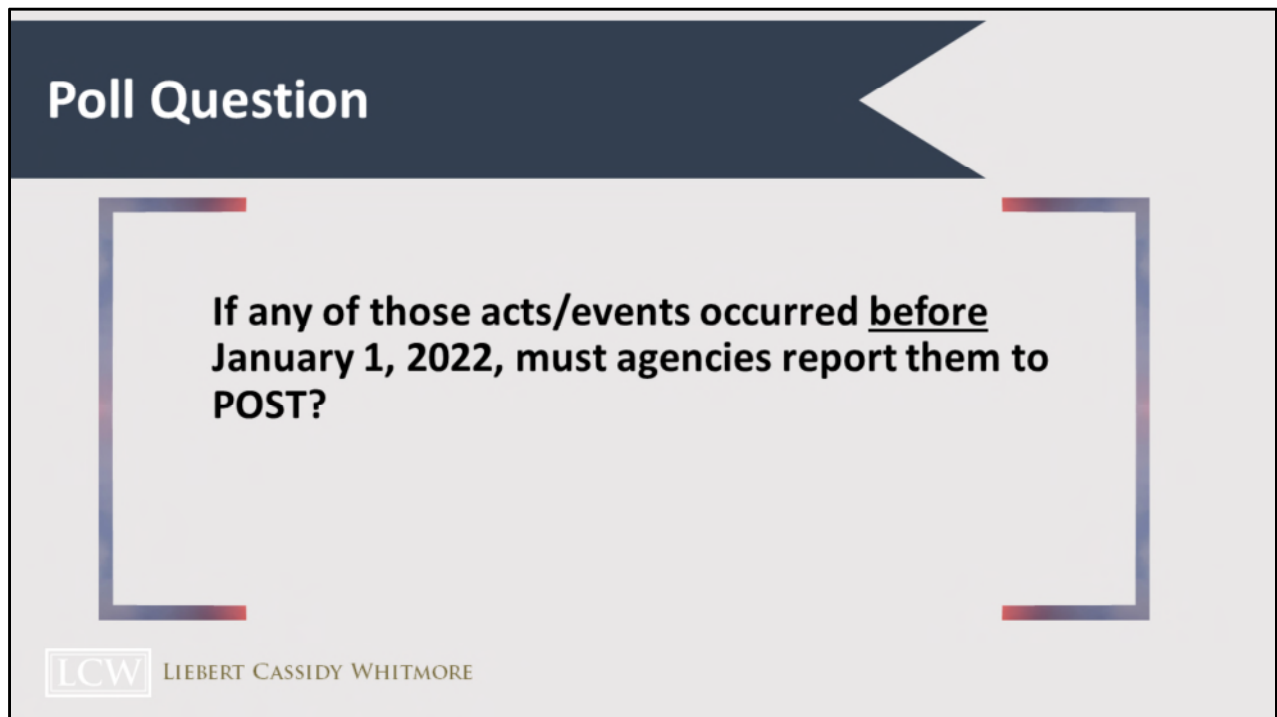
(4) Investigation Disposition:

The final disposition of any investigation that determines a peace officer engaged in conduct that could render a peace officer subject to suspension or revocation of certification by the commission, regardless of discipline imposed.

(5) Civil Judgment or Court Finding

Any civil judgment or court finding against a peace officer based on conduct, or settlement of a civil claim against a peace officer or an agency based on allegations of officer conduct that could render a peace officer subject to suspension or revocation of certification by the commission

Reg. 1207: lays out the process for reporting allegations of serious misconduct, including the information to provide and updates every 90 days for investigations into serious misconduct until the final disposition.

A presentation slide with a dark blue header containing the text "Poll Question" in white. Below the header, the main content area is light gray and contains a large, thin blue rectangular frame. Inside this frame, the text "If any of those acts/events occurred before January 1, 2022, must agencies report them to POST?" is displayed in black. At the bottom left of the slide, there is a logo for "LCW" (Liebert Cassidy Whitmore) in a white box, followed by the text "LIEBERT CASSIDY WHITMORE" in a smaller, dark font.

Poll Question

If any of those acts/events occurred before January 1, 2022, must agencies report them to POST?

LCW LIEBERT CASSIDY WHITMORE

Poll Question: (refers to previous slide)

A: It depends. Beginning January 1, 2023 agencies must report any of those acts/events listed (previous slide) that occurred between January 1, 2020 to January 1, 2023. The reports must be submitted no later than **July 1, 2023**. Acts or events that occurred on December 31, 2019 or earlier need not be reported to POST.

Decertification Timing

- POST will not initiate decertification proceedings for any misconduct that took place before January 1, 2022 unless:
 - The misconduct involved dishonesty, sexual assault or the use of deadly force that results in death or serious bodily injury; OR
 - the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.



LIEBERT CASSIDY WHITMORE

Penal Code Sec. 13510.80(g)(1)

Decertification Process



Accountability Division: SB 2 & POST Reg. Art. 4 §1206 (proposed)

- **SB 2:** Authorizes Division to review investigations and establish member of the public complaint procedures
- **§1206:**
 - Establishes rights of peace officers under Division investigation
 - Establishes procedure for accepting citizen complaints
 - Division reviews complaints
 - Agencies investigations finding complaint could render officer suspension or decertification must report it to Division



Rights of Peace Officers under Division investigation:

(November proposed language)

- Peace officer must be informed of the investigation prior to interrogation, the officer will get written notice, officer has right to representation during interrogation, the interrogation may be recorded, and officer is allowed to attend to own personal physical necessities.

Procedure for Accepting Citizen Complaints

- Public can submit complaints via POST website, or email, phone, USPS, in-person, fax
- Upon receipt, Division will review allegation of misconduct against peace officer and process the complaint.
 - If does not rise to level of defined serious misconduct, Division may close the file
 - If during employing agency's investigation, they determine a complaint, charge, or allegation could render a peace officer subject to suspension or decertification, agency shall report the allegation to the Division pursuant POST Reg. 1207.
 - Employing agency has primary responsibility for completing investigations into serious misconduct.

Peace Officer Decertification

• Decertification Process

1. POST receives potential grounds for decertification
2. Review and investigation by Accountability Division
3. Accountability Division makes preliminary determination
4. POST Accountability Advisory Board hearing (officer request)
5. Board issues recommendation to POST Commission
6. Formal ALJ Hearing
7. Judicial Review



LIEBERT CASSIDY WHITMORE

Timeline:

1. POST receives report or complaint of potential grounds for decertification.
 2. Review and investigation by POST "Accountability Division".
 3. Division makes preliminary determination *of reasonable grounds* and notifies officer.
 - promptly notify police officer in writing and provide detailed explanation of decertification process and right to appeal
 - Officer has 30 days to file request for review. If not, certification is suspended or revoked
 4. On officer's request, public hearing before POST "Accountability Advisory Board"
 5. Board issues written recommendation to POST Commission *on clear and convincing evidence* standard
 6. If Commission decides to seek decertification or suspension, determination is referred to a formal hearing before ALJ.
 7. Superior Court review of ALJ decision via CCP 1094.5.
- **NOTE:** Everything from #4 onwards is public record, notwithstanding the *Pitchess* statutes.
 - **Names of officers finally decertified/suspended published and notification made to National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of suspension or revocation**

Notes on timing:

- 1) The Accountability Division's review and investigation must be completed within THREE YEARS after the receipt of the local agency's report. No time limit applies if no report was received. Time limit is tolled during any disciplinary appeal at the agency, or during any criminal prosecution.
- 2) Officer has 30 days to request review by the Board and Commission. If no request is made, division's determination automatically takes effect.
- 3) Board will meet at least 4 times per year.
- 4) ALJ hearing is subject to all provisions of the Administrative Procedures Act, and is subject to judicial review.

Beyond the initial report, most of the decertification process is entirely out of the hands of local agencies. The key take-away here is this is NOT a quick process. Agencies should assume decertification proceedings will NOT be completed before internal disciplinary proceedings are finished, and should proceed with discipline independent of decertification.

Notification and Commission Hearing Review Process: SB 2 & POST Reg. §1209 (proposed)

- **Division**, upon completion of an investigation and finding reasonable grounds for revocation or suspension of certification, gives written notice to officer with explanation and details of decertification procedure.
- **Officer** has 30 days to request Board and Commission review the determination. If request not filed, Division determination upheld.
- **Board** will review Division findings and make recommendation. Revocation if factual basis established by clear & convincing evidence.
- **Commission** will review Board recommendation. Needs 2/3 vote to decertify.
- Decision returned to Division who will initiate formal proceeding before ALJ.
- **§1209**: Details the steps the Division must take and what must be included in the notice of suspension or revocation. Explains Board and Commission Hearing Review Process details.



LIEBERT CASSIDY WHITMORE

Commission Hearing on Certification: SB 2 & POST Reg. §1212

- **SB 2:** Provides Commission shall review all recommendations made by the Board.
 - Commission needs two-thirds vote for decision to adopt Board recommendation to seek revocation.
 - Clear and convincing evidence standard.
 - Commission returns decision to Division to take action.
- **§1212:** Provides details of Commission hearing:
 - May conduct deliberations in closed sessions.
 - AJL will send proposed decision to Commission to review.
 - Commission decision is final 30 days after date of service of decision.
 - Commission will publish name of officer whose certification suspended or revoked, and will notify National Decertification Index.



LIEBERT CASSIDY WHITMORE

Commission Hearing (SB 2)

Two-thirds vote of commissioners present. Vote is based on whether entire record supports Board's conclusion that serious misconduct was established by clear and convincing evidence.

The commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge.

Suspension of Certification: SB 2 & POST Reg. § 1213

- **SB 2:** Provides that if the Board determines that the facts and circumstances revealed by the investigation warrant a sanction other than revocation, certification suspension may be recommended.
- **§1213:** Provides a list of 15 factors the Commission may consider when determining whether to take action against certification, and in considering whether a revocation or suspension is appropriate.



LIEBERT CASSIDY WHITMORE

Temporary Suspension of Certificate: SB 2 & POST Reg. §1208 (proposed)

- **SB 2:** For the following circumstances, the Executive Director shall order the immediate temporary suspension of a certificate upon a determination that it is in the best interest of the health, safety, and welfare of the public:
 - Arrest of indicted for crime specified in Gov. Code §1029
 - Discharge from agency due to ineligibility under Gov. Code § 1029
 - Separation from employment pending investigation into serious misconduct
- **§1208:** Division notice and scheduling process following a temporary separation order



LIEBERT CASSIDY WHITMORE

POST Reg. §1211 and §1214

- **Proposed regulatory language was withdrawn on 8/4/22.**
- **§1211:** Will address the Advisory Board process for reviewing investigation findings of the Division and making recommendations to the Commission.
- **§1214:** Will address the requirements for an annual report on the activities of the Commission, Board, Division, and subject agencies regarding certification.



LIEBERT CASSIDY WHITMORE

Case Study: Swanson & Wyatt

Swanson and Wyatt responded to a call that a man is drunk and attempting to drive. They find the suspect in his parked truck. He has a beer in one hand and a hammer, which he brandishes as a weapon, in the other. He yells at the officers as they approach. The officers cuff the suspect, turn off the engine, and Wyatt takes the hammer. The suspect remains seated in the truck, turned to the side with his feet dangling out of the truck.

Swanson stays with the suspect while Wyatt interviews the complainant. When Wyatt returns, the suspect forcefully kicks him in the chest with both feet. Wyatt falls backward, hits his head on the pavement, and is unconscious for a few seconds.

Wyatt re-approaches the suspect who lifts his feet and appears to be preparing to kick him. So, Wyatt swings his right fist, which has the suspect's hammer in it, at the suspect's face. The head of the hammer was pointed away from the suspect, but the handle in his hand makes the punch more forceful, and Wyatt breaks several of the suspect's facial bones and knocks out three teeth.



LIEBERT CASSIDY WHITMORE

Case Study: Swanson & Wyatt

Swanson:

- Openly and truthfully answers questions about his own actions.
- When asked about Wyatt, he is evasive, and says “I don’t know,” “I don’t recall,” “I didn’t see what happened,” or “why don’t you just watch the video” in response to all significant questions.

Wyatt:

- Wyatt asserts in his interrogation that while he sees on the video what he did, he does not recall swinging at the suspect at all and certainly doesn’t remember holding a hammer.



LIEBERT CASSIDY WHITMORE

Case Study: Swanson & Wyatt

Department Decision: Both Terminated

- Swanson gets a job at another agency and does not appeal.
- Wyatt appeals. At the hearing, a doctor testifies that Wyatt suffered a concussion when his head hit the ground and was mentally impaired at the time he swung at the suspect. Before the hearing closes, the City and Wyatt agree to settle for a suspension.



LIEBERT CASSIDY WHITMORE

Case Study: Swanson & Wyatt

SB 2: Decertification Process:

- Later, the POST Accountability Division reviews the Department's investigation and makes a preliminary determination that there are reasonable grounds to decertify both Swanson and Wyatt.
- Both officers request hearings before the POST Accountability Advisory Board, which finds that, on clear and convincing evidence, both should have their certifications revoked. POST decides to seek decertification as to both.



LIEBERT CASSIDY WHITMORE

Case Study: Swanson & Wyatt

ALJ Hearings: Both request formal hearings before separate Administrative Law Judges.

- **Wyatt's** ALJ is unpersuaded that his head injury is an excuse for hitting a cuffed subject in the face with a hammer, and upholds decertification.
- **Swanson's** ALJ finds that Swanson was not intentionally dishonest. The decision is influenced by the fact that Swanson did answer questions about himself, and that his reference to the video could reasonably be construed as saying that that evidence would be more reliable than his memory. Swanson, therefore, keeps his certification.



LIEBERT CASSIDY WHITMORE

Case Study: Questions

- What is the status of the officers' certifications during the appeal process?
- Let's say Swanson wants to come back. Does the agency have to take him?

[Submit answers in the chat]



LIEBERT CASSIDY WHITMORE

Answers:

- Although the City reduced Wyatt's discipline from termination to suspension, he can no longer work as a peace officer because he was decertified. Therefore he cannot remain in that position with the Department.
- As for Swanson, the agency does not have to take him back. This is because Swanson was terminated for misconduct, not for lacking a POST certification as the ALJ held he could keep his certification. This means Swanson can work as a peace officer at another agency (or this one if it chooses to take him back.)

Agency Recordkeeping and Disclosures

- **Recordkeeping and Disclosures Requirement**

- All records related to the revocation of a peace officer's certification are public
- Any time an agency has reported to POST a complaint, charge, or allegation of serious misconduct, the agency must retain the investigation records for at least 2 years



LIEBERT CASSIDY WHITMORE

The agency must retain the investigation records which includes any physical or documentary evidence, witness statements, analysis, and conclusions, for at least two years after making the report. The agency must make these records available for inspection by POST on request.

SB 2 requires POST to retain for 30 years, all records related to the revocation of a peace officer's certification and make it public once POST deems the investigation is concluded.

Limitations on Litigation Immunities

Immunity provisions that no longer apply:

- Government Code Section 821.6, which provides immunity to a public employee “for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause.”
- Government Code Section 844.6, which provides limited immunity to public entities for injuries to, or caused by, a prisoner (subject to a variety of existing exceptions).
- Government Code Section 845.6, which provides limited immunity to public entities and public employees for injuries caused by a public employee’s failure to obtain medical care for a prisoner in their custody.



LIEBERT CASSIDY WHITMORE

Under former law, the Tom Bane Civil Rights Act, Civil Code section 52.1, allowed individuals to bring a civil claim for damages if their constitutional rights have been interfered with, or attempted to be interfered with. However, the law also contained a number of provisions that provide public employees and government agencies with qualified immunity from liability in civil cases.

However, SB 2 added a provision to the Bane Act that would eliminate certain immunity provisions. Specifically, the following immunity provisions would no longer apply to civil actions brought under the Bane Act against peace officers, custodial officers, or directly against a public agency that employs them:

- Gov Code 821.6 (slide)
- Gov Code 844.6 (slide)
- Gov Code 845.6 (slide)

Once SB 2 took effect on January 1, 2022, peace officers, custodial officers, and their employing agencies are no longer be able to claim immunity from Bane Act claims on the basis of these specific provisions.

However, other governmental immunity provisions could still apply depending on the facts and allegations of a specific case, and these immunities would still apply in civil actions other than those brought under the Bane Act.

SB 2 also amended the Bane Act to require public entities to provide indemnification to employees or former employees sued under the Act, to the same extent that existing law requires in tort cases.

Questions?



Thank you!

Paul D. Knothe

Partner | Los Angeles Office

310-981-2029 | pknothe@lcwlegal.com

<https://www.lcwlegal.com/people/paul-knothe/>



LIEBERT CASSIDY WHITMORE

RESOLUTION NO. 5692

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN FERNANDO ADOPTING PERSONNEL RULES
AND REGULATIONS OF THE CITY OF SAN FERNANDO.

WHEREAS, the City Council is authorized and directed under the provisions of Chapter 2 of Article IV of "The Code of the City of San Fernando, California 1957" to adopt rules and regulations for the administration of the personnel system created therein and such rules and regulations were previously adopted and embodied in Resolution No. 4240 and amendments thereto;

WHEREAS, it is desirable to replace said rules and regulations in their entirety; and


WHEREAS, the City has met and conferred with affected employee organizations regarding these rules and regulations; now therefore, THE COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The rules and regulations for the Administration of the Personnel System adopted by this resolution shall supersede all previous personnel rules and regulations.

SECTION 2: The Rules and Regulations for the administration and operation of the Personnel System of the City of San Fernando attached hereto as Exhibit A be and the same are hereby approved and adopted.

SECTION 3: The City Clerk shall certify to the adoption of this resolution and his certification to be filed in the office of the City Clerk.

ADOPTED AND APPROVED this 5th day of January, 1987.


JESS MARGARITO, MAYOR

RESOLUTION NO. 5692

ATTEST:

Donald E. Penman
DONALD E. PENMAN, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, Donald E. Penman, City Clerk of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Council of the City of San Fernando and signed by the Mayor of said City at a meeting of the City Council held on the 5th day of January, 1987, and that the same was passed by the following vote, to wit:

AYES: Richardson, Acuna, Hansen, Margarito - 4
NOES: None - 0
ABSENT: Silva - 1

Donald E. Penman
DONALD E. PENMAN, CITY CLERK



CITY OF
San Fernando
Historic & Visionary

PERSONNEL RULES

Approved and adopted by Resolution Number 5692

TABLE OF CONTENTS

	<u>Page</u>
RULE I	
<u>DEFINITIONS</u>	
SECTION 1 - TERMS.....	1

RULE II	
<u>ADMINISTRATIVE PRINCIPLES</u>	
SECTION 1 - PURPOSE.....	4
SECTION 2 - ADMINISTRATION.....	4
SECTION 3 - SCOPE OF COVERAGE.....	4
SECTION 4 - FAIR EMPLOYMENT.....	4
SECTION 5 - SEXUAL HARASSMENT.....	5
SECTION 6 - ADMINISTRATIVE POLICIES AND PROCEDURES.....	5
SECTION 7 - REVISION OR AMENDMENT OF PERSONNEL RULES.....	5
SECTION 8 - POLITICAL ACTIVITIES.....	5
SECTION 9 - UNCLASSIFIED SERVICE.....	6
SECTION 10 - LOYALTY OATH.....	6
SECTION 11 - SEVERABILITY.....	6

RULE III	
<u>CLASSIFICATION PROCEDURES</u>	
SECTION 1 - PREPARATION OF CLASSIFICATION PLAN....	6
SECTION 2 - ADOPTION OR REVISION OF CLASSIFICATION PLAN.....	7
SECTION 3 - ALLOCATION OF POSITIONS.....	7

SECTION 4	- NEW POSITIONS.....	7
SECTION 5	- REALLOCATION OR RECLASSIFICATION.....	7
SECTION 6	- SPECIAL POLICE DEPARTMENT ASSIGNMENTS.	7

RULE IV

COMPENSATION PROCEDURES

SECTION 1	- PREPARATION OF PLAN OF COMPENSATION...	7
SECTION 2	- ADOPTION OR REVISION OF PLAN OF COMPENSATION.....	8
SECTION 3	- PAY RATES.....	8
SECTION 4	- ADVANCEMENTS.....	8
SECTION 5	- COURT SERVICE PAY.....	9

RULE V

RECRUITMENT PROCEDURES

SECTION 1	- ANNOUNCEMENT.....	10
SECTION 2	- PROCESSING.....	10
SECTION 3	- DISQUALIFICATION.....	11

RULE VI

EXAMINATION PROCEDURES

SECTION 1	- NATURE OF EXAMINATION.....	11
SECTION 2	- TYPE OF EXAMINATION.....	11
SECTION 3	- PROMOTIONAL EXAMINATIONS.....	12
SECTION 4	- ALTERNATIVE RECRUITMENT AND SELECTION FOR POLICE OFFICER.....	12
SECTION 5	- EXAMINATION PROCESS.....	12
SECTION 6	- POSTPONEMENT OR CANCELLATION OF EXAMINATION.....	12

SECTION 7	- GRADING OF EXAMINATION.....	13
SECTION 8	- NOTIFICATION OF EXAMINATION RESULTS AND REVIEW OF PAPERS.....	13
SECTION 9	- VETERANS' CREDIT.....	13
SECTION 10	- APPEALS OF EXAMINATION RESULTS.....	13
SECTION 11	- CERTIFICATION OF EXAMINATIONS.....	14
SECTION 12	- PRESERVATION OF EXAMINATION PAPERS....	14

RULE VII

EMPLOYMENT LISTS

SECTION 1	- PREPARATION OF EMPLOYMENT LIST.....	14
SECTION 2	- DURATION OF EMPLOYMENT LIST.....	14
SECTION 3	- REEMPLOYMENT LISTS.....	15
SECTION 4	- REMOVAL OF NAMES FROM EMPLOYMENT LIST.....	15
SECTION 5	- WAIVER OF LIST.....	15

RULE VIII

PROCEDURES FOR FILLING VACANCIES

SECTION 1	- APPOINTMENTS.....	16
SECTION 2	- TYPES OF APPOINTMENT.....	16
SECTION 3	- NOTICE OF VACANCY.....	16
SECTION 4	- EVALUATION OF CERTIFIED ELIGIBLES.....	16
SECTION 5	- REINSTATEMENT.....	17
SECTION 6	- TRANSFER.....	17
SECTION 7	- VOLUNTARY DEMOTION.....	17
SECTION 8	- PROVISIONAL APPOINTMENTS.....	17

SECTION 9	- PROMOTION.....	17
SECTION 10	- NEPOTISM.....	17
SECTION 11	- RESIDENCY REQUIREMENT FOR POLICE PERSONNEL.....	18

RULE IX

MEDICAL EVALUATION PROCEDURES

SECTION 1	- MEDICAL EVALUATION UPON APPOINTMENT...	18
SECTION 2	- DISQUALIFICATION BASED UPON MEDICAL EVALUATION.....	18
SECTION 3	- DISCRETIONARY MEDICAL EVALUATION.....	18

RULE X

PROBATIONARY PROCEDURES

SECTION 1	- DURATION OF PROBATIONARY PERIOD.....	19
SECTION 2	- LEAVE OF ABSENCE DURING PROBATIONARY PERIOD.....	19
SECTION 3	- REJECTION.....	19
SECTION 4	- EXTENSION OF PROBATIONARY PERIOD.....	19
SECTION 5	- APPOINTMENT AFTER PROBATIONARY PERIOD.....	19

RULE XI

PERFORMANCE EVALUATION PROCEDURES

SECTION 1	- PURPOSE.....	20
SECTION 2	- PERFORMANCE CRITERIA.....	20
SECTION 3	- PERIOD OF PERFORMANCE REPORT.....	20
SECTION 4	- DISCUSSION AND FILING OF PERFORMANCE REPORT.....	21

RULE XII

ATTENDANCE AND LEAVES

SECTION 1	- ATTENDANCE.....	21
SECTION 2	- MILITARY LEAVE.....	21
SECTION 3	- REST PERIODS.....	21
SECTION 4	- LUNCH PERIOD.....	21
SECTION 5	- TIME OFF FOR VOTING.....	22
SECTION 6	- LEAVE OF ABSENCE WITHOUT PAY.....	22
SECTION 7	- ACCRUAL AND USE OF LEAVE.....	22

RULE XIII

SEPARATION FROM SERVICE

SECTION 1	- LAYOFF.....	23
SECTION 2	- RESIGNATION.....	24
SECTION 3	- DISABILITY.....	24
SECTION 4	- RETIREMENT.....	24

RULE XIV

DISCIPLINARY PROCEDURES

SECTION 1	- NATURE OF DISCIPLINARY ACTION.....	24
SECTION 2	- LEGITIMATE REASONS FOR DISCIPLINARY ACTION.....	24
SECTION 3	- AUTHORITY.....	26
SECTION 4	- NOTICE.....	26
SECTION 5	- EMERGENCY SITUATION.....	26
SECTION 6	- NOTICE TO PERSONNEL DIRECTOR.....	26

RULE XV

APPEAL PROCEDURES

SECTION 1	- RIGHT OF APPEAL.....	26
SECTION 2	- HEARING OFFICER.....	26
SECTION 3	- REQUEST FOR DISCIPLINARY HEARING.....	27
SECTION 4	- SCHEDULING OF DISCIPLINARY HEARING....	27
SECTION 5	- REPRESENTATION AT DISCIPLINARY HEARING.....	27
SECTION 6	- BURDEN OF PROOF AND EVIDENCE.....	27
SECTION 7	- CONDUCT OF DISCIPLINARY HEARING.....	28
SECTION 8	- HEARING OFFICER'S DECISION.....	28
SECTION 9	- APPEAL OF HEARING OFFICER'S DECISION..	28
SECTION 10	- REQUEST FOR APPEAL HEARING.....	28
SECTION 11	- REPRESENTATION AT APPEAL HEARING.....	28
SECTION 12	- POWER OF CITY COUNCIL.....	29

RULE XVI

GRIEVANCE PROCEDURES

SECTION 1	- PURPOSE AND SCOPE OF GRIEVANCE PROCEDURE.....	29
SECTION 2	- GENERAL PROVISIONS.....	29
SECTION 3	- FORMAL GRIEVANCE PROCEDURE.....	29

RULE XVII

EMPLOYEE TRAINING PROGRAM

SECTION 1	- PURPOSE.....	31
SECTION 2	- CREDIT FOR PARTICIPATION.....	31

RULE XVIII

REPORTS AND RECORDS

SECTION 1	- PERSONNEL RECORDS.....	31
SECTION 2	- CHANGE-OF-STATUS REPORT.....	31

RULE XIX

OUTSIDE EMPLOYMENT

SECTION 1	-	32
-----------	---------	----

RULE XX

SAFETY

SECTION 1	-	32
-----------	---------	----

RULE I

DEFINITIONS

SECTION 1 - TERMS: The following terms, whenever used in these personnel rules shall have the meanings set forth in this rule.

- 1.1 ADMINISTRATIVE OFFICER: The class established as the administrative head of the city under the direction and control of the city council.
- 1.2 ADVANCEMENT: A pay rate increase, contingent upon merit, within the pay range established for a class.
- 1.3 ALLOCATION: The assignment of a position to a class and pay range.
- 1.4 ANNIVERSARY DATE: Date employee is first appointed to a position in the city service.
- 1.5 APPLICANT: An individual who has filed an application for employment with the city.
- 1.6 APPOINTMENT: The offer to and acceptance by a person of employment with the City, on a permanent, permanent part-time, probationary, probationary part-time, or temporary basis.
- 1.7 CERTIFICATION: The determination that person from an eligible list are available for possible appointment.
- 1.8 CLASS: A position or group of positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title.
- 1.9 CLASS SPECIFICATION: A written description for a class consisting of a title, category of work, examples of duties, and qualifications required for appointment to the class.
- 1.10 CLASSIFICATION PLAN: A compilation of all classes established in city service and the specifications of each of the classes.
- 1.11 CLASSIFIED SERVICE: All classes in the city service except those in the unclassified service.
- 1.12 COMPENSATION PLAN: A listing of pay rates and pay ranges approved by the City Council for classes in the City service.

- 1.13 DAYS: Calendar days except where working days are expressly specified.
- 1.14 DEMOTION: The movement of an employee from one class to another class having a lower maximum base rate of pay.
- 1.15 DISCHARGE: Termination from city service for cause.
- 1.16 DISCIPLINARY ACTION: An action concerning the discharge, suspension or involuntary demotion of an employee for punitive reasons.
- 1.17 ELIGIBLE: An individual who has satisfactorily completed the examination process for a class and has his/her name placed on a certified eligible list.
- 1.18 ELIGIBILITY LIST: A list of names of eligibles to be considered for appointment to a class.
- 1.19 EMPLOYEE: Any person holding a position in the city service.
- 1.20 EXAMINATION: A test or tests designed to measure the suitability of an applicant for employment.
- 1.21 FULL TIME: A period consisting of forty (40) hours of work per week.
- 1.22 LAYOFF: Separation of employee from the active work force due to economy, lack of work or funds, reorganization, or the abolition of a position.
- 1.23 LEAVE: An authorized absence from work.
- 1.24 MANAGEMENT: Department Directors and above as well as those positions designated from time to time by Council.
- 1.25 OPEN EXAMINATION: An examination for a class which is open to all persons meeting the qualifications for the class.
- 1.26 PART-TIME: Those specified positions in city service in which the individual is paid on an hourly basis and works less than twenty (20) hours per week.
- 1.27 PERMANENT: The status acquired by a probationary employee or promotional appointee after successful completion of the probationary period.
- 1.28 PERMANENT PART-TIME: Those specified positions in city service in which an individual is paid on an

hourly basis, and works twenty (20) hours or more per week on a regular annual basis after successful completion of the probationary period.

- 1.29 POSITION: The duties and responsibilities assigned to an employee.
- 1.30 PROBATIONARY PERIOD: A working test period during which an employee is required to demonstrate fitness for the duties to which appointed by actual performance of the duties of the position.
- 1.31 PROMOTION: The movement of an employee to a different class having a higher pay range.
- 1.32 PROMOTIONAL EXAMINATION: A test administered only to permanent and probationary employees for the purpose of establishing an eligibility list.
- 1.33 PROMOTIONAL ELIGIBILITY LIST: A list of eligibles to be considered for appointment to a position after passing a promotional examination.
- 1.34 PROVISIONAL APPOINTMENT: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles for a period not to exceed six months.
- 1.35 RECLASSIFICATION: The reassignment of a position from one class to another.
- 1.36 RECOGNIZED EMPLOYEE ORGANIZATION: An employee organization acknowledged by the city as an employee organization that represents a majority of employees in the appropriate unit.
- 1.37 REEMPLOYMENT LIST: A list of employees laid off or demoted in lieu of layoff.
- 1.38 REINSTATEMENT: The appointment of a former permanent or probationary employee without examination.
- 1.39 REJECTION: Termination of a probationary employee or the return of a promotional appointee to the former class.
- 1.40 REPRIMAND: An oral or written criticism of an employee's work performance.
- 1.41 RESIGNATION: The voluntary termination by an employee.

- 1.42 SUSPENSION: The temporary removal of an employee from duty, without pay, for disciplinary reasons.
- 1.43 TEMPORARY APPOINTMENT: Appointment of a short duration when the needs of the service make it necessary to employ additional personnel for a temporary period. Such employees are not entitled to receive fringe benefits.
- 1.44 TERMINATION: The separation of an employee from employment with the city.
- 1.45 TRANSFER: The reassignment of an employee from one position to another position in the same class or a comparable class.
- 1.46 UNCLASSIFIED SERVICE: Those classes and individuals exempted from the classified service by these personnel rules.

RULE II

ADMINISTRATIVE PRINCIPLES

SECTION 1 - PURPOSE: The purpose of these personnel rules is to establish a personnel system for the city based upon merit. These personnel rules shall govern the actions and programs of the personnel system, and provide for the uniform administration of the personnel system.

SECTION 2 - ADMINISTRATION: The personnel director shall be responsible to administer these personnel rules in conformity with city, state and federal laws and regulations.

SECTION 3 - SCOPE OF COVERAGE: These personnel rules shall apply to all employees except where otherwise expressly specified.

SECTION 4 - FAIR EMPLOYMENT: The City will not discriminate against any individual in any aspect of personnel administration because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.

However, nothing shall prohibit the City from refusing to hire or discharging a physically handicapped employee or subject the City to any legal liability from refusing to employ or discharging a physically handicapped employee, where the employee, because of his or her physical handicap is unable to perform his or her duties in a manner which

would not endanger his or her health or safety or the health and safety of others.

Also, nothing shall prohibit the City from refusing to hire or discharging an employee who because of the employee's medical condition, is unable to perform his or her duties, or cannot perform such duties in a manner which would not endanger the employee's health or safety or the safety of others.

And nothing relating to discrimination on account of marital status shall prohibit the City from regulating employees for reasons of supervision, safety, security or morale if spouses work in the same department, division, or facility, or prohibit the City from adopting bona fide health plans providing additional or greater benefits to employee with dependents than to those employees with or without fewer dependents.

And nothing shall prevent the City from using veteran status as a factor in employee selection.

SECTION 5 - SEXUAL HARASSMENT: The City prohibits sexual harassment by and of its employees and sexual harassment of any type will be grounds for immediate and appropriate disciplinary action.

SECTION 6 - ADMINISTRATIVE POLICIES AND PROCEDURES: The Administrative Officer upon the recommendation of the personnel director shall issue those statements of additional administrative policies and procedures that are required to implement the personnel rules. Such statements of administrative policies and procedures shall supplement and conform to the personnel rules. The personnel director shall provide reasonable notice to any recognized employee organization of any such statements of administrative policies and procedures.

SECTION 7 - REVISION OR AMENDMENT OF PERSONNEL RULES: The Personnel Director shall prepare revisions or amendments to the Personnel Rules for presentation to the administrative officer who will transmit his/her recommendations to the City Council. Revisions or amendments related to compensation procedures, probationary procedures, attendance and leaves, disciplinary procedures, appeal procedures, and grievance procedures shall be subject to the meet and confer process. The City Attorney shall review all revisions or amendments to the Personnel Rules prior to their submission to the City Council.

SECTION 8 - POLITICAL ACTIVITIES: The political activities of employees shall be in accordance with provisions of law.

SECTION 9 - UNCLASSIFIED SERVICE: The following persons are in the unclassified service and are exempt from the classified service:

- (a) Elective officers;
- (b) Individuals serving on boards, commissions, - committees and agencies;
- (c) Individuals engaged under contract;
- (d) City attorney;
- (e) Individuals hired during a declared emergency such as an extraordinary fire, flood or earthquake;
- (f) Individuals appointed to part-time, seasonal or temporary classes;
- (g) City administrative officer;
- (h) Personnel director;
- (i) Volunteer personnel;
- (j) Department Directors.

SECTION 10 - LOYALTY OATH: Individuals shall, before appointment to a class, take and subscribe to the loyalty oath or affirmation prescribed by state law.

SECTION 11 - SEVERABILITY: In the event that any rule, section, or subsection of these personnel rules shall be declared invalid by any court, or by any state or federal law or regulation, such determination shall not affect the validity of the other rules, sections and subsections of these personnel rules.

RULE III

CLASSIFICATION PROCEDURES

SECTION 1 - PREPARATION OF CLASSIFICATION PLAN: The personnel director, after consultation with department directors, shall establish and record in a classification plan the duties and responsibilities of all positions in the classified service. The classification plan shall be prepared so that all positions substantially similar with respect to duties and responsibilities are included within the same class.

SECTION 2 - ADOPTION OR REVISION OF CLASSIFICATION PLAN:

The classification plan shall be adopted or revised by resolution of the City Council. The Personnel Director shall prepare, under the direction of the Administrative Officer, such revisions for submission to the City Council. Prior to adoption or revision of the classification plan, any recognized employee organization or any unrepresented employee may submit comments in writing to the City Council.

SECTION 3 - ALLOCATION OF POSITIONS: Every position in the classified service shall be allocated to one of the classes established by the classification plan.

SECTION 4 - NEW POSITIONS: The classification plan may be revised, as required, in accordance with these rules to provide for newly created positions in the classified service. An individual shall not be appointed to a newly created position until the classification plan shall have been amended to provide therefor and an employment list certified for that position by the personnel director.

SECTION 5 - REALLOCATION OR RECLASSIFICATION: Subject to approval by the City Council, the Administrative Officer may reallocate or reclassify positions to the classes which make up the classification plan if the assigned duties of a position have been changed so as to necessitate a reallocation or reclassification. Incumbents may or may not be reclassified with their positions. Incumbents who are reclassified with their position shall meet the minimum qualifications of the new classification. Incumbents not reclassified may be subject to the layoff.

SECTION 6 - SPECIAL POLICE DEPARTMENT ASSIGNMENTS: The Chief of Police may assign a police officer to perform the duties of detective, training officer or other special assignments for such duration as the chief of police determines is necessary for the efficient operation of the police department. Such special assignment shall not be considered a permanent assignment and shall not provide the basis for change in the classification of the police officer. Upon termination of such assignment, the chief of police may assign the police officer to that individual's former assignment, or such other new assignment as may be designated by the chief of police.

RULE IV

COMPENSATION PROCEDURES

SECTION 1 - PREPARATION OF PLAN OF COMPENSATION: The personnel director shall prepare a plan of compensation which

shall include designated pay rates for all classes in the classified service.

SECTION 2 - ADOPTION OR REVISION OF PLAN OF COMPENSATION:

The Administrative Officer shall be responsible for recommending the plan of compensation which shall be adopted or revised by resolution of the City Council.

SECTION 3 - PAY RATES:

- 3.1 An individual's first appointment to a class shall be at the minimum pay rate in the pay range established for the class, provided that the city administrative officer, in the best interests of the city, may approve an initial pay rate in excess of the minimum, but no such pay rate may be in excess of the maximum pay rate for the pay range.
- 3.2 A promotional appointee shall be assigned a pay rate in the new class at the first pay step that provides a minimum pay rate increase of five percent (5%), provided that no such increases shall be in excess of the maximum pay rate for the pay range. The effective date of promotion of the promotional appointee shall be such appointee's merit review date.
- 3.3 A voluntarily demoted employee shall be assigned to the pay rate in the new class that least minimizes the reduction in the employee's pay rate in effect immediately prior to such demotion.
- 3.4 Reinstated individuals shall be assigned to the minimum pay rate in the pay range established for their former class, provided that the city administrative officer may approve a pay rate in excess of the minimum, but no such pay rate may be in excess of the maximum pay rate for the pay range.
- 3.5 Transferred employees shall be assigned their base pay rate in effect immediately prior to the transfer.
- 3.6 A reemployed individual shall be assigned to the step in the pay range paid to the individual at the time of the layoff.

SECTION 4 - ADVANCEMENTS:

- 4.1 An employee's advancement within a pay range shall not be automatic, but shall be contingent upon merit, and is subject to approval by the city administrative officer upon recommendation of the Director of the department in which the employee is assigned.

- 4.2 Employees shall be evaluated for merit salary increases in accordance with the following:

An employee starting at step A of the salary range for his/her classification shall be eligible for his/her first merit salary review for advancement to the next step in the salary range after six (6) months of service in the class to which he/she was appointed, promoted, or reemployed.

An employee starting at other than step A of the salary range for his/her classification shall be eligible for his/her first merit salary review for advancement to the next step in the salary range after twelve (12) months of service in the class to which he/she was appointed, promoted or reemployed.

- 4.3 If an employee leaves the City service on a leave of absence without pay for more than thirty (30) consecutive days, for other than military purposes or on the job injury, such action shall cause the employee's merit review date to be deferred for the number of days the employee is on such leave in excess of 30 days.

- 4.4 If the employee's job performance requires improvement and the employee does not receive a pay rate increase on the scheduled merit date, such employee shall be reevaluated within at least a six (6) month period commencing on the merit date.

- 4.5 If an employee's job performance clearly surpasses the standards established or required for the class, upon recommendation of the employee's department director, the city administrative officer may authorize more than a one (1) step merit pay rate increase on the employee's scheduled merit date or authorize a reduction in the service period required before an employee is eligible for a merit pay increase.

SECTION 5 - COURT SERVICE PAY:

- 5.1 Employees duly summoned to attend any court for the purpose of performing jury service, or as a result of an incident involving the city or observation of an incident occurring in the course and scope of their employment within the city limits, or for other appropriate reasons as determined by the department director, shall be paid their regular pay rate during the time of such court service, unless the employee is a party litigant.

- 5.2 Any jury service fees received by employees shall be paid to the city exclusive of travel or meal expenses.
- 5.3 The employee shall pay any jury service fees to the city within thirty (30) days from the date of the employee's return to work. If such payment is not made within the time specified, the city shall deduct an amount equal to such fees from the employee's paycheck.

RULE V

RECRUITMENT PROCEDURES

SECTION 1 - ANNOUNCEMENT: Unless otherwise directed by the City Council, the personnel director shall publicly announce vacancies or potential vacancies in classes in the city service for at least ten (10) days prior to the closing date for receipt of applications. The announcement shall be posted in the city hall, on official bulletin boards, and publicized by such other methods deemed necessary by the personnel director. The announcement shall specify the title and pay range of the class, examples of duties, qualifications, application procedures, and other pertinent information relative to the vacancy or potential vacancy.

SECTION 2 - PROCESSING:

- 2.1 Applicants shall submit their applications as prescribed in the announcement. The applicant may be required to submit information regarding education, experience, other job-related information, and references. The application process shall include the signing of the application by the applicant under penalty of perjury.
- 2.2 Unless otherwise directed by the personnel director, applicants shall submit their applications only on forms provided by the city. Applicants shall file their applications with the personnel office on or prior to the closing date and time specified in the announcement; otherwise the applicant shall not be entitled to compete further in the examination process for the announced vacancy or potential vacancy.
- 2.3 The time for filing applications may be extended or reopened by the personnel director as the needs of the service require, provided notice is immediately posted.

SECTION 3 - DISQUALIFICATION: The Personnel Director may disqualify an applicant from competing in the examination process for reasons including but not limited to the following:

(a) Failure to satisfy any of the requirements publicized in the announcement;

(b) Conviction of a felony or conviction of a misdemeanor relating to the applicant's integrity, fitness, character, or ability to perform the duties of the class;

(c) Submission of a false statement of any material fact, or omission of information relevant to a determination of the applicant's suitability for the position;

(d) Failure to provide any information required for a character investigation;

(e) Request by the applicant to withdraw from the examination process;

(f) Has secured confidential information in regard to an examination which gives the applicant an unfair advantage in the examination process.

RULE VI

EXAMINATION PROCEDURES

SECTION 1 - NATURE OF EXAMINATION: The examination process shall be designed to measure the relative abilities of the applicant to perform the duties and responsibilities of a particular class. The examination process shall test the qualifications of an applicant by a variety of methods such as but not limited to a review of the applicant's experience or education, the administration of written tests, interviews, work samples, performance tests, physical tests, or any combination of these or other tests. Within the discretion of the personnel director, the applicant may be required to pass qualifying tests in addition to other types of examinations, in the best interests of the City.

SECTION 2 - TYPE OF EXAMINATION: The personnel director with approval of Administrative Officer shall determine whether vacancies or potential vacancies in the classified service shall be filled by the administration of a promotional examination, an open examination or a continuous examination.

SECTION 3 - PROMOTIONAL EXAMINATIONS: Promotional examinations may include any of the tests mentioned in Section 1 of this Rule, or any combination of them. Permanent and probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

SECTION 4 - ALTERNATIVE RECRUITMENT AND SELECTION FOR POLICE OFFICER: Variations from the standard recruitment in the selection process shall be permitted for the entry-level position classification of police officer. Candidates for the following methods of entry must meet the minimum requirements for the classification and entry method and must successfully complete an examination process designed by the personnel director and Police Chief.

- (1) Lateral entry - The position of police officer may be filled by lateral entry; provided applicant is currently employed as a full-time sworn paid Police Officer with a State of California Police or Sheriff's Department or Highway Patrol and has passed that department's probation period. Must possess a California P.O.S.T. basic certificate.
- (2) Pre-Service Trained - The position of Police Officer may be filled by pre-service trained candidates; provided applicant is currently enrolled, or has successfully completed within the twelve-month period immediately prior to the date of application, a POST approved Police Officer training academy program; and has not served as a sworn police officer for a law enforcement agency. A reserve police officer training academy is not acceptable.

A separate eligibility list shall be established for those candidates that qualify for the position of Police Officer under the lateral entry or pre-service trained process.

SECTION 5 - EXAMINATION PROCESS: The personnel director shall be responsible for the administration of the examination process unless the City Council authorizes another individual or agency to construct, conduct, draft or grade any examination.

SECTION 6 - POSTPONEMENT OR CANCELLATION OF EXAMINATION: The personnel director may change the place of an examination or postpone or cancel an examination or any part thereof at any time. Reasonable advance notice of such change or postponement or cancellation shall be posted on the official bulletin board at the city hall, and mailed or telephoned to the applicants.

SECTION 7 - GRADING OF EXAMINATION: The personnel director shall group, rank, or rate applicants based upon the grade or grades achieved during the examination process. Failure by applicant to achieve a passing grade on any part of the examination may be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of the examination. The personnel director may grade any or all parts of an examination on a pass/fail basis. The personnel director may base the final grade of any examination upon a weighted average of the various parts of a multipart examination. The minimum passing grade on each part of a multipart examination shall be established by the personnel director.

SECTION 8 - NOTIFICATION OF EXAMINATION RESULTS AND REVIEW OF PAPERS:

Each applicant competing in the examination process shall be notified of the results thereof. Applicants shall have the right to inspect only their own examination papers within five (5) days after such notice is transmitted by the personnel director. Any error in computation, if called to the attention of the Personnel Director within this period, shall be corrected. Examination papers may be inspected only in the presence of the Personnel Director. Oral rating sheets shall be deemed confidential and not subject to inspection by the public or applicant.

SECTION 9 - VETERANS' CREDIT: In the examinations, other than promotional examinations, to establish eligibility lists for appointment to positions of employment in the classified service, excluding all department head positions, veterans with ninety (90) days or more of service during the period of World War I, from April 6, 1917 through November 11, 1918; during the period of World War II, from December 7, 1941 through August 14, 1945; during the period of the Korean War, from June 27, 1950 through January 31, 1955; and during the period of the Vietnam War, from January 1, 1964 through August 15, 1973, who become eligible for certification from eligible list by obtaining the passing mark established for the examination shall be allowed an additional credit of five (5) points, provided that disabled veterans shall be allowed a credit of ten (10) points which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order on the basis of the percentages attained by them in examinations after such credit of five points, or ten points in the case of disabled veterans, shall have been added.

SECTION 10 - APPEALS OF EXAMINATION RESULTS: Within five (5) working days from transmittal by the personnel director to the applicant of the results of an examination, an aggrieved applicant may appeal any part of the examination

process, provided the applicant submits a written statement of the specific reasons for the appeal to the personnel director. The personnel director may schedule and conduct an informal conference to consider the merits of any appeal, or the appeal may be resolved by the personnel director's own review of the examination process. The personnel director shall resolve the appeal within a reasonable time after its submission. The decision of the personnel director shall be in writing which decision may be appealed to the Administrative Officer who shall review the matter and shall resolve the appeal for all purposes.

SECTION 11 - CERTIFICATION OF EXAMINATIONS: Following the promulgation of examination results and the resolution of any appeals, the personnel director shall certify that the examination process has been conducted in accordance with applicable administrative policies and procedures and shall certify the eligibility list. The personnel director may withhold certification of the examination results and initiate another examination process for any reason within the discretion of the personnel director upon approval of Administrative Officer.

SECTION 12 - PRESERVATION OF EXAMINATION PAPERS: Applications, personnel, membership, employment referral records and files and examination papers shall be preserved for a period of not less than five years after they are created or received.

RULE VII

EMPLOYMENT LISTS

SECTION 1 - PREPARATION OF EMPLOYMENT LIST: The Personnel Director shall prepare and certify an employment list containing the names of eligibles based on the final results of the examination process. Whenever two or more applicants in a competitive examination have the same final grade, priority shall be determined by time of filing.

SECTION 2 - DURATION OF EMPLOYMENT LIST: Eligibility lists shall remain in effect for one (1) year, unless sooner exhausted, abolished, or extended. The Personnel Director with approval of the Administrative Officer may invalidate an eligibility list, in writing, if such list contains three or less eligibles. Prior to the expiration date of an employment list, the Personnel Director may extend its duration but in no event shall any eligibility list remain in effect for more than two (2) years from the date originally certified by the Personnel Director. An eligibility list which has been in effect for more than one

year shall be terminated automatically upon promulgation of a new eligible list of the same type for the same position. An employment list shall be considered certified on the date of its execution by the Personnel Director.

SECTION 3 - REEMPLOYMENT LISTS: Upon submission of the approved form to the Personnel Director, employees laid off or demoted in lieu of layoff shall have their names placed on a reemployment list for their former class. The name of any employee on a reemployment list shall be ranked in order of the effective date of the layoff or demotion in lieu of layoff. A laid off employee reappointed from a reemployment list shall be considered as having been on leave of absence without pay during the period of layoff. The names of employees on the reemployment list shall remain thereon for a period of one (1) year. If a vacancy is filled from a reemployment list, the appointee shall be the individual whose name appears in the first position on such list.

SECTION 4 - REMOVAL OF NAMES FROM EMPLOYMENT LIST: The Personnel Director shall have the authority to withhold certification of an eligible or to remove the name of an eligible from an employment list for a reason including but not limited to the following:

- (a) Any expressed unwillingness or inability to accept an appointment;
- (b) Failure or inability to qualify for appointment;
- (c) Failure to respond within ten (10) days to a written inquiry of the Personnel Director concerning availability for appointment;
- (d) Failure to report for duty at the required time;
- (e) Failure to maintain any required license, registration, certificate, or other credential for the class;
- (f) Failure to subscribe to the loyalty oath;
- (g) Failure to respond to a request for an interview regarding availability for appointment.

SECTION 5 - WAIVER OF LIST: When positions are to be filled in entrance level classes for which no lists are available, the Personnel Director may waive the establishment of a list if the Personnel Director determines that the market will not provide sufficient competition to warrant the establishment of a list.

RULE VIII

PROCEDURES FOR FILLING VACANCIES

SECTION 1 - APPOINTMENTS: All appointments to positions in the classified service, below that a Department Director, shall be made by the Department Director with the approval of the Administrative Officer. All Department Directors shall be appointed by the Administrative Officer subject to confirmation by the City Council.

SECTION 2 - TYPES OF APPOINTMENT: Vacancies in the classified service shall be filled by transfer, demotion, reemployment, reinstatement, or appointment from an appropriate eligibility list. Prior to appointing eligibles for a class from any other employment list, vacancies in the classified service shall be filled with certified eligibles on a reemployment list established for that same class.

SECTION 3 - NOTICE OF VACANCY: Either prior to or within ten days after a position is vacated, the Department Director shall notify the Personnel Director in writing of the vacancy. If a decision is made to fill the vacancy, the Personnel Director shall send to the Department Director the appropriate reemployment list. If there is no reemployment list, the Department Director shall decide, subject to approval of the Administrative Officer, whether to fill the vacancy (if a decision is made to fill the vacancy) by reinstatement, transfer, demotion, appointment from a promotional, lateral, pre-service trained or open eligibility list. If the Department Director requests that a vacancy be filled by appointment from a promotional, lateral, pre-service trained, or open eligibility list, the Personnel Director shall submit the specified list to the Department Director. Whenever there are fewer than three names on a promotional, lateral, pre-service trained, or open eligibility list, the Department Director may make an appointment from among such applicants or request that the Personnel Director establish a new list.

SECTION 4 - EVALUATION OF CERTIFIED ELIGIBLES: The Department Director shall review, evaluate and interview the certified eligibles provided by the Personnel Director. After the evaluation process, the department director shall recommend the name of a certified eligible to fill the vacancy to the administrative officer. The administrative officer may approve the recommendation of the department director or resubmit the selection decision to the department director for further evaluation and recommendation. The eligible selected then shall be notified of the selection by the personnel director in writing and directed to

appear at the personnel department for processing on or before the scheduled date of appointment.

SECTION 5 - REINSTATEMENT: With the approval of the department director, a former employee, with a satisfactory employment record with the City may be reinstated, within one (1) year of the effective date of a resignation, to a vacant position in the same or comparable class formerly occupied by the employee. A reinstated employee shall be considered as if the reinstatement were an original appointment.

SECTION 6 - TRANSFER: After advance notice to the personnel director, a department director may transfer an employee from one position to another position in the same class. A transfer from one department to another shall not be effective unless both affected department directors consent thereto. The city administrative officer shall have the authority to order an interdepartmental transfer without the consent of the affected department directors.

SECTION 7 - VOLUNTARY DEMOTION: Upon written request of the employee, and with the approval of the city administrative officer, an employee may be voluntarily demoted to a vacant position. A voluntary demotion may not be approved unless the employee possesses the qualifications for the position. The Personnel Director shall provide the employee with written notice of the voluntary demotion.

SECTION 8 - PROVISIONAL APPOINTMENTS: The department director may make a provisional appointment with the written approval of the city administrative officer only in the following circumstances:

(a) An employment list does not presently exist for the vacant class;

(b) There are fewer than three (3) names on the employment list that does exist for the vacant class;

(c) The individuals whose names appear on the employment list are not immediately available for appointment.

SECTION 9 - PROMOTION: Insofar as consistent with the best interests of the service as determined by the administrative officer and personnel director, vacancies in the classified service shall be filled by promotion from within the classified service, after a promotional examination has been given and a promotional list established.

SECTION 10 - NEPOTISM: No person who is a relative by blood or adoption within the third degree of any member of the City Council, Administrative Officer, or any Department

Director or other officer having appointive power shall be appointed to a salaried position with the City. The employment of relatives within the department is prohibited. The employment of spouses within the same department is prohibited if it interferes with the reasonable regulation of the department.

SECTION 11 - RESIDENCY REQUIREMENT FOR POLICE PERSONNEL:

- 11.1 Sworn employees of the police department shall establish and maintain their place of residence within the City or within an area such that upon notification from the City that an emergency exists the employee shall be able to report for duty within thirty (30) minutes from the time of the receipt of the notice.
- 11.2 Any individual prior to obtaining permanent status as a sworn employee of the police department shall satisfy the residency requirement established in subsection 11.1.
- 11.3 Upon a showing of substantial evidence that the health of the employee or any family member is seriously affected by conforming to subsection 11.1, a variance may be granted by the administrative office.

RULE IX

MEDICAL EVALUATION PROCEDURES

SECTION 1 - MEDICAL EVALUATION UPON APPOINTMENT: Whenever an individual is first appointed or promoted to a full-time position in the classified service, the individual shall be medically evaluated by the city physician. At the discretion of the personnel director, a medical evaluation may be required whenever any individual is first appointed to fill a regular part-time, part-time, provisional, or seasonal position. The medical evaluation report shall be considered confidential but shall be available for review by the individual if he/she requests it.

SECTION 2 - DISQUALIFICATION BASED UPON MEDICAL EVALUATION: An individual prior to or after appointment may be disqualified from City employment because of an unsatisfactory medical evaluation report. An individual so disqualified shall be entitled to receive a statement of reasons for the disqualification.

SECTION 3 - DISCRETIONARY MEDICAL EVALUATION: The personnel director with the approval of the city administrative

officer, may require an employee to be medically evaluated by the city physician at any time for any reason. The employee so evaluated may return to work only upon authorization by the city physician that the employee is capable of performing the duties of the class.

RULE X

PROBATIONARY PROCEDURES

SECTION 1 - DURATION OF PROBATIONARY PERIOD: Except for sworn police department employees, an employee appointed or promoted to a position in the classified service shall serve a probationary period of not less than six (6) months of actual service commencing on the effective date of appointment or promotion. The probationary period for sworn police department employees shall be for a period of not less than twelve (12) months of actual service commencing upon the satisfactory completion of the police academy.

SECTION 2 - LEAVE OF ABSENCE DURING PROBATIONARY PERIOD: Leave of absence during the probationary period in excess of 30 days shall cause the probationary period to be extended by the length of such absence.

SECTION 3 - REJECTION: During the probationary period, the Department Director shall have the authority to reject a probationary employee or promotional appointee, subject to the approval of the Administrative Officer. The probationary employee, except for sworn officers who are rejected for specific instances of misconduct, or promotional appointees, except for sworn officers who are specifically rejected for misconduct, may be rejected without a hearing or right of appeal within the City's administrative process. A sworn officer rejected for specific instances of misconduct may appeal that rejection through the grievance process. An employee rejected during a probationary period after a promotional appointment shall be assigned to a position in the employee's former class unless the employee is discharged from the classified service. If no vacancy exists in such position, employee shall be placed on a reemployment list as provided in the personnel rules.

SECTION 4 - EXTENSION OF PROBATIONARY PERIOD: A department director shall have the authority to extend the probationary period of a probationary employee or promotional appointee for a single period not to exceed six (6) months. The department director shall notify the employee and the personnel director of the extension of the probationary

period, in writing, prior to the end of the employee's probationary period.

SECTION 5 - APPOINTMENT AFTER PROBATIONARY PERIOD: At least two weeks prior to the conclusion of any probationary period, the personnel director shall notify the department director, in writing, that the probationary employee or promotional appointee's probationary period is about to end. Prior to the last day of the probationary period, the department director shall, with the approval of the city administrative officer, either appoint the employee to a permanent status, reject the employee, or extend the employee's probationary period.

RULE XI

PERFORMANCE EVALUATION PROCEDURES

SECTION 1 - PURPOSE: The work performance of an employee shall be evaluated for use by management to promote, train or counsel an employee.

SECTION 2 - PERFORMANCE CRITERIA: Management shall have the responsibility to evaluate an employee's work performance. An employee's work performance shall be evaluated only in terms of job related factors including but not limited to those specified in the class specification for the employee's class.

SECTION 3 - PERIOD OF PERFORMANCE REPORT:

- 3.1 During the probationary period, the probationary employee or promotional appointee shall be evaluated at least thirty (30) days prior to the end of the probationary period. A permanent employee shall be evaluated and a report made of the evaluation at least annually within thirty (30) days prior to the employee's appointment anniversary date. Additionally, the employee may be given a performance evaluation upon the employee's request and/or at the discretion of the administrative officer or department director.
- 3.2 The personnel director shall assure that the required performance evaluation report is forwarded to the department director at least thirty (30) days prior to its due date. The department director shall assure that all performance evaluation reports are properly completed and returned to the personnel director prior to or on the due date.

- 3.3 The city administrative officer may order the preparation of a performance evaluation report at any time because of a contemplated promotion, demotion, transfer, or other change in the employee's status.

SECTION 4 - DISCUSSION AND FILING OF PERFORMANCE REPORT:

Each evaluated employee shall have the right to discuss and review the performance evaluation report with the department director. The department director may modify any performance evaluation report after such discussion. A copy of the employee's performance evaluation report shall be placed in the employee's official personnel file.

RULE XII

ATTENDANCE AND LEAVES

SECTION 1 - ATTENDANCE: Employees shall report for work as scheduled and shall not be absent during scheduled working hours without the authorization of management or as provided in administrative policies and procedures. The department director shall be responsible for maintaining daily attendance records of their employees for submission to the personnel director.

SECTION 2 - MILITARY LEAVE:

- 2.1 Employees shall be granted military leave as authorized by state law. Such employees shall provide the personnel director with satisfactory proof of orders to report for military duty and of actual military service pursuant to such orders. The employee shall be returned to work thereafter as provided by state law.
- 2.2 While full-time employees are on ordered annual military leave as provided for in this section, such employees shall be paid their current rate in addition to their military pay according to the requirements of state law.

SECTION 3- REST PERIODS:

- 3.1 Employees shall be provided with a rest period of not more than fifteen (15) minutes for each half day of work as determined by administrative policies and procedures.
- 3.2 Rest periods shall have no monetary value and shall be forfeited if not used during working hours. Rest periods in a day may not be combined on a regular

basis unless specifically authorized by the Dept. Director with approval of the Administrative Officer.

SECTION 4 - LUNCH PERIOD: Full-time employees, except sworn officers, shall be provided with a lunch period not to exceed one (1) hour. The amount of time allotted for a lunch period and the procedures for using such lunch period shall be determined by management.

SECTION 5 - TIME OFF FOR VOTING:

- 5.1 Whenever an employee purports to not have sufficient time outside of working hours to vote at a statewide election, the employee may, without loss of pay, and subject to the approval of the department director, take off enough time from work which when added to the voting hours available outside of work will enable the employee to vote.
- 5.2 The department director shall not authorize an employee to take off more than two (2) hours from work for voting without loss of pay. The time off authorized for voting shall be only at the beginning or end of a shift, whichever allows the employee the most time for voting and the least time off from work. If the employee on the third working shift prior to election day, knows or has reason to believe that time off for voting will be necessary on election day, the employee shall notify the department director of that fact at least two (2) working shifts in advance.

SECTION 6 - LEAVE OF ABSENCE WITHOUT PAY:

- 6.1 The city administrative officer shall have the authority to approve, in writing, an employee's request for a leave of absence without pay, for a period not to exceed twelve (12) months. Such leave of absence shall not be approved except upon the advance written request of the employee, setting forth the reason for the request.
- 6.2 The department director shall have the authority to approve, in writing, an employee's request for a leave of absence, without pay, for a period not to exceed one (1) month.
- 6.3 An employee on leave of absence without pay shall not have such leave time credited as service time for purposes of calculating employee benefits or seniority.

SECTION 7 - ACCRUAL AND USE OF LEAVE: All paid leave provided by the city, including but not limited to disability leave, vacation leave, compensatory leave, holiday leave, and sick leave, shall be accrued and used in accordance with administrative policies and procedures and shall be recorded and used in increments to the nearest fifteen (15) minutes except as otherwise provided in these personnel rules.

RULE XIII

SEPARATION FROM SERVICE

SECTION 1 - LAYOFF:

- 1.1 Whenever the City Council determines that employees are to be laid off due to curtailment of work, reorganization, lack of funds, or because the necessity for a position no longer exists, the City Council may authorize the City Administrative Officer to layoff, transfer or demote in lieu of layoff without disciplinary action and without right of appeal. The Administrative Officer shall notify those employees to be laid off at least ten (10) working days prior to the effective date of any such layoff. If less than ten (10) working days notice is given, City shall pay commensurate pay up to ten (10) day total.
- 1.2 Layoff will be by seniority. Seniority for purpose of layoff shall be determined by the date of original appointment to the class. The seniority list shall include all probationary and permanent employees. Where seniority is equal, the employee with the earliest hire time (original appointment in department for General Employees and original appointment to sworn position for Police) shall be determined to have the most seniority.
- 1.3 Temporary and provisional employees in the class involved shall be separated prior to probationary or permanent employees.
- 1.4 Any employee scheduled for layoff shall have the right to demote within the department to a class in which he/she formally held permanent status. Seniority in this instance would be time served in this class and time in higher classification.
- 1.5 Probationary and permanent employees shall be laid off in the reverse order of seniority.

- 1.6 Seniority determined by continuous service within classification including provisional, probationary, CETA, or limited term periods, but not including authorized leaves of absence.

SECTION 2 - RESIGNATION: In order to resign in good standing, an employee shall file a written statement with the affected city department indicating the effective date of and the reason for the resignation at least ten (10) working days prior to separating from the city service. This time limit may be waived in writing by the administrative officer. The failure by the employee to provide the advance notice as required in this section may be considered by the city as a reason for denying future employment to the employee.

SECTION 3 - DISABILITY: An employee may be separated from the City service for disability if the City, upon review of satisfactory medical evidence, determines that the employee is substantially unable to perform his/her usual duties as a result of an industrial injury or disease arising out of and in the course of his/her employment. Prior to any separation from service for disability, the employee may be required to submit to a medical examination paid for by the City and performed by the City's choice of physician.

SECTION 4 - RETIREMENT: If an employee retires in accordance with the provisions of any city-approved retirement plan, the employee shall be deemed to have separated from employment in good standing.

RULE XIV

DISCIPLINARY PROCEDURES

SECTION 1 - NATURE OF DISCIPLINARY ACTION: A demotion, suspension, reduction in pay or discharge of a permanent employee for disciplinary purposes shall follow the procedures set forth under this rule. Disciplinary purposes does not include those demotions, pay reductions and layoffs resulting from service modifications, general cost reduction programs, or organizational changes ordered by the city administrative officer or the city council.

SECTION 2 - LEGITIMATE REASONS FOR DISCIPLINARY ACTION: A legitimate reason for disciplinary action may include but shall not be limited to the following:

- (a) Violation of administrative policies and procedures;

- (b) Failure to obey any order or directive;
- (c) Inefficiency;
- (d) Failure to perform assigned duties;
- (e) Dishonesty;
- (f) Negligent performance of assigned duties;
- (g) Conviction of a felony or conviction of a misdemeanor relating to the employee's fitness to perform assigned duties;
- (h) Unauthorized absence from employment;
- (i) Tardiness;
- (j) Excessive absenteeism;
- (k) Failure to establish and maintain proper working relationships;
- (l) Reporting for duty, or being on duty, under the influence of alcohol, or nonprescribed controlled substances;
- (m) Using or possessing alcohol or nonprescribed controlled substances while on duty;
- (n) Unauthorized use of city equipment or property;
- (o) Negligent care or operation of city equipment or property;
- (p) Willful damage or misuse of city property;
- (q) Abuse of sick leave;
- (r) Accepting a gratuity for the performance or non-performance of an assigned duty;
- (s) Misappropriation of city property or the property of others;
- (t) Material misstatement of fact;
- (u) Failure to maintain any employment qualification;
- (v) Noncompliance with safety standards;
- (w) Other failure of good behavior either during or outside of employment such that the employee's conduct

causes discredit to the city or otherwise impairs the employee's ability to perform.

SECTION 3 - AUTHORITY: The department director shall have the authority to impose disciplinary action, and to conduct any pre-disciplinary conference.

- SECTION 4 - NOTICE: Prior to the imposition of any disciplinary action, the department director shall notify the employee in writing of the nature of the proposed disciplinary action and its proposed effective date, the reason for the proposed disciplinary action and any specific charges against the employee. Concurrently with the notice of proposed disciplinary action, the employee shall be entitled upon request to receive copies of the written documents and materials, if any, upon which the proposed disciplinary action is based, and to an opportunity to respond to the charge, either orally or in writing, to the department director proposing the disciplinary action.

SECTION 5 - EMERGENCY SITUATION: Notwithstanding any other provisions of the personnel rules and regulations, whenever the Department Director determines that an employee's conduct threatens or has caused injury to persons or property, the Department Director may suspend the employee from duty immediately, upon advising the employee that he/she is suspended, the reasons for the action, the fact that he/she will be given the opportunity for a hearing thereon and if he/she is cleared of any wrongdoing, will be reimbursed for any compensation withheld during suspension.

SECTION 6 - NOTICE TO PERSONNEL DIRECTOR: The Department Director shall immediately notify the Personnel Director and Administrative Officer of the initiation of any disciplinary action.

RULE XV

APPEAL PROCEDURES

SECTION 1 - RIGHT OF APPEAL: A permanent employee who is discharged, involuntarily demoted, suspended or reduced in pay for disciplinary reasons shall have the right to appeal such disciplinary action.

SECTION 2 - HEARING OFFICER: The City Administrative Officer shall be the hearing officer for appeals from suspensions of ten (10) days or less, provided that the Administrative Officer may designate a neutral third party as the hearing officer in appropriate circumstances; appeals from suspensions in excess of ten (10) days or a reduction in

pay, provided that the affected employee may request an outside hearing officer and the Administrative Officer may approve or deny the request.

- 2.2 An outside hearing officer shall hear appeals from demotion and discharge. The right, powers and duties of the hearing officer shall include, but not be limited to hearing evidence concerning the alleged misconduct of any employee, determining the validity of any charges made against any employee, determining the propriety of any disciplinary action, and imposing disciplinary action against any employee.

SELECTION OF OUTSIDE HEARING OFFICER FOR SWORN POLICE PERSONNEL

- 2.3 Seven names of hearing officers composed of retired judges will be mutually selected from a list provided by the American Arbitration Association (AAA). Striking order will be used for selection of hearing officer. The cost of the hearing will be split 50-50 between the City of San Fernando and the San Fernando Police Officers' Association, excluding each ones own attorney's fees.
- 2.4 If there is an appeal to the City Council, the appealing party pays all hearing costs excluding each ones own attorney's fees.

SECTION 3 - REQUEST FOR DISCIPLINARY HEARING:

- 3.1 Whenever an employee requests a disciplinary hearing to appeal the imposition of a discharge, involuntary demotion or suspension the request for the disciplinary hearing shall be in writing, signed by the employee, and presented to the Personnel Director and shall identify the subject matter of the request, the grounds for the request, and the relief desired by the employee.
- 3.2 If the employee fails to request a disciplinary hearing within the prescribed time, the employee shall have waived the right to a hearing and all rights to further appeal of the disciplinary action.

SECTION 4 - SCHEDULING OF DISCIPLINARY HEARING: The Personnel Director shall schedule any disciplinary hearing within a reasonable time after the filing of the employee's request, considering the availability of a hearing officer and the convenience of the employee and the witnesses. The Personnel Director shall notify, in writing, all interested parties of the date, time and location of any disciplinary hearing.

SECTION 5 - REPRESENTATION AT DISCIPLINARY HEARING: At the disciplinary hearing, the employee may appear personally and may be represented by counsel or other representative. Both the employee and the City shall have the right to produce and confront witnesses, and to present any relevant oral or documentary evidence. The hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses or the production of documents.

SECTION 6 - BURDEN OF PROOF AND EVIDENCE: The City shall bear the burden of proof at the disciplinary hearing. The hearing officer need not conduct the hearing according to the technical rules of evidence. The hearing officer may use hearsay evidence for the purpose of supplementing or explaining direct evidence but the hearing officer shall not use hearsay evidence alone to support any finding of fact.

SECTION 7 - CONDUCT OF DISCIPLINARY HEARING:

The conduct and decorum of the disciplinary hearing shall be under the control of the hearing officer with due regard for the rights and privileges of the parties. During the examination of a witness, the hearing officer may exclude from the hearing, any and all other witnesses.

SECTION 8 - HEARING OFFICER'S DECISION: Within a reasonable time after the hearing, the hearing officer shall render a written decision containing findings of fact, and conclusions of law. The hearing officer shall have the authority to impose any disciplinary action against the employee deemed proper based on the evidence introduced at the disciplinary hearing provided that there can be no increase in the discipline proposed by the Department Director. Discipline may be reduced. The hearing officer's decision shall constitute final resolution of a disciplinary action unless either the Department Director or the employee requests that the matter be considered by the City Council as herein provided.

SECTION 9 - REQUEST FOR CITY COUNCIL REVIEW: In cases where the original discipline proposed by the department director involved discharge, demotion or suspension in excess of ten (10) days, either the employee or the Department Director may, within ten (10) days of notification of the hearing officer's decision, request that the decision be reviewed by the City Council. A failure by the employee or the department director to request such a review within the prescribed time shall constitute a waiver of the right to City Council review and the decision of the hearing officer shall become final and binding.

SECTION 10 - REQUEST FOR REVIEW:

10.1 An employee or department head requesting review by the City Council shall file a written request with the City Clerk within ten (10) days after notification of the hearing officer's decision, identifying the decision, the grounds for review and the relief requested.

10.2 The City Council shall schedule the review within a reasonable time after the filing of the request. The Personnel Director shall notify in writing all interested parties of the date, time and location of the review.

SECTION 11 - DECISION: The City Council may adopt the decision of the hearing officer as its own without further

review of the council, or it may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same hearing officer to take additional evidence; provided, however, that the city council shall decide no matter without affording the parties the opportunity to present either oral or written argument before the council itself.

SECTION 12 - POWER OF CITY COUNCIL: The city council may decide the matter either at the conclusion of the review hearing or defer the decision to a later date. The city council may affirm, reverse or modify the decision of the hearing officer, in full or in part, provided, however, the city council shall not impose any discipline greater than that recommended by the Department Director, and its decision shall be final.

RULE XVI

GRIEVANCE PROCEDURES

SECTION 1 - PURPOSE AND SCOPE OF GRIEVANCE PROCEDURE: The grievance procedure is promulgated to establish a formal procedure to deal with employee complaints which arise during the course of employment.

SECTION 2 - GENERAL PROVISIONS: "Grievance" means a complaint by an employee concerning the interpretation or application of specific provisions of Personnel Rules and Regulations which complaint has not been resolved satisfactorily in an informal manner between an employee and his/her immediate supervisor. The grievance procedure provided herein shall not be used for:

(a) The resolution of any complaint concerning any disciplinary action;

SECTION 3 - FORMAL GRIEVANCE PROCEDURE:

- 1 - Step One - Within ten (10) working days after the employee knew or should have known of the occurrence of the facts upon which the grievance is based, the grievance must be presented in writing to the immediate supervisor upon the Grievance Procedure Form, signed and dated by the employee. The grievance must state the facts upon which the grievance is based, identifying the specific provisions of the Personnel Rules which are alleged to have been violated, and specify the remedy request.

(a) A meeting shall be held between the employee and the immediate supervisor within ten (10) working days from presentation of the grievance.

(b) The supervisor shall render his/her decision in writing within ten (10) working days following the meeting. The decision shall be personally served upon the employee or mailed to the employee's last known address or as otherwise specified by the employee.

- 2 - Step Two - If the grievance is not resolved in Step One, the employee may, within ten (10) working days after service of the decision in Step One, present a written grievance to the Department Director with a copy to the Personnel Director. The Department Director shall make whatever investigation is deemed necessary to allow fair consideration of the situation and shall meet with the employee within ten (10) working days from receipt of the grievance. The Department Director shall render his/her decision in writing within ten (10) working days following the meeting. The decision shall be personally served upon the employee or mailed to the employee's last known address or as otherwise specified by the employee.
- 3 - Step Three - If the grievance is not resolved in Step Two, the employee may, within ten (10) working days after service of the decision in Step Two, present a written grievance to the Administrative Officer. Within ten (10) working days from receipt of the grievance, the Administrative Officer shall arrange a meeting between the employee and himself to discuss the matter. The Administrative Officer shall render his decision in writing within ten (10) working days following the meeting and it shall be final and binding. The decision shall be personally served on the employee or mailed to the employee's last known address or as otherwise specified by the employee.
- 4 - General Conditions - The Personnel Director shall receive and retain copies of all written materials pertaining to the grievance. At any step in the informal grievance adjustment or formal grievance procedure, the Department Director, the employee's supervisor or the employee may request a representative of the Personnel Department to participate in any discussions which may take place.

Grievances may be initiated only by the concerned employee. An employee may represent himself or select whomever he desires to represent him in the grievance process.

If an employee fails to proceed with a grievance within any of the time limits specified in this section, it shall be assumed that the grievance has been settled on the basis of the last decision reached. Any extension of the time limits specified in this section may be provided when mutually agreed upon by all parties concerned.

RULE XVII

EMPLOYEE TRAINING PROGRAM

SECTION 1 - PURPOSE: The department director and the personnel director shall develop training programs as required to provide improved and economical service to the public and to maintain a work force of capable employees. Employee participation in training programs during off duty hours shall be voluntary. With the approval of the city administrative officer training programs may be conducted during working hours. To the extent that funds are available in the annual budget, financial assistance to employees for off duty training may be authorized by the city administrative officer in accordance with administrative policies and procedures.

SECTION 2 - CREDIT FOR PARTICIPATION: Management shall consider the extent of an employee's participation in and successful completion of training programs in making decisions regarding advancement and promotion. The employee shall file evidence of such training activity with the personnel director.

RULE XVIII

REPORTS AND RECORDS

SECTION 1- PERSONNEL RECORDS: The personnel director shall maintain a personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the personnel director.

SECTION 2 - CHANGE-OF-STATUS REPORT: Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the personnel director in such manner as he/she may prescribe.

RULE XIX

OUTSIDE EMPLOYMENT

SECTION 1: Outside Employment shall be in conformance with the City's Policy and Procedure Statement on the subject.

RULE XX

SAFETY

SECTION 1: The City has a real concern for the Safety of its employees. Safety rules and regulations as set forth by the City or any of its departments must be complied with. Any violation of safety rules will be grounds for disciplinary action.

4/022/063060-0013/001



Quick Reference Guide To The POBR

Who is Covered Under the POBR?

All peace officers specified in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5. (Gov. Code, § 3301.)

An officer has the right to review and sign any adverse comment before it is placed in his/her personnel file.

If the officer refuses to sign the adverse comment, the refusal must be noted on the document. (Gov. Code, § 3305.)

An officer has **30 days** to file a written response to any adverse comment entered in his/her personnel file. This response must be attached to the adverse comment in the file. (Gov. Code, § 3306.)

An officer may **inspect** his/her personnel file upon reasonable request. (Gov. Code, § 3306.5(a).)

An officer may request removal or correction of material in personnel file believed to be mistaken or unlawful.

Agency must respond to the request within 30 calendar days. (Gov. Code, § 3306.5(c), (d).)

Personnel Files

Political Activity

Privacy Rights

- Except whenever on duty or in uniform, an officer cannot be required to, or prohibited from, engaging in political activity. (Gov. Code, § 3302(a).)
- An officer cannot be prohibited from seeking election to or serving as a member of the governing board of a school district. (Gov. Code, § 3302(b).)

- Cannot search an officer's locker or other assigned storage space without one of the following: (1) the officer's consent, (2) the officer's presence, (3) prior notification, or (4) a search warrant. (Gov. Code, § 3309.)
- Cannot require an officer to disclose his/her property, income, assets, sources of income, debts, or expenditures, unless required by law. (Gov. Code, § 3308.)

Quick Reference Guide To The POBR

Interrogations

- The Act does not apply to counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other officer. (Gov. Code, § 3303(i).)

Pre-Interrogation Notices

- Must advise the officer of the nature of the investigation (e.g. date of investigated action, brief description of alleged misconduct, rules, regulations or statutes at issue) "prior to" the interrogation. (Gov. Code, § 3303(c).) In *Ellins v. City of Sierra Madre* (2016) 244 Cal.App.4th 445, the Court of Appeal held that "prior to" means the officer must have sufficient time to meaningfully consult with his or her representative.
- Must advise the officer of the **rank, name, and command** of the person in charge of the interrogation, the interrogating officer(s) (no more than two), and all others present during the interrogation. (Gov. Code, § 3303(b).)

No Pre-Interrogation Right to Materials

- In *Pasadena Police Officers Association v. City of Pasadena* (1990) 51 Cal.3d 564, the California Supreme Court held that public safety officers are not entitled to pre-interrogation discovery under the POBR.

Interrogation Procedures

- Must be conducted at a reasonable time and officer must be paid for time spent. (Gov. Code, § 3303(a).)
- Must be for a reasonable period of time. (Gov. Code, § 3303(d).)
- Right to representation if interrogation focuses on matters which are likely to result in punitive action. (Gov. Code, § 3303(i).)
- No mandatory lie detector testing. (Gov. Code, § 3307.)

Post-Interrogation Right to Materials

- Officer is entitled to **access the recording** of the interrogation, any **stenographer's notes**, and **non-confidential reports or complaints** if discipline is going to be imposed or prior to any further interrogation. (Gov. Code, § 3303(g).)
- Consult a labor relations attorney before providing a subject officer with documents or other materials.

Interrogations With Possible Criminal Misconduct

- Must advise the officer of his/her **Miranda** rights prior to or during the interrogation if the officer may be charged with a criminal offense. (Gov. Code, § 3303(h).)

Imposing Discipline

Statute of Limitations

- Generally, the agency must complete its investigation and notify the officer of its proposed discipline within one year of the agency's discovery by a person authorized to initiate an investigation of the allegation of the misconduct. (Gov. Code, § 3304(d).)

Notice of Intent to Discipline

- Where the discipline would involve the removal of a property interest (e.g. suspension, demotion, or termination), the agency must include the proposed discipline, rules or statutes violated, factual bases for findings, effective date of the proposed action, and how the proposed discipline was determined.
- Include copies of **all materials** supporting the decision.
- Advise the officer of **right to a Skelly conference** and that failure to provide a timely request will waive the officer's right to respond prior to the imposition of discipline.
- Advise the officer that he/she has the right to have a representative at the *Skelly* conference.

Notice of Discipline

- Must notify the officer in writing of the decision to impose discipline, including the date the discipline will be imposed, within 30 days of the decision. (Gov. Code, § 3304(f).)

Punitive Actions

- Means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. (Gov. Code, § 3303.)

Administrative Appeals

- If punitive action is imposed, officer has the right to an administrative appeal. (Gov. Code, § 3304(b).)
- Agency must adopt administrative appeal procedures. (Gov. Code, § 3304.5.)

This reference guide contains generalized legal information as it existed at the time the guide was prepared in August 2019. Changes in the law occur on an ongoing basis. For these reasons, the legal information cited in this reference guide should not be acted upon in any particular situation without attorney advice.

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the City of San Fernando, A Municipal Corporation, hereinafter referred to as "Agency," and the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation, hereinafter referred to as "Attorney."

WHEREAS Agency has the need to secure expert training and consulting services to assist Agency in its workforce management and employee relations; and

WHEREAS Agency has determined that no less than twenty-one (21) public agencies in the San Gabriel Valley area have the same need and have agreed to enter into identical agreements with Attorney; and

WHEREAS Attorney is specially experienced and qualified to perform the special services desired by the Agency and is willing to perform such services;

NOW, THEREFORE, Agency and Attorney agree as follows:

Attorney's Services:

During the year beginning July 1, 2022, Attorney will provide the following services to Agency (and the other aforesaid public agencies):

1. Five (5) days of group training workshops covering such employment relations subjects as management rights and obligations, negotiation strategies, employment discrimination and affirmative action, employment relations from the perspective of elected officials, performance evaluation (administering evaluations), grievance and discipline administration for supervisors and managers, planning for and responding to concerted job actions, current court, administrative and legislative developments in personnel administration and employment relations, etc., with the specific subjects covered and lengths of individual workshop presentations to be determined by Agency and the other said local agencies.

It is expressly understood that the material used during these presentations, including written handouts and projected power points are provided solely for the contracted workshops. This agreement warrants there will be no future use of Liebert Cassidy Whitmore material in other trainings or formats without the expressed written permission of Liebert Cassidy Whitmore. Any such use will constitute a violation of this agreement and copyright provisions.

2. Availability of Attorney for Agency to consult by telephone. Consortium calls cover questions that the attorney can answer quickly with little research. They do not include the review of documents, in depth research, written responses (like an opinion letter) or advice on on-going legal matters. The caller will be informed if the question exceeds the scope of consortium calls. Should the caller request, the attorney can assist on items that fall outside the service, but these matters will be billed at the attorney's hourly rate. (See additional services section.)
3. Providing of a monthly newsletter covering employment relations developments.

Fee:

Attorney will provide these special services to Agency for a fee of Three Thousand Three Hundred Fifty Five Dollars (\$3,355.00) payable in one payment prior to August 1, 2022. The fee, if paid after August 1, 2022 will be \$3,455.00.

Said fee will cover Attorney's time in providing said training and consultative services and the development and printing of written materials provided to attendees at the training programs.

Additional Services:

Attorney shall, as and when requested by Agency, make itself available to Agency to provide representational, litigation, and other employment relations services. The Agency will be billed for the actual time such representation services are rendered, including reasonable travel time, plus any necessary costs and expenses authorized by the Agency.

The range of hourly rates for Attorney time is from Two Hundred Forty to Four Hundred Twenty-Five Dollars (\$240.00 - \$425.00) per hour for attorney staff, Two Hundred Seventy Dollars (\$270.00) per hour for Labor Relations/HR Consultant and from One Hundred Forty-Five to One Hundred Eighty-Five Dollars (\$145.00 - \$185.00) per hour for services provided by paraprofessional and litigation support staff. Attorneys, paraprofessional and litigation support staff bill their time in minimum units of one-tenth of an hour. Attorney reviews its hourly rates on an annual basis and if appropriate, adjusts them effective July 1.

Independent Contractor:

It is understood and agreed that Attorney is and shall remain an independent contractor under this Agreement.

Term:

The term of this Agreement is twelve (12) months commencing July 1, 2022. The term may be extended for additional periods of time by the written consent of the parties.

Condition Precedent:

It is understood and agreed that the parties' aforesaid rights and obligations are contingent on no less than twenty-one (21) local agency employers entering into a substantially identical Agreement with Attorney on or about July 1, 2022.

LIEBERT CASSIDY WHITMORE

A Professional Corporation

CITY OF SAN FERNANDO

A Municipal Corporation

By: _____

J. Scott Tiedemann / Managing Partner

By: _____

Name: _____

Title: _____

Date: _____

Date: _____



JOIN THE



TEAM



HIRING NOW! POLICE OFFICER

\$76,884 Per Year
Starting Salary

- Excellent Benefits
- 3/12 Work Schedule
- Certificate Pay
- Assignment Pay
- Bilingual Bonus

SAN FERNANDO POLICE DEPARTMENT
910 First Street, San Fernando, CA 91340
(818) 898-1254 | SFPDRecruitment@sfcity.org



APPLY TODAY! [SFCITY.ORG/HIRING-NOW](https://www.sfcity.org/hiring-now)

The San Fernando Police Department is a progressive, community-centered police department that values relationship-based policing and enjoys strong community support. Join our team and become a community hero who makes a positive impact on the lives of others. If serving the community through a rewarding career appeals to you, then submit your application today.



BE TOMORROW'S HERO TODAY!



The SFPD is looking for applicants who are committed to making a difference. If serving the community while developing your professional skills through a combination of comprehensive training and on-the-job experience is what you are looking for, then join our team. Laterals, Police Academy Graduates, and Entry Level candidates are encouraged to apply.

THE POSITION

San Fernando Police Officers enjoy a generous salary and benefits package, including: Salary starting at \$76,894 per year; City paid Medical, Dental, and Vision Insurance; 3/12 Work Schedule; PERS Retirement; Holiday, Vacation, and Sick leave; Uniform Allowance; Bilingual Bonus; Certificate and Assignment Pay.



THE SALARY & BENEFITS



Download and complete a City Employment Application at SFCITY.ORG/Hiring-Now. Applications may be submitted electronically or mailed. Candidates considered for employment must complete a physical agility test, medical examination, including a stress EKG, psychological evaluation, polygraph, and comprehensive background investigation.

THE PROCESS



APPLY NOW

SAN FERNANDO POLICE DEPARTMENT

910 First Street, San Fernando, CA 91340

(818) 898-1234 | SFPDRecruitment@sfcity.org



SFCITY.ORG/HIRING-NOW

SALARY AND BENEFITS

\$6,663 - \$8,256 Per Month

INSURANCE: Effective 1/1/20, the City pays the full cost of employee's selected medical insurance plan, not to exceed the premium costs of the third most expensive plan available at each plan level offered by CalPERS for the LA County Region including the statutory PEMHCA minimum. The City pays the full dental and vision insurance for employee and eligible dependents.

LIFE: \$50,000 Basic Life and AD&D Insurance provided. Additional voluntary purchase (at group rate) of up to \$100,000 for employee, \$25,000 for spouse, and \$10,000 for each child, with no medical questions asked.

SHORT/LONG TERM DISABILITY INSURANCE: Fully paid Short and Long Term Disability Insurance for employees.

RETIREMENT: Public Employees' Retirement System (PERS), 3% at 50 Formula for employees hired prior to 9/8/12; 3% @ 55 Formula for those hired effective 9/8/12; and 2.7% @ 57 Formula for new PERS members (hired effective 1/1/13). Effective 07/01/21, classic employees pay, as cost sharing, a total of (3%) of the City's contribution. New members (hired effective 1/1/13) pay the full employee contribution of 50% of the total normal cost.

SICK LEAVE: 96 hours per year up to maximum of 800 hours, partial payment of unused accumulated sick leave.

HOLIDAY: In lieu of accruing 96 hours of Holiday Leave each year, employees are paid 8 hours per month of Holiday In-Lieu pay (non-PERSable).

SCHEDULE: Desirable 3/12 workweek.

VACATION: 90 hours per year for 1-4 years of service (180 hours cap); 135 hours per year for 5-14 years of service (270 hours cap); 180 hours per year for 15 or more years of service (360 hours cap)

UNIFORM ALLOWANCE: Unit members receive \$800 uniform allowance per calendar year.

BILINGUAL BONUS: \$100 per month to eligible employees (bonus paid from the day the employee achieves a passing score on their bilingual exam.)

CERTIFICATE PAY: Intermediate POST Certificate: 4%; Advanced Certificate or BA/BS Degree: 4%; Supervisory Certificate or Master's Degree: 2.5%. All percentages are of base salary per month.

LONGEVITY PAY: For new hires effective 1/1/12, 3% after 5 YOS, 4% after 10 YOS, and 5% after 15 YOS. Effective 7/1/23, the second tier longevity benefits (i.e., for new hires effective 1/1/12) will be eliminated, and all employees will be eligible for the first tier (5% after 5 YOS, 7.5% after 10 YOS, and 10% after 15 YOS)

ABOUT THE CITY

Only 23 miles north of downtown Los Angeles, the City of San Fernando is nestled at the foothills of the San Gabriel Mountains in the San Fernando Valley. Incorporated in 1911, San Fernando has a population of approximately 25,000, and is a diverse, family-oriented community of about 2.4 square miles.

San Fernando is surrounded by the City of Los Angeles, but offers a small town atmosphere, and a well-planned blend of residential, commercial and industrial development.

THE POLICE DEPARTMENT

The Chief of Police for the City of San Fernando is Fabian M. Valdez. The San Fernando Police Facility is located at 910 First Street, in the San Fernando Civic Center. The Department has approximately 19 non-sworn employees and 31 sworn employees, including the Chief of Police, Lieutenants, Sergeants, Detectives, Field Training Officers, K-9 Officer, Patrol Officers, and School Resource Officer.

"Serving with Honor and Integrity"

"The members of the San Fernando Police Department are committed to excellence in law enforcement. Through the creation of partnerships with the community, we will provide service with honor, integrity and the highest standards of ethics."

FABIAN M. VALDEZ

POLICE CHIEF

San Fernando Police Department
910 First Street
San Fernando

SFCITY.ORG/SFPOLICE
SFPDRecruitment@sfcity.org
(818) 898-1254



***Join the San Fernando
Police Department***

POLICE OFFICER

The San Fernando Police Department is looking for qualified lateral, pre-service, and entry level peace officers to become part of the San Fernando community and enjoy a rewarding career serving the public.

SALARY: \$6,663 – \$8,256 Per Month
FILING DEADLINE: Open Until Filled



THE POSITIONS

LATERAL ENTRY: In addition to the requirements below, applicant must be currently employed as a full-time sworn paid Police Officer in the State of California with a Municipal, County or State law enforcement agency and have passed that department's probation period. Applicant shall possess a California POST basic certificate.

PRE-SERVICE TRAINED: In addition to the minimum qualifications below, applicant must be enrolled at the time of application, or have successfully completed within the 12-month period immediately prior to date of application, a POST approved police officer training academy program

ENTRY LEVEL: The City of San Fernando is also accepting applications for entry level candidates on an on-going basis until all open positions are filled. Priority is given to lateral and preservice candidates as described in this flyer. Entry level candidates must meet the qualifications/special requirements listed and successfully pass the oral interview, a PELLETB written examination achieving a minimum score of 42, and complete the Physical Agilities Test, which includes completing the 1½ mile run in under 15 minutes. Additionally, the process will require passing background review, psychological examination, polygraph and medical examination. Successful candidates may then be sponsored into a local police academy as a police officer recruit.

RESPONSIBILITIES

Patrol an assigned area for the prevention of crime and the enforcement of laws and regulations. Respond to emergencies as directed by radio and telephone. Investigate unusual or suspicious conditions, traffic accidents, complaints. Make arrests, guard and transport prisoners and question suspects. Prepare reports on investigations, offenses, arrests and other activities. Support development of strong community policing relationship working to solve problems through collaborative efforts with our community. Additional special assignments include Detectives, K-9, Field Training, and School Resource Officer. Must perform other related responsibilities as assigned.

QUALIFICATIONS & SPECIAL REQUIREMENTS

EDUCATION: High School graduation or its equivalent.

LICENSE: Possession of a valid California Class C driver's license.

WEIGHT: In proportion to height.

HEARING: Normal

VISION: 20/80 uncorrected, correctable to 20/20, normal color and peripheral vision. (As defined by POST guidelines).

CITIZENSHIP: Must have applied for citizenship at least one year before application for Police Officer. Proof of your citizenship application will be required during the selection process. California State law requires these conditions and that citizenship be obtained as soon as possible for continued employment.

BILINGUAL: Ability to speak Spanish is highly desirable.

CONTRACT: New employees are required to sign a 36 month contract.

LOYALTY OATH: Candidates are required to take a loyalty oath before starting employment.



SELECTION PROCEDURE

All applications will be reviewed with the most qualified being invited to an oral interview. Candidates considered for employment must successfully complete a physical agility test, medical examination, including a stress EKG, psychological evaluation and background investigation.

ELIGIBILITY LISTS

The names of applicants qualifying on all portions of the examination will be entered on an eligibility list in order of their final scores. Each eligibility list is normally used for one year from date established.

APPLICATION PROCESS

All interested applicants must complete a City application. Resumes in lieu of applications and incomplete applications will not be considered.

You may pick-up an application at San Fernando City Hall (117 Macneil Street, San Fernando); OR via email (personnel@sfcity.org); OR you may download an application online (SFCITY.ORG/Hiring-Now).

Please forward all correspondence and questions to:

***City of San Fernando
Personnel Division
117 Macneil Street
San Fernando, California 91340
(818) 898-1221***



APPLICATION FOR EMPLOYMENT				OFFICE USE ONLY	
<i>The City of San Fernando considers applicants for all positions without regard to race, color, religion creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or other legally protected status.</i>				<div style="border: 1px solid black; height: 100px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: small;"> RECEIVED BY TIME </div>	
PLEASE PRINT					
POSITION APPLIED FOR		DATE			
TITLE					
HOW DID YOU LEARN ABOUT THIS JOB OPENING?					
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Employment Agency</div> <div style="width: 50%;"><input type="checkbox"/> City Employee</div> <div style="width: 50%;"><input type="checkbox"/> Job Hotline</div> <div style="width: 50%;"><input type="checkbox"/> Bulletin Board</div> <div style="width: 50%;"><input type="checkbox"/> School</div> <div style="width: 50%;"><input type="checkbox"/> Ad or News Story In _____</div> <div style="width: 50%;"><input type="checkbox"/> Other _____</div> </div>					
PERSONAL INFORMATION					
LAST NAME		FIRST NAME		MIDDLE NAME	
ADDRESS		CITY		STATE, ZIP CODE	
HOME PHONE ()		BUSINESS PHONE ()		CELL PHONE ()	
DRIVER LICENSE NO.		STATE & EXPIRATION DATE		EMAIL ADDRESS	
<div style="display: flex; justify-content: space-between;"> <div> <p>If you are under 18 years of age, can you provide required proof of your eligibility to work?</p> <p>Are you currently employed?</p> <p>May we contact your present employer</p> <p>Can you, after employment, submit verification of your legal right to work in the U.S.?</p> <p>Are you available to work:</p> <p>Are you related to anyone working for the City of San Fernando?</p> <p>If Yes, Name(s): _____ Relationship: _____</p> <p>Have you ever been fired or asked to resign?</p> <p>If yes, please explain _____</p> <p>Do you claim Veteran's credit in accordance with City laws?</p> <p>If Yes, date of active service in the U.S. military: From _____ To _____ Branch _____ Serial No. _____</p> </div> <div style="text-align: right;"> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Shift <input type="checkbox"/> Temporary</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> </div> </div>					
FOREIGN LANGUAGES					
<i>Indicate any foreign languages you can speak, read and/or write</i>					
LANGUAGE <input type="checkbox"/> Speak <input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Fluent <input type="checkbox"/> Good <input type="checkbox"/> Fair			LANGUAGE <input type="checkbox"/> Speak <input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Fluent <input type="checkbox"/> Good <input type="checkbox"/> Fair		
SPECIALIZED SKILLS				FOR SECRETARIAL POSITIONS:	
<i>Check Skills/Equipment/Software Operated</i> <input type="checkbox"/> Typewriter <input type="checkbox"/> Fax <input type="checkbox"/> Computer <input type="checkbox"/> Calculator <input type="checkbox"/> Internet <input type="checkbox"/> Word <input type="checkbox"/> Excel <input type="checkbox"/> Access <input type="checkbox"/> PowerPoint Other Skills (list): _____				<div style="display: flex;"> <div style="width: 50%; text-align: center;">TYPING SPEED</div> <div style="width: 50%; text-align: center;">SHORTHAND SPEED</div> </div>	

APPLICATION FOR EMPLOYMENT

LAST NAME		FIRST NAME	
SPECIAL LICENSE OR CERTIFICATE			
<i>If this position requires a special license or certificate, list those which you possess and give expiration dates</i>			
LICENSE/CERTIFICATE	DATE ISSUED	DATE EXPIRES	
LICENSE/CERTIFICATE	DATE ISSUED	DATE EXPIRES	
EDUCATION			
High School Graduate?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If No, highest grade completed in High School: _____			
GED Certificate?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
UNDERGRADUATE COLLEGE(S) (Name and Address of School)	COURSE OF STUDY	YEARS ATTENDED	
	DATE GRADUATED (Month & Year)	DEGREE EARNED	
GRADUATE PROFESSIONAL (Name and Address of School)	COURSE OF STUDY	YEARS ATTENDED	
	DATE GRADUATED (Month & Year)	DEGREE EARNED	
OTHER - SPECIFY (Name and Address of School)	COURSE OF STUDY	YEARS ATTENDED	
	DATE GRADUATED (Month & Year)	DEGREE EARNED	
EMPLOYMENT EXPERIENCE			
<i>List all jobs you have held in the last ten years beginning with your present or last job. Include earlier experience which may qualify you for the position. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status. If you need an additional space, please continue on a separate sheet.</i>			
EMPLOYER	DATES EMPLOYED		TOTAL MONTHS WORKED
	FROM (mm/dd/yyyy)	TO (mm/dd/yyyy)	
ADDRESS		HOURS PER WEEK	Months
CITY	STATE, ZIP CODE	SUMMARY OF WORK PERFORMED	
SUPERVISOR'S NAME	PHONE NUMBER ()		
YOUR JOB TITLE			
REASON FOR LEAVING			

APPLICATION FOR EMPLOYMENT

LAST NAME		FIRST NAME			
EMPLOYER		DATES EMPLOYED		HOURS PER WEEK	TOTAL MONTHS WORKED
		FROM (mm/dd/yy)	TO (mm/dd/yy)		
ADDRESS					Months
CITY	STATE, ZIP CODE	SUMMARY OF WORK PERFORMED			
SUPERVISOR'S NAME		PHONE NUMBER ()			
YOUR JOB TITLE					
REASON FOR LEAVING					
EMPLOYER		DATES EMPLOYED		HOURS PER WEEK	TOTAL MONTHS WORKED
		FROM (mm/dd/yy)	TO (mm/dd/yy)		
ADDRESS					Months
CITY	STATE, ZIP CODE	SUMMARY OF WORK PERFORMED			
SUPERVISOR'S NAME		PHONE NUMBER ()			
YOUR JOB TITLE					
REASON FOR LEAVING					
EMPLOYER		DATES EMPLOYED		HOURS PER WEEK	TOTAL MONTHS WORKED
		FROM (mm/dd/yy)	TO (mm/dd/yy)		
ADDRESS					Months
CITY	STATE, ZIP CODE	SUMMARY OF WORK PERFORMED			
SUPERVISOR'S NAME		PHONE NUMBER ()			
YOUR JOB TITLE					
REASON FOR LEAVING					

APPLICATION FOR EMPLOYMENT

LAST NAME		FIRST NAME	
DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE READ THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING			
Are you capable of performing in a reasonable manner, with or without a reasonable accommodation, the activities involved in the job or occupation for which you have applied? (See job bulletin for the job requirements) <input type="checkbox"/> Yes <input type="checkbox"/> No			
PROFESSIONAL REFERENCES			
NAME	JOB TITLE	PHONE NUMBER	
NAME OF EMPLOYER	ADDRESS	CITY	STATE, ZIP CODE
NAME	JOB TITLE	PHONE NUMBER	
NAME OF EMPLOYER	ADDRESS	CITY	STATE, ZIP CODE
NAME	JOB TITLE	PHONE NUMBER	
NAME OF EMPLOYER	ADDRESS	CITY	STATE, ZIP CODE
APPLICANT'S STATEMENT			
I hereby certify that all statements made on or in connection with this application are true and complete to the best of my knowledge and belief, and I understand and agree that misstatement or omission of material fact may cause forfeiture on my part of all rights to employment by this City. I authorize investigation of all statements contained herein for employment as may be necessary in arriving at an employment decision.			
ELECTRONIC SIGNATURE: By placing my initials below, I hereby certify that I have affixed my electronic signature and agree to provide a wet signature upon request.			
APPLICANT SIGNATURE			DATE
<div style="background-color: #cccccc; padding: 10px; display: inline-block;"> SUBMIT APPLICATION ELECTRONICALLY VIA EMAIL </div>			

SURVEY SHEET

Please complete this form and submit it with your application. Completing this form is voluntary. If you do not complete the form, your employment opportunities will not be affected in any way. The Uniform Guidelines on Employee Selection Procedures, §4A, require that we keep records which will show the impact our selection procedures have upon the employment opportunities of applicants. We need this survey information to evaluate our affirmative action efforts and to determine if our employment practices adversely affect any group of people.

This Survey Sheet will be removed from your application and kept separate and confidential. This information will not be made available to anyone involved in the hiring process. No employment decision will be made based on any information you provide in this survey. Your cooperation in providing this information is sincerely appreciated.

POSITION APPLIED FOR

TITLE

ETHNIC BACKGROUND

Please check one

- ☐ White: *All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.*
- ☐ Black: *All persons having origins in any of the black racial groups of Africa.*
- ☐ Hispanic: *All persons of Mexican, Cuban, Puerto Rican, Central or South American, or other Spanish culture or origin, regardless of race.*
- ☐ Asian or Pacific Islander: *All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.*
- ☐ American Indian or Alaskan Native: *All persons having origins in any of the original peoples of North America and who maintains cultural identification through community recognition or tribal affiliation.*
- ☐ Other: *If this category is checked, indicate specific ethnic group with which you identify:* _____

RELIGION

SEX

What is your gender? ☐ Female ☐ Male

AGE

Are you forty years of age or older? ☐ Yes ☐ No

DISABILITY

Do you consider yourself disabled? ☐ Yes ☐ No

If Yes, please explain _____

APPLICANT INFORMATION

NAME	DATE
CITY WHERE YOU LIVE	STATE, ZIP CODE