

**County of Los Angeles
Department of Children and Family Services
Human Resources Division**

HUMAN RESOURCES MANUAL

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES
HUMAN RESOURCES MANUAL

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Chapter 1.000 Introduction to the Human Resources Manual

<u>Number</u>	<u>Section</u>
1.000	Introduction to the Human Resources Manual
1.010	Regulations Governing Human Resources Administration
1.020	Purpose of the Human Resources Manual
1.030	Use of the Human Resources Manual
1.040	Clarification and Interpretation of the Human Resources Manual
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1.000 Introduction to the Human Resources Manual

The Human Resources Manual

The Human Resources Manual for the Department of Children and Family Services (DCFS) was first created in 1989. In 2015, the entire manual was reviewed and updated to reflect current policies, procedures, laws and human resources best practice management strategies and techniques.

It is the policy of the Department of Children and Family Services (DCFS) that all employees are aware of the rules, regulations, policies, and procedures governing the Human Resources Administration in this Department. The Human Resources Manual has been established to implement this policy and to serve as a working guide, as well as a reference, for all employees.

The provisions of this manual shall be applied equally to all employees without favor or discrimination because of race, color, sex, age, union affiliation, national origin, political or religious opinions or affiliations, or handicapped status or any other protected classification pursuant to Federal and State law.

1.010 Regulations Governing Human Resources Administration

The general regulations applicable to Los Angeles County employees are set forth in the County Charter, County Administrative Code, County ordinances, and applicable State and Federal laws and regulations.

In addition, Memoranda of Understanding (MOU) are negotiated between County management and employee organizations, which are binding upon the parties when approved by the Board of Supervisors.

The purpose of an MOU is to promote and provide for harmonious relations, cooperation, and understanding between management and employees; provide for an orderly and equitable means of resolving any misunderstandings or differences that may arise; set forth the full understanding of the parties reached as a result of good faith negotiations regarding the wages, hours, and other terms and conditions of employment.

Within the above framework, this Department has established human resource policies and procedures applicable to DCFS's employees. In the event that any material in this Human Resources Manual conflicts with any of the above general regulations or MOU, the latter shall prevail and the remainder of the Human Resources Manual shall not be affected. If any part or provision of the MOU

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is in conflict or inconsistent with such applicable laws, rules or regulations, such part of the provision shall be suspended and superseded by the applicable law, regulation, or rule.

1.020 Purpose of the Human Resources Manual

The purpose of this Manual is to provide a ready reference of the Department's policies and procedures that is consistent with applicable laws and regulations. It is intended that this Manual be made available on County time, within reason, to any employee who wishes to consult the Manual. An electronic version of the Manual is available to employees via the Department's intranet.

1.030 Use of Human Resources Manual

An introduction or a statement of the Department's policy on a given subject begins each chapter of the Manual. Related procedures are also included. Therefore, it is recommended that each section be read in its entirety for an answer to a particular question, in order to obtain a full understanding of the subject.

To assist the reader in locating information, the material contained in the Manual has been organized into specific subject matter areas as shown in the Table of Contents located in the beginning of the Manual.

1.040 Clarification and Interpretation of the Human Resources Manual

When an employee desires clarification or interpretation of the material contained in this Manual, which cannot be provided by his/her supervisor or Office Head, the request for further information shall be directed through the Office Head to the Personnel Officer.

1.050 Delegation of Authority/Responsibility by Office Heads

1. Definition of Office Head

As referred to in this Manual, an "Office Head" is a person in charge of a region or other operation of comparable size and/or complexity. An Office Head is generally at the approximate level of Regional Administrator, Division Chief, or equivalent.

2. Delegation of Authority/Responsibility

The Office Head may designate an assistant to act on his/her behalf during his/her absence. The Office Head may also delegate to a designee certain authority and responsibilities that are not specifically reserved to him/her by this Section and Manual. However, the ultimate responsibility for ensuring that the policies and procedures outlined in this Manual are implemented and adhered to rests with the Office Head.

Specific authority and responsibilities that may or may not be delegated by an Office Head are listed below. This is a representative list of an Office Head's authority and responsibilities and should not be considered all inclusive. This information should be used only as a guide, and employees should refer to the specifically referenced section for more detailed discussion of a subject.

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**Office Head Authority and Responsibilities
Which May Not be Delegated**

Chapter 2.000: Recruitment, Selection and Appointment

- Request approval for part-time employees or to change an employee's status from permanent to temporary.
- Request authorization to make a temporary appointment.
- Request approval to employ a retired member of the County Retirement System on a temporary basis or a rehire basis.

Chapter 3.000: Examinations

- Review Appraisal of Promotability Appeals.

Chapter 4.000: Position, Classification, and Compensation

- Make salary inequity adjustment requests for management and confidential employees.
- Initiate a request for a classification study.
- Request a change of classification appointment.
- Sign Verification of Experience (VOE) requests.

Chapter 5.000: Salary, Employee Benefits, and Other Pay Matters

- Requests for out-of-class bonus for acting employees.
- Requests for superior-subordinate pay.
- Requests for bilingual pay.
- Requests for additional responsibilities bonus.
- Approval of a request to demote to lower level positions.

Chapter 6.000: Employee Development

- Certification of Mileage permittee status.
- Request permission for an employee to travel to another county, state or country on County business.
- Request approval to allow employees to attend off-site educational meetings that relate to the employee's job assignment.

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Chapter 7.000: Hours of Duty, Attendance, Absences from Work

- Determine office work schedules according to office needs.
- Pre-approval of overtime.
- Approve or deny educational leave requests.

Chapter 8.000: Employee Conduct and Responsibilities

- Approve or deny an employee's request to engage in outside employment subject to review by Human Resources.
- Review of written material prepared for release to the public and forwarding the material to the Public Affairs Director for approval, prior to release.
- Approve or deny requests to distribute and post written material on County premises.
- Pursuant to Chapter 8.000 of the Human Resources Manual, review, authorize or deny a request from a person or group to solicit or conduct non-County business on County premises.
- Pursuant to Chapter 8.000 of the Human Resources Manual, grant permission to employees to use certain non-public parts of County premises for non-County business.

Chapter 9.000: Health and Safety

- Approve employee's claim for reimbursement for damaged personal property.

Chapter 10.000: Separations, Transfers, and Medical Releases

- Acceptance of resignations.

Chapter 11.000: Personnel Records

- Approve or deny employees' requests to have documents removed from their Personnel Folder after consulting with the Personnel Processing Section.

Chapter 12.000: Employee Relations

- Grant requests for the use of Departmental facilities by employee organizations.
- Report any significant employee relations activity in writing to the Human Resources Division.
- Notify the Deputy Director and Labor Relations Section of the Human Resources Division whenever a "sick-out" is suspected.

Chapter 13.000: Performance Evaluation

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Chapter 14.000: Discipline

Only the Director can approve:

- Discharges
- Demotions
- 30-Day Suspensions (18.01)
- Desk Duty Assignments

Chapter 15.000: Civil Rights

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Chapter 2.000
Recruitment, Selection and Appointments

<u>Number</u>	<u>Section</u>
2.000	Basic Employment Considerations
2.010	Age
2.020	Citizenship
2.030	Consideration of Past Record of Applicants and Employees
2.040	Consideration of Past Record for Volunteers and Unpaid Interns
2.050	Live Scan
2.060	Verification of Past or Present County Employment
2.070	Verification of Educational Attainments, Licenses and Other Minimum Requirements
2.080	Persons with Disabilities
2.090	Non-Discrimination in Hiring Policy
2.100	Recruitment
2.110	Centralized Hiring
2.120	Selection and Appointment from Eligible Lists
2.130	Grouping or Banding Method of Eligible Lists
2.140	Appointment from Other than Eligible Lists
2.150	Restoration
2.160	Reinstatement
2.170	Change of Classification (Administrative Reassignment)
2.180	Demotion
2.190	Re-employment
2.200	Notice of Requirement for a Probationary Period
2.210	Promotions
2.220	Part-time Employment
2.230	Holding More than One County Position
2.240	Permanent Appointments
2.250	Temporary Appointments
2.260	Employment of Retired Members - 120 Days per Fiscal Year Limit
2.270	Employment of Retired Members - Indefinitely

2.000 Basic Employment Considerations

It is the policy of the Department of Children and Family Services (DCFS) Human Resources Department to recruit and employ the best available individuals on the basis of merit. It is the goal of the Department to place these individuals in positions which fully utilize their abilities while providing maximum personal satisfaction.

2.010 Age

Unless otherwise specified in the examination announcement, appointees shall be at least sixteen (16) years of age and under the age of seventy (70) at the time of initial appointment to a County position. The Director of Human Resources for the County of Los Angeles may set age limits consistent with the provisions of the law.

Appointees who are sixteen (16) years of age or older, but less than eighteen (18), are appointed to non-hazardous positions, such as Typist Clerk. Candidates under the age of eighteen (18) must present a work permit at the time of appointment.

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2.020 Citizenship

The County may employ any alien who is an eligible, lawful, permanent resident of this Country. The Immigration Reform and Control Act, effective November 7, 1986, requires all employers to verify both the identity and employability of all appointees at the time of their employment. This includes permanent, temporary and recurrent employees; employees who separate from County service and return after a break in service; and both U.S. and foreign born employees. Such residency is usually evidenced by a plastic covered Form I-151, or work permit pending I-151, issued to such aliens by the U.S. Immigration and Naturalization Service (INS).

DCFS Personnel Processing Section, Human Resources Division shall require all persons being processed for employment to provide adequate proof of their identity and employability at the time of processing. Any individuals not providing acceptable identity and/or employability documents shall NOT be processed for employment or permitted to work.

The sole exception to this requirement is for individuals who present INS documents which are in the process of being renewed or reissued. These individuals may be permitted to work if they provide receipts showing application for required documents within three (3) days of employment. This employment will be contingent on presenting valid INS documents within 90 days. Current County employees transferring to DCFS who do not provide proper documentation of identity or employability will be discharged if they do not provide a receipt for the appropriate INS applications within three (3) business days of transfer. In either case, new employees who fail to provide the required documents within the required time frames will be discharged immediately.

1. Procedure for Verifying Identity and Employability.
2. Persons being processed shall complete Part 1 of INS Form I-9, Employment Eligibility Verification, and present valid documents authorizing them to work in the United States. After reviewing the documents for adequacy and authenticity, Personnel Processing Section will complete Part 2 of the INS Form and place the completed forms in the Official Personnel File.
3. Documents designated by the INS as acceptable to establish identity and employability with the I-9 form are listed below. These documents may be accepted to verify that a candidate is legally eligible to be employed. Candidates must provide either one (1) document from List A;

OR

One (1) document from List B and one (1) document from List C.

List A: Documents that Establish Both Identity and Employment Eligibility

1. U.S. passport or U.S. Passport Card.
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551).
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine readable immigrant visa.
4. An Employment Authorization Document that contains a photo (Form I-766).

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5. For a nonimmigrant aliens authorized to work for a specific employer because of their status:
 - A. Foreign passport; and
 - B. Form I-94 or Form I-94A that has the following:
 - i. The same name as the passport; and
 - ii. An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.

Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association between the United States and the FSM or RMI.

OR

List B: Documents that Establish Identity

1. Driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.
2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.
3. School ID with a photograph.
4. Voter registration card.
5. U.S. military card or draft record.
6. Military dependent's ID card.
7. U.S. Coast Guard Merchant Mariner card.
8. Native American Tribal document.
9. Driver's license issued by a Canadian government authority.

For persons under age 18 who are unable to present a document from the list above, the items below will be accepted:

1. School record or report card.
2. Clinic, doctor or hospital record.
3. Daycare or nursery school record.

AND

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List C: Documents that Establish Employment Eligibility

1. A Social Security Account Number card, unless the card includes one of the following restrictions:
 - A. NOT VALID FOR EMPLOYMENT.
 - B. VALID FOR WORK WITH INS AUTHORIZATION.
 - C. VALID FOR WORK WITH DHS AUTHORIZATION.
2. Certificate of Birth Abroad issued by the Department of State (Form FS-545).
3. Certification of Report of Birth issued by the Department of State (Form DS-1350).
4. Original or certified copy of birth certificate issued by a state, county, municipal authority, or territory of the United States bearing an official seal.
5. Native American Tribal document.
6. U.S. Citizen ID card (Form I-197).
7. Identification card for Use of Resident Citizen in the United States (INS Form 1-179).
8. Employment authorization document issued by the Department of Homeland Security.

2.030 Consideration of Past Record of Applicants and Employees

Persons who are not suitable for County employment in a particular position may be denied employment.

Subject to candidate appeal rights as provided in Civil Service Rule 4, Civil Service Rule 6.04 authorizes the Department of Human Resources (DHR) to: 1) refuse to accept an application, 2) refuse to examine an applicant, 3) withhold the name of a person from an eligible list or from an eligible certification, or 4) remove the name of person from an eligible list for the following reasons:

1. Not meeting the requirements set forth in the Civil Service Rules or in the bulletin announcing the examination;
2. Physical or mental unfitness to perform the duties of the position sought;
3. Addiction to the use of intoxicating liquors or narcotics or habit-forming drugs;
4. Being guilty of conduct not compatible with County employment, whether or not it amounts to a crime;
5. Being convicted of a crime;
6. Having been dismissed or having resigned in lieu of discharge from any position, public or private, or for any cause which would be cause for dismissal from County service; or having records of employment that have not been satisfactory in the County service or with any other agency or firm;

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7. Having abandoned any position in County service or having been absent from duty without leave of absence duly granted;
8. Having made any material false statement or having attempted any deception for fraud in connection with the current or any other civil service examination;
9. Refusal to execute the Oath of Allegiance as prescribed by law;
10. Refusal to be live scanned;
11. Refusal to take or failure to pass the prescribed medical examination;
12. Having been discharged from the Armed Forces of the United States under conditions other than honorable;
13. Having separated from County service if name appears on a promotional list, except one who has completed apprenticeship or other approved training in accordance with Rule 21 for the class for which the examination was given;
14. Not being a citizen when citizenship is a legal requirement for appointment to the positions (Ord 88-0020, section 1(part), 1988).

The Department utilizes these guidelines to evaluate each applicant and eligible individual in consideration of the position sought, along with the proof of authorization to work in the United States. If it appears that an individual is not suitable for employment based on the factors above, DCFS Human Resources may request that Department of Human Resources (DHR) withhold the eligible individual from certification to DCFS. If DHR does not withhold the eligible individual, DCFS Human Resources will apply the guidelines above when determining an applicant's suitability for employment.

Experience has shown that an individual's past record of personal and employment accomplishments may often be indicative of his/her future performance and conduct at DCFS. Therefore, the Human Resources Division makes reasonable inquiry into, and takes consideration of, such background information before individuals are employed. This includes new hires, reinstatements, and transfers from other County departments. Police records, discharges from the Armed Services, excessive industrial injuries, and questionable past employment records are important considerations.

In general, it is a policy of this Department not to employ, reinstate, or accept as a transfer, individuals convicted of serious or frequent crimes; individuals discharged from prior employment for adequate cause or who have resigned in lieu of such discharge; individuals who have significantly unfavorable records relevant to the aforementioned kinds of backgrounds. Each such case shall be individually considered. Questionable past records include, but are not limited to:

1. Unfavorable past employment record of County service;
2. Unstable employment record;
3. Unexplained gaps in employment history;
4. Indication of unsatisfactory work record with an employer; or
5. An affirmative response to an Employee Information Sheet or application to questions concerning conviction, fines and imprisonments, discharge from employment or resignation in lieu of discharge proceedings, military discharge other than honorable, mental hospitalization, and absences.

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Note: California Penal Code Section 1203.4 provides for the release of a defendant from further penalties for the same offense he/she was convicted of when the charge is dismissed after successful termination of court ordered probation. This means that a person may not be automatically barred from employment based on his/her prior criminal record if criminal charges have been dismissed by the court after successful termination of probation.

Sealed Records and Convictions Protected from Disclosure by Valid Court Orders

Pursuant to County of Los Angeles, Department of Human Resources Policies, Procedures and Guidelines, Number 120, dated November 2001, DCFS must follow the proper procedures for handling information obtained concerning sealed juvenile records and adult convictions that have been protected from disclosure by valid court orders. This guideline applies to information obtained from or about job applicants whose juvenile criminal convictions have been either expunged or sealed. This policy also applies to adult convictions that are protected from disclosure by valid court orders.

Policy Guidelines Applicable to DCFS:

1. A job applicant whose criminal convictions as a juvenile have been expunged or sealed pursuant to Welfare and Institutions Code Section 781 or Penal Code Section 1203.45, or any other applicable code provision, is not obligated to report those convictions protected by valid court orders.
2. An applicant, whose criminal convictions as an adult have been dismissed and/or pardoned pursuant to Penal Code Section 1203.4, or any other applicable code provision, is not obligated to report those convictions following the dismissal or pardon.
3. If an applicant inadvertently provides information concerning a sealed or expunged record, or conviction protected from disclosure by a valid court order, or if the Department from an independent source, including Live Scan, obtains the sealed/expunged/protected information, that information should be permanently deleted from the applicant's file. The protected information may not be used in any employment decision, such as hiring, promotion or termination, regardless of how it was obtained.
4. The unauthorized access and/or use of such protected information by the employer is prohibited. Any County employee who, without permission or authorization, accesses and/or discloses the protected convictions may be subject to disciplinary action, up to and including discharge.

Nevertheless, because of the sensitive and confidential nature of DCFS operations and the accessibility of negotiable documents, DCFS employees should be free of convictions for such crimes as child molestation or abuse, incest, indecent exposure, lewd conduct, bribery, blackmail, crimes against children, fraud, extortion, embezzlement, forgery, counterfeiting, larceny, burglary, falsification of public records, murder, rape, sale or use of narcotics or dangerous drugs, or kidnapping. DCFS Human Resources Division will review the nature of convictions when determining suitability for employment with the Department.

2.040 Consideration of Past Record for Volunteers and Unpaid Interns

A volunteer is a person who performs work for the Department without County compensation. Despite the lack of compensation, a volunteer will be required to be fingerprinted through "Live-Scan"

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before performing County work. A person will be denied acceptance as a volunteer with the Department for the following reasons:

1. Mental or physical unfitness for the assignment.
2. Addiction to intoxicating liquors, narcotics or habit-forming drugs.
3. Displaying or having displayed conduct not compatible with DCFS operations.
4. Having been convicted of certain crimes, such as child molestation or abuse, crimes against children, rape, incest, indecent exposure, lewd conduct, bribery, blackmail, mail fraud, extortion, embezzlement, forgery, counterfeiting, larceny, burglary, and use or sale of narcotic drugs.

Each volunteer shall be considered individually.

2.050 Live Scan

It is the intent of the Department to ensure that all employees are included in the current Department of Justice database for tracking purposes. This database was established in the year 2000. All new hires since the year 2000 have been entered into this database and employees hired prior to the year 2000 have not been entered. Therefore, all employees hired who are returning from leave and/or promoting internally will be required to participate in the Live Scan process. In addition, employees transferring from other departments will be required to participate in the Live Scan process.

2.060 Verification of Past or Present County Employment

Before any rehire, reinstatement, or transfer of a former DCFS or County employee, the Office Head should contact Personnel Processing Section to verify prior County or DCFS employment. The purpose of this inquiry, is to determine whether either the past DCFS field office, the DCFS Central Personnel File, or the file is in another County department, of such an individual contains material that should be considered before any rehire, reinstatement, or transfer request, is accepted.

In those cases where reliable, significantly unfavorable past performance or conduct information is received (either from DCFS or another County department), such persons shall generally not be rehired, reinstated, transferred in, or permitted to perform work. In such cases where an Office Head believes that there were, or are, extenuating circumstances sufficient to warrant employment at DCFS, but DCFS Personnel Processing Section does not agree, the matter shall be referred to the appropriate Deputy Director for a decision. Such persons shall not be processed for employment or allowed to perform work until DCFS Personnel Processing Section receives a written statement from that Deputy Director to the effect that he/she is aware of the unfavorable past performance or conduct, the specific extenuating circumstances, and that he/she still approves of that individual's DCFS employment. Such statement shall also be reviewed by the DCFS Personnel Officer prior to the final appointment of the candidate in question. Such statements shall then be filed in the individual's official personnel folder.

2.070 Verification of Educational Attainments, Licenses and Other Minimum Requirements

The minimum requirements for many County job classifications include special attainments, such as a degree from an accredited college, a certain number of college units completed in certain subject(s), and/or a California driver's license. Some of the job classifications found in DCFS with these types of requirements include: Children's Social Worker (CSW) and Human Services Aide (HSA).

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The DCFS Examinations Section, Human Resources Division is responsible for verifying that new hires, reinstatements, transfers, and newly promoted employees to any job classification with these minimum requirements actually possess the required education, degree, or license.

The document(s) attesting to those accomplishments shall be inspected by the DCFS Examinations Section, Human Resources Division, before an employee is allowed to work in a classification with such requirements. This process also applies to those rating of record promotional examinations wherein the Examinations Section is asked to verify information shown on applications.

Educational requirements are verified by a copy of the degree, an original transcript, and/or a letter from the registrar of the college attended. Copies of the document(s) which verify the educational requirements shall be placed in official employee files.

Professional employees, such as a Children's Social Worker (CSW) and Human Services Aide (HSA), will have their degrees verified as part of the exam process.

2.080 Persons with Disabilities

1. Policy

It is the policy of the Department to ensure equal employment opportunity for all qualified persons with disabilities, particularly in compliance with the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA) of 1990. Under this policy, DCFS may not engage in employment practices which discriminate against disabled persons nor otherwise disadvantage persons solely by reason of their disability.

The Department will make no pre-employment inquiry of persons with disabilities except as permitted by law unless such inquiry is made of all applicants and employees.

2. Definitions

A. A "disabled person" is defined as a person who:

- i. Has a physical or mental impairment that limits one or more major life activities;
- ii. Has a record of such impairment; or
- iii. Is regarded as having such impairment.

B. "Physical or mental impairment" encompasses, but is not limited to, any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic, lymphatic, skin and endocrine; or any mental or psychological disorder, such as mental retardation, emotional or mental illness and specific learning disabilities.

C. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

D. "Has a record of such impairment" means having a history, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.

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E. "Is regarded as having such an impairment" means:

- i. Having a physical or mental impairment that does not substantially limit a major life activity, but being treated by an employer as having such an impairment;
- ii. Having a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairments; or
- iii. Not having impairment, but being treated by an employer as having impairment.

F. "Qualified disabled person" (with respect to employment) means a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

3. Pre-Employment Reasonable Accommodation

A. Policy

Qualified individuals with disabilities are entitled to reasonable accommodation to perform the essential duties of a position and to take part in all aspects of the employment process. Reasonable accommodations may include making existing facilities readily accessible; restructuring/modifying work schedules; reassigning to vacant positions; modifying equipment of training materials; and other similar accommodations.

B. Procedure

When a qualified individual/applicant with a disability or disabilities requests for a reasonable accommodation, he/she must notify a DCFS ADA Coordinator during the pre-employment process (no offer letter of employment has been given to potential employee). Once the individual begins his/her process for such request the ADA Coordinator will notify the Department's Health and Safety Management, Risk Management Division. Health and Safety Management will contact the individual for an interactive meeting to assess his/her accommodations.

2.090 Non-Discrimination in Hiring Policy

It is DCFS policy that there shall be no unlawful discrimination in hiring applicants or promoting employees to positions in the Department.

2.100 Recruitment

DCFS Recruitment and Examinations Unit employs a variety of methods and strategies to recruit quality candidates, including participation in job fairs, advertisement in targeted newspapers/publications and the Internet, linkage with educational institutions, as well as establishes eligible lists after conducting a thorough examination process. The types of exams the Unit conducts may be open competitive, interdepartmental promotional and departmental promotional examinations.

2.110 Centralized Hiring

Centralized hiring is utilized by the Department whenever the number of vacant positions and the need for filling these positions as quickly as possible make decentralized interviewing and selection impractical. This occurs most frequently in filling entry level clerical items.

In centralized hiring, DCFS Human Resources Division hires and assigns employees to specific offices.

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2.120 Selection and Appointment from Eligible Lists

Candidates who pass examinations are certified and placed on eligible lists. Selection and appointment of candidates takes place from such lists. An appropriate eligible list must be used to fill any level position. Release dates are coordinated by the DCFS Personnel Processing Section. Unless otherwise agreed to by the Departments, release dates shall be no less than 14 days for a promotion and no more than 30 days for a transfer, from the date of the release request.

Positions may be located within an employee's DCFS office or in another County Department. When an Office Head wishes to fill a vacant position, but no eligible list exists for that position, he/she should contact the Personnel Officer to request an exam.

Except when centralized hiring applies, the Office Head selects the candidates he/she wishes to interview from among the reachable persons on an eligible list. When a final selection to appoint is made, the Bureau Liaison must clear the selection by calling the Personnel Processing Section staff person assigned to his/her Region or section. When cleared, the Personnel Processing Section proceeds to arrange for a Live Scan clearance and the candidate's medical examination, as necessary.

Extension or Reactivation of Eligible Lists

Upon approval from DHR and with adequate justification, eligible lists may be extended for longer than one year or expired or terminated eligible lists may be reactivated. Extensions and reactivations may range from one month up to one year. Requests for extensions and reactivations must be in writing and include the time period needed and justification of the need. Requests for eligible lists for non-management classifications are made by Office Heads and sent to the Personnel Officer. Requests for eligible lists for management classifications are made by Deputy Directors or their designees.

2.130 Grouping or Banding Method of Eligible Lists

Appointment from eligible lists must be made in accordance with Civil Service Rule 11.01.

In filling vacancies from an eligible list, the appointing authority shall appoint from eligible lists certified by the Human Resources. "Banding" is the grouping method used to place successful candidates on an eligible list based upon their scores as follows:

Group 1:	94.5% - 100%
Group 2:	88.5% - 94.4%
Group 3:	82.5% - 88.4%
Group 4:	76.5% - 82.4%
Group 5:	70.0% - 76.4%

Note: On open competitive examinations, when the addition of veteran's credit produces scores over 100, a sixth group is created, higher than, and taking precedence over, Group 1.

Eligible lists are randomly ordered within each group. All candidates within a given group are equally accessible for appointment.

The appointing power must select from the highest group until the number of candidates available for appointment within that group has been reduced to less than five. When there are less than five in the top group, any candidate in the next group becomes eligible for appointment. When the

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aggregate total of available candidates in these two groups has been reduced to fewer than five, the appointing power may also consider any candidate in the next highest band. Any band may be entered into when the aggregate total of the higher bands is fewer than five.

Example: One candidate remains in Band 1, two candidates in Band 2, one candidate in Band 3; the Office Head may go to Band 4.

2.140 Appointment from Other than Eligible Lists

In addition to appointments from open competitive and promotional eligible lists, employees may be appointed to appropriate positions by restoration, reinstatement, change of classification (administrative reassignment), demotion, or from re-employment list after layoff.

In each of these situations, the Office Head shall prepare a Personnel Action Request (PAR). Other transactions that may require a PAR include:

- Transfers;
- Employee Status Change; or
- Bonus requests.

The PAR shall be sent to the Personnel Processing Section for processing.

For salary step placement and anniversary date on each of these circumstances, see Chapter 5.000.

2.150 Restoration

1. Definition

Restoration rehires an employee to a previously held position.

For an employee to be eligible for restoration to a position previously held, the employee's County service must be continuous since holding such position, or any break in service since holding such position has been followed by reinstatement or by appointment from a re-employment list resulting from a layoff or reduction in lieu of layoff. Thus, if a person incurs a break in service and returns to County service by being hired off of an eligible list, that employee may not be restored to a position held prior to the break. In such a case, the return to County service was not through reinstatement or re-employment.

After approval by the Director of Personnel, the appointing power may restore an employee at any time to any position the employee previously held by appointment from an eligible list, or to any position, for which a transfer or reassignment would be authorized by the Civil Service Rules.

Restoration to a position is at the discretion of the Personnel Officer who has a vacant budgeted item for that position. The procedure is for the person seeking restoration to find such a vacant position and to obtain the appropriate Office Head's consent to be appointed to that position.

2. Probation Upon Restoration

When restoration is to a position in which the employee has not previously completed a full probation, the employee shall be required to serve either a full probationary period or the balance of the original probation, before the appointment is complete.

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When restoration is to a position in which the employee has previously completed a full probation, the Personnel Officer may require the employee to serve a new probationary period.

The Personnel Officer shall indicate in the "Remarks" section of the PAR, Personnel Transaction Request, whether or not a probationary period is to be imposed.

When a probationary period is to be imposed, the Personnel Officer shall so notify the employee in writing at the time of restoration. It is recommended that the Office Head have the employee sign the notice. An original and three copies are requested. The Office Head shall give one copy to the employee, file one copy in the office personnel folder, and staple the original and one copy to the PAR.

2.160 Reinstatement

1. Definition

Reinstatement is reappointment after a break in service to a position in a class in which status was formerly held.

2. Reinstatable Classifications

Civil Service Rule 17.01 establishes that an employee may be reinstated within two years from the date of separation from County service to the following types of classes:

- A. The class the employee held prior to separation from County Service.
- B. Any other position the employee held prior to separation from County Service.
- C. Any position that is within administrative reassignment range (less than one schedule above or below) from any position the employee held prior to separation.
- D. Any position to which an employee may voluntarily reduce from any previously held position.

Such reinstatements are subject to approval by the Department of Human Resources and processed by the DCFS Personnel Officer.

3. Reinstatable Sub-Items

The following chart illustrates the sub-items to which a reinstatement is possible:

Sub-Item Prior to Separation:

<u>Permanent</u>	<u>Recurrent</u>	<u>Temporary</u>
To: Permanent Temporary Recurrent	To: Temporary Recurrent	To: Temporary

4. Probation upon Reinstatement

It is Departmental policy to require a new and full probationary period of all employees who are reinstated, regardless of the position to which reinstated.

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At the time of the reinstatement interview, the Personnel Officer shall inform the employee of the probation requirement in writing. The Office Head shall prepare the PAR, and indicate in the "Remarks" section that a probationary period is being imposed.

5. Medical Examination for Reinstatement

Pre-placement medical examinations are scheduled based on Occupational Health Program requirements. Pre-placement medical examinations are required for reinstatements unless they meet one of the following two criteria:

- A. The date of rehire will be within three months of the date of termination; or
- B. The date of rehire will be within six months of the date of termination, and the physical demands of the classification are rated as Physical Class 2.

Note: This criterion refers to the demands of the classification, rather than the position intended for the returnee.

6. Reinstatement for Employees who resigned to enter the Armed Forces.

An employee who resigned from County employment to enter the Armed Forces of the United States is entitled to reinstatement, provided that certain requirements are met. Some of these are that he/she must meet:

- A. Make timely application for re-employment after release from military training or service or from hospitalization continuing after discharge for a period of not more than one year. Application must be made:
 - i. Within 90 days after completion of military service; or
 - ii. Within 31 days after completion of initial active duty for training of not less than three (3) months.
- B. Serve in the military for not more than four years, plus a one year voluntary extension of active duty, plus any voluntary service. Only active military service entered from employment is to be included in computing the time limitations on service.
- C. Posses a certificate showing satisfactory completion of active duty. A veteran who requests reinstatement should be referred to the Personnel Processing Section. This is true even if the Office Head of whom the former employee requests reinstatement is unable to hire that person.

7. Reinstatement of Employee who Resigned for Reasons Other than to Enter the Armed Forces

In order to discourage resignation and to assure that an employee and the Department gain the benefits that continuous service of an employee brings, the following policy is applicable in regard to reinstatement following resignation.

Rehire retirees who have retired after January 1, 2013, have a 180-day waiting period before they can be reinstated.

Any questions regarding the effective date of resignation for purposes of this policy may be referred to the Personnel Processing Section.

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Providing there is neither a County-wide nor a departmental freeze in effect, the reinstatement of an employee may be requested by the Office Head.

An Office Head desiring to reinstate an employee prior to expiration of the waiting period because of alleged severe hardship shall first satisfy himself/herself that severe hardship exists. He/she shall then instruct the person to send to the Personnel Processing Section, and a request for reinstatement including proof of the alleged hardship. Examples of hardship could include:

- A job offer that did not materialize;
- A plan to move that did not materialize; and/or
- A plan to return to school that did not materialize.

The request must also show that the hardship incurred was reasonably beyond the person's ability to control.

The DCFS Personnel Processing Section, Human Resources Division will consider the request on the merits of the case and a review of records. The evaluation may also include interviewing the person seeking reinstatement. Upon completion of the review, the Personnel Officer will recommend to the Chief, Human Resources Division, either approval or denial of the request.

When a decision is reached, the Personnel Officer will notify the person seeking reinstatement and the Office Head. If approved, notification will also be made to the Department of Human Resources (DHR) and DCFS Workforce Management Section.

2.170 Change of Classification (Administrative Reassignment)

1. Definition

Change of classification is the change of an employee from one position to a position of a different class of the same grade, without examination. In reference to classification, grade is one standardized salary schedule as defined in the Los Angeles County Code Section 6.26.010.

Change of classification may be made administratively by the appointing power or powers, provided that there is no increase or decrease in grade, and the employee has demonstrated possession of the skills and aptitudes required in the position to which the employee is to be changed.

An appointment that involves a salary increase or decrease of no more than ten levels (less than one schedule) on the standardized salary schedule may be treated as a change of classification, since there is no increase or decrease in the grade, provided all other requirements are met.

If the increase or decrease in salary is 11 levels or more, it is a change in grade and thus a promotion or demotion and not a change of classification.

A change of classification may be made with or without the consent of the employee, but must have the approval of the Department of Human Resources (DHR) when the change involves an employee in a non-supervisory class or a represented supervisory class. The approval of the Director of Personnel is not required when the change of classification involves an employee in a non-represented supervisory class or a managerial class.

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Reasons for a change of classification (administrative reassignment) may include, but are not limited to the following:

- To fill a vacancy with an employee from a different class of the same grade in order to better utilize the employee's skills and benefit the Department; and/or
- To fill a vacant non-surplus position with an employee from a surplus classification of the same grade.

To effect a change of classification to which the employee consents, the Office Head shall submit the following documents to the Human Resources Division:

- PAR. The effective date shall be left blank;
- A memorandum to the Personnel Officer stating the reasons for the action and an explanation of the individual's experience that qualifies the employee for the new position; and
- Employee's resume.

In the rare and unusual circumstance of a change of classification to which an employee does not consent, the same documents as listed above shall be submitted to Human Resources Division with the PAR, except that the memorandum shall be from the employee's Division Chief to the Assistant Deputy Director of Human Resources Division.

In all cases, the Classification and Compensation Section must approve the proposed action.

An employee may appeal a change of classification to the Department of Human Resources (DHR), but the appeal shall not authorize the employee to refuse the change of classification pending completion of the appeal process.

2. Probation Upon Change of Classification (Administrative Reassignment)

No new probationary period is required when the change of classification is involuntary.

When the change of classification is voluntary and is to a position in which the employee has:

- Not previously completed a full probation, the Office Head shall require the employee to serve either a full probationary period or the balance of the original probation, before the appointment is complete.
- Previously completed a full probation, a new probationary period may be required at the discretion of the Office Head when he considers that there is a justifiable reason such as a substantial change in the duties and responsibilities of the position since the employee's previous service in the position.

When a probationary period is to be imposed on a voluntary change of classification, Civil Service Rules require that the employee be notified in writing. The Office Head shall also submit the same documents listed above (i.e., PAR and memorandum) to the Personnel Officer.

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2.180 Demotion

Demotion is a lowering in rank or grade of an employee and is synonymous with “reduction.”

Probation upon Voluntary Demotion

No new probationary period results from the demotion of an employee to a class in which the employee previously completed a full probationary period.

A new probationary period shall apply when an employee is demoted during the probationary period to a class not previously held.

When the probationary period of an employee is interrupted due to an appointment to another class and the employee subsequently returns to the original class during the second probationary period, the Office Head shall require the employee to serve either a full probationary period or the balance of the original probationary period before the appointment is complete. The Office Head shall indicate on the PAR whether a probationary period is to be imposed.

For voluntary demotions, the Office Head must require the employee to provide written notice of the request for demotion. The Office Head shall attach the original letter to the PAR, which will be forwarded to the Personnel Processing Section.

2.190 Re-employment

Re-employment is appointment of an employee from a re-employment list. This is a list of names of persons laid off from permanent, or released from recurrent, positions arranged in order of their right to re-employment. A re-employment list also includes the names of persons who were reduced in lieu of layoff.

Persons whose records of employment have not been satisfactory or who have refused the offer of a position that is paid less than 25% below the position from which the employee was laid off or reduced shall be omitted from the re-employment list. Names are carried on a re-employment list for one year.

Lists from different departments for the same class are combined into a single list. Such a list takes priority over an eligible list and shall be used by every appointing power when filling a vacancy.

When a vacancy occurs, the Department shall appoint the person highest on the re-employment list who is available and who was laid off from the Department. If no person on the list was laid off from the Department, the Department shall appoint anyone on the list.

Names of persons appointed to permanent positions at the same level as that from which they were laid off shall be dropped from the list. Persons reduced or re-employed in a lower class, or re-employed on a temporary basis, continue to remain on the list for one year.

Probation upon Re-Employment

In no case shall a person be required to serve an additional probationary period when appointed from a re-employment list to a permanent position of the same or lower level than that from which the person was laid off when the position from which the person was laid off was one in which the employee had successfully completed a full probationary period.

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2.200 Notice of Requirement for a Probationary Period

When a probationary period is to be imposed in the following specific instances, Civil Service Rules 12.01 and 12.03 provides that the appointing power shall inform the employee in writing at the time of appointment:

- Restoration;
- Reinstatement;
- Voluntary Change of Classification; or
- When a probationary period of an employee is interrupted due to an appointment to another class and the employee subsequently returns to the original class during the second probationary period.

Appointment

Probation requirement

Restoration

If an employee previously served a full probationary period, the Office Head may use his/her discretion in imposing a new probationary period.

If the employee has not completed a full probation, he may be required to serve a full probationary period or the balance of the original probation.

Reinstatement

Employee must serve a new and full probationary period.

Voluntary Change of Classification

If an employee previously served a full probationary period, the Office Head may use his/her discretion in imposing a new probationary period.

If the employee has not completed a full probation, he may be required to serve a full probationary period or the balance of the original probation.

In addition to the aforementioned situations, it is recommended that the Office Head also notify the employee in writing that when a probationary period is to be imposed in a demotion or when a transfer occurs during probation. A suggested format for the notice is given at the end of this section. Office Heads may find it necessary to modify the working or information to be included in the notice, depending upon the particular situation.

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RESTORATION

Employee:	
Previously completed probation:	Did not previously pass probation:
Probation at the discretion of the Office Head	Probation period to be served Or Serve remainder of original probationary period

REINSTATEMENT

<p>Employee:</p> <p>All reinstated employees are required to serve a new and full probationary period</p>

CHANGE IN CLASSIFICATION (ADMINISTRATIVE REASSIGNMENT)

Employee:		
Involuntary:	Voluntary:	Voluntary:
No probationary period required	Previously completed probation	Did not previously complete probation
	Probation imposed at the description of the Office Head	Serve full probationary period Or Serve remainder of original probationary period

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When the probationary period of an employee is interrupted due to an appointment to another class and the employee subsequently returns to the original class during the second probationary period.

Employee:

Serve full probationary period.

Or

Serve remainder of original probationary period.

In a reinstatement, the DCFS Personnel Processing Section will provide the written notice to the employee.

Circumstances of Appointment	Civil Service Rule
Restored	12.01
Reinstated	12.01
Granted a voluntary change of classification	12.01
Returned from a probationary class to a former class in which the probationary period had been interrupted	12.03

2.210 Promotions

Promotion is the advancement of an employee to a position of higher rank or grade involving an increase in pay.

A promotion is attained through the Civil Service Examination process. When it is in the best interest of the Department, open and/or promotional examinations are held. Promotional examinations may be interdepartmental (employees County-wide) or Departmental (limited to employees of a department), and may be further limited to employees of a particular organizational unit.

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2.220 Part-Time Employment

The Department of Children and Family Services hires part-time employees in special circumstances, except for such specifically funded programs; hiring of part-time employees by DCFS occurs very rarely and only in unusual circumstances. In the latter instances, the Office Head must obtain approval from the Personnel Officer prior to hiring a part-time employee.

Occasionally, a permanent full-time employee is unable to continue working full-time, but is able and willing to work part-time. Such an employee may request the Office Head for a change of status. The Office Head shall inform the employee that the change to part-time status will affect the employee's retirement deductions, the manner of computing vacation time, sick time, and other benefits, as well as the employee's eligibility for the County's group insurance plans.

An Office Head desiring to effect such a change for an employee shall submit a PAR, to the Human Resources Division. The effective date of the appointment shall be left blank, but the following information shall be included on the PAR:

- Employee's name.
- Employee number.
- Classification.
- Pay location.
- Proposed type of status.

On the PAR, the Office Head shall state the specific compelling reason(s) why the status change is recommended and the expected duration of the change. A request should only be made in rare circumstances and when an employee has unusual skills vital to the office that are not readily replaceable. No status change can be processed without the approval of the Personnel Processing Section.

When the need for, or conditions justifying, an approved status change no longer exist, the Office Head shall submit a new PAR, requesting that the employee's status be changed back to full-time status. The effective date on the PAR shall be left blank by the Office Head. The Office Head shall indicate the pay location change on the PAR as well.

2.230 Holding More than One County Position

Los Angeles County Code Section 6.16.010 prohibits County employees, with a few exceptions, from holding more than one full-time position or two or more part-time positions that, in the aggregate, exceed full-time.

2.240 Permanent Appointments

A permanent appointment is one that is of a continuing and indefinite duration, and includes the status of an employee who is serving a probationary period on a permanent item.

2.250 Temporary Appointments

Within the context of this section of the Personnel Manual, the following definitions apply:

- Temporary and temporarily mean employment on a basis other than permanent or recurrent.

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- A recurrent appointment is one that is filled on a seasonal basis at recurrent periods, such as monthly, quarterly, annually, or bi-annually.

Civil Service Rule 13 discusses two categories of temporary appointments:

1. Temporary appointment to permanent or recurrent positions.

A person may be employed temporarily in a permanent or recurrent position:

- As a substitute for a regular employee who is absent from a position;
- For the duration of any national emergency and six months thereafter;
- When it is impossible to recruit an appointee meeting the standards for permanent or recurrent employment;
- When the budget appropriation allows for only temporary employment; or
- When it is anticipated that the work for the position will soon cease or that the position will soon be abolished.

Such temporary employment may continue only so long as the facts justifying the temporary appointment exist.

2. Appointments to temporary positions.

- A person may be employed in a temporary position only for the duration of the temporary work. When the position is made permanent or recurrent, it must be filled by appointment on a permanent or recurrent basis.
- A temporary or a recurrent employee working on a full-time, continuous basis may be credited with all, or a portion, of that time toward fulfillment of the probationary period when appointed to a permanent position in the same class. Time credited may total an entire probationary period or any part of a probationary period.

Duration of Temporary Appointments

Civil Service Rule 13.03 includes that a temporary appointment may continue for no longer than twelve (12) months of continuous full-time service, unless an extension is approved by the Department of Human Resources (DHR). An extension may be approved for an additional specified period of time with written justification.

2.260 Employment of Retired Members – 120 Days per Fiscal Year Limit

Employees who have retired from the County and who have special skills and knowledge may be hired for a maximum of 120 days or 960 hours, whichever is greater, each fiscal year in budgeted, vacant positions that require their special skills and knowledge. The employment of a retired member does not reinstate the person as a member of the retirement system, or terminate or suspend their retirement allowance. Payroll deductions shall not be made from the retired member's salary as a contribution to the retirement system.

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1. Policy

The temporary appointment of retired members may be made on a limited and selective basis in short-term projects expected to be completed within 120 working days, and in hard to fill vacancies that require their special skills and knowledge where it is not possible to use current staff. Appointments may also be made to fill vacancies caused by resignations and retirements, during seasonal or peak workload periods, and to complete special short-term projects. The retired member may not work more than 120 working days or 960 hours, whichever is greater, each fiscal year.

A position requiring special skills and knowledge is usually one for which staff cannot be easily prepared or trained. Following are examples of situations where hiring retired members may be appropriate:

- A. Computer systems analysts and managers could be hired to complete short-term projects, to trouble-shoot and develop new procedures for the implementation of new or expanded programs.
- B. A retiree who is an expert in the field of legislative analysis could be temporarily hired to consult, and to analyze and lobby for important bills while a permanent replacement is being sought for the individual who retired or resigned from the position.

2. Administrative Guidelines

The temporary appointment of a retired member to a vacant position should only be considered in those limited and exceptional circumstances where a retiree has unusual or special skills and knowledge vital to an office that cannot be readily provided by existing staff.

Any appointment must be made within the normal constraints of the departmental budget, the Civil Service System and the County Salary Ordinance. The Office Head is responsible for requesting authorization through the Personnel Processing Section.

A rehired retiree may be placed at any step (not just the first), as determined by the department head. Retirees may be placed on a salary step that is no higher than the step held at retirement.

The Office Head is responsible for controlling and monitoring the hours of a retired member to ensure that the retiree does not work more than 120 working days, or 960 total hours, during a fiscal year. Paying a retiree more than 120 working days during a fiscal year is a violation of the County Employment Retirement law and County policy.

3. Procedures

An Office Head who wishes to employ a retired member must ensure a budgeted vacancy exists.

A request to employ a retired member in a position requiring special skills and knowledge must be submitted to, and approved via the PAR by, the Deputy Director of the bureau where the vacancy is located. The request should include a detailed justification of the needs, explaining why a temporary hiring is appropriate, what special skills and knowledge are needed in the assignment, and the name and qualifications of any retiree the Office Head is considering for employment.

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2.270 Employment of Retired Members – Indefinitely

A 180 day waiting period will be required for those who retire after January 1, 2013. This rule does not apply to retirees who begin a 120-day work assignment prior to January 1, 2013. The Board of Supervisors may waive the waiting period at a public meeting if there is a critical need. The waiting period is waived for public safety and fire employees.

1. Policy for Rehiring Retirees

Under the new policy for rehiring retirees for an indefinite period of time:

- A. Returning employees must submit an application for reinstatement to the Los Angeles County Employee Retirement Association (LACERA) Board of Retirement.
- B. Be determined by the Board of Retirement not to be incapacitated for assigned duties, based on medical examination.
- C. Be hired by the County as a permanent employee working at least three-quarter time.

2. Hiring and Step Placement

The Department Head approves hiring and step placement for retired managers. Authority for hiring and step placement for all other retired employees is delegated to Deputy Directors. Retirees are placed on a salary step that is no higher than the step held at retirement.

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**Chapter 3.000
Examinations**

Number	Section
3.000	Examinations
3.010	Types of Examinations
3.020	Notice of Examinations
3.030	Out-of-Class Letter
3.040	Appraisal of Promotability (AP)
3.050	Review of Appraisals with Candidates
3.060	Formal Appeal of Appraisal Scores
3.070	Bilingual Proficiency Tests

3.000 Examinations

3.010 Types of Examinations

1. Promotional Examinations: an examination in which competition is limited to permanent, full-time County employees. A promotional examination may be interdepartmental (IP) (County-wide) or departmental (DP) (limited to employees of a department), and may be limited to permanent County employees of a particular organizational unit (Civil Service Rule 7.06).
2. Competitive Reclassification Examination: an examination in which competition is limited to departmental employees who have served satisfactorily at least 120 working days on a position that has been reallocated from one classification to a higher classification (Civil Service Rule 2.14).
3. Open Competitive Examinations (OC): an examination in which competition is open to the public and not limited to applicants in County services (Civil Service Rule 2.36).
4. Department Centered Examinations: an examination conducted and administered by DCFS Human Resources Examinations and Recruitment Section. These types of examinations may be DP, IP, or OC.

3.020 Notice of Examinations

A job bulletin of each examination shall be posted on the DHR website, DCFS LAKids, and available on DCFS bulletin boards.

3.030 Out-of-Class Letter

An Out-of-Class Letter (OCL), sometimes called a "Verification of Experience letter" (i.e. VOE), describes experience gained by an employee performing duties not usually performed in their classification. Employees generally use to assist them in meeting minimum requirements for promotional examinations; however, they may be submitted to support experience gained above and beyond minimum job requirements. It states the duties he/she performed that are not typical in his/her classification. With an OCL, he/she may be able to meet the required length of work experience for the position for which he/she is applying.

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In order to be approved, the experience gained must be documented in the employee's work history such as his/her Performance Evaluation, receipt of out-of-class or additional responsibilities compensation, or the existence of a position in his/her unit of assignment.

An OCL/VOE form is available on DCFS LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>. The employee may submit this with the required signature from Office Head or higher to Classification and Compensation Section.

3.040 Appraisal of Promotability (AP)

The Civil Service Rule 2.05 defines that "Appraisal of Promotability means the rating of an employee's potential for performance at a higher level position prepared by the appointing power as part of a promotional examination."

Civil Service Rules require all promotional examinations to include an AP, unless the Department of Human Resources (DHR) determines that it is in the best interest of the service to exclude it. An AP is based on an evaluation of records and of efficiency and character in relation to the class or position for which the examination is being given. The weight of the AP may not exceed 50% of the total weight in the examination, except that for management positions, the AP may be as high as 100%.

If the DHR excludes the AP from an examination, seniority, efficiency, and character must be evaluated by one or more other ways, such as rating from record, written tests, interviews, or performance tests.

3.050 Review of Appraisals with Candidates

No AP score, factor or comments shall be disclosed to candidates until after overall examination results are promulgated and candidates receive their examination scores.

This policy is recommended by the DHR, and is consistent with the desirability of not disclosing the results of one part of the examination while other parts are in process.

Policy states that an employee may request a copy of his/her AP from the department that administered the respective civil service examination.

Upon request, a copy of the AP, including instructions, standards and rating scale must be provided to the candidate. Candidates may request a copy of their AP and related documents within 180 calendar days from the date they were placed on the eligible list/register. No fee is charged to candidates for copies of the AP package and candidates may request copies without filing an appeal.

3.060 Formal Appeal of Appraisal Scores

If an employee can show that an error was made in the assignment of the AP score, he/she can file an appeal in writing directly with Department of Human Resources Appeals Program within ten (10) business days from the postmark date on the envelope in which the official notification of his/her examination score (Civil Service Rule 4.05, 7.19, and 7.20) was mailed. DHR Appeals may refer such an appeal to the DCFS Examinations Section.

If DHR determines that there is some validity to the appeal, DHR will request that the Exams Manager conduct a meeting with the Appellant, Rater, and Reviewer. The purpose of the meeting is to address the issues raised by the appellant by discussing the reasons for the individual factor rating(s) and/or assigned score(s). After this process is completed, a report and recommendation for change or no change in the factor ratings and/or scores is submitted to the DHR Appeals Program for its decision. The DHR Appeals Program will notify the appellant of its decision in writing.

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3.070 Bilingual Proficiency Tests

DCFS is mandated to give services in certain instances to non-English speaking applicants and recipients through bilingual staff. Allocation of bilingual personnel for DCFS office is determined by the number of monolingual clients of a particular foreign language group which that office services. For purpose of this section, American Sign Language (AMESLAN) is considered a foreign language.

The assignment of an employee to bilingual duties requires that the employee be fluent in English and a foreign language. The employee must also have knowledge of and sensitivity toward the culture and needs of the foreign language clientele to which the Department is providing service.

To determine that a candidate for a bilingual position possesses the necessary language skills, the candidate must undergo testing by the DCFS Examinations Section. Clerical employees need only demonstrate the ability to speak the foreign language. For languages other than AMESLAN, non-clerical candidates must additionally demonstrate reading proficiency.

Whenever a language proficiency test is part of a Civil Service examination, the DCFS Examinations Section will arrange for the test. These candidates will be given a language proficiency test in addition to the Civil Service examination process. .

In all other instances, when an Office Head wishes to have an employee's proficiency in a foreign language certified, the Office Head or a designee at a level not lower than a SCSW may refer the employee for testing. See Section 4.013 on eligibility requirements for the bilingual pay.

To arrange a language proficiency test, the Office Head or designee must for ALL languages:

- Send a memo requesting the bilingual test to the Bilingual Examination Coordinator in DCFS Examinations Section. Include the candidate's name, classification, telephone number, and the language for which the candidate is to be tested. Also include how the candidate will use the language specialty (i.e., current caseload, interprets for the region, etc.).
- The Bilingual Examination Coordinator will arrange the examination place and time.

Successful candidates will receive a Language Proficiency Certificate indicating the extent of their skills (i.e., speaking and/or reading). These certificates will be valid for the duration of the employee's County service or until revoked by the hiring department.

For languages other than AMESLAN, employees promoting out of the clerical series are required to undergo re-testing for proficiency in reading.

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Chapter 4.000
Classification and Compensation

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4.000 Classification and Compensation

In reference to Los Angeles County Code, Civil Service Rule 5, Classification. It is Departmental policy to ensure that, 1) all positions within the Department are properly classified according to their duties, and 2) the duties assigned to each position are appropriate to the classification. To carry out this policy, the Department of Children and Family Services (DCFS), Human Resources Division/Classification and Compensation Section, will coordinate classification and compensation-related activities with the Chief Executive Office (CEO) Classification and Compensation Administration, such as allocation of positions, requests for classification studies, approval of bonuses, departmental reorganization, and other tasks.

4.010 Class Specifications

The County of Los Angeles, Department of Human Resources, Director of Personnel has delegated to line departments and courts, subject to review by the CEO/Classification and Compensation Administration, the responsibility for the continued maintenance of class specifications which are unique to the department. Departments may propose revisions to a specification of a shared class with the consent of all other departments and courts utilizing the class. CEO Classification and Compensation Administration have lead responsibility for the maintenance of class specifications for common countywide classes.

All revisions to class specifications must be approved by the CEO Classification and Compensation Administration. The class specification is a detailed description of the key characteristics of a class and distinguishes one class from all others. Each class specification includes the formal title of the

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class; its definition, in some cases the basis for allocation; examples of duties performed by positions in the class; the minimum requirements in training and experience; the physical demands of the job (rated sedentary, light, moderate, or arduous); and a list of licenses that may be required.

4.020 Responsibility for Proper Classification

The CEO Classification and Compensation Administration, has the responsibility for determining proper classification.

DCFS Human Resources Division/Classification and Compensation Section furnishes assistance to the CEO Classification and Compensation Administration in 1) deciding whether the duties of a position are appropriate to a given class, 2) suggesting new classifications when appropriate, and 3) serving as the liaison with CEO Classification and Compensation Administration.

4.030 Persons Who May Submit Classification Requests

A Classification study may be requested by any of the following:

- Individual employee/group of employees.
- Department managers and supervisors.
- DCFS Classification and Compensation Section.
- CEO Classification and Compensation Administration.
- Employee bargaining unit representatives.

Any of the parties aforementioned in this section may initiate a request for a class study.

4.040 Procedures for Initiating Classification Requests

DCFS Classification and Compensation Section is responsible for reviewing and analyzing the request for class study upon receipt of the following:

- Justification stating the duties and responsibilities of the position that no longer conform to those of the class to which the position was allocated.
- An approved current organizational chart.
- A completed and signed Position Review Questionnaire and any/all documentation and information pertinent to the request for class study.

To download a Position Review Questionnaire, visit the LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>.

4.050 Evaluation of Classification Request

DCFS Classification and Compensation Section, evaluates the forwarded materials, obtains additional information, interviews the individual/small group or supervisor/manager, conducts job observations to gather further data and verify task/duty statements if needed, and decides whether the request is justified.

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Reporting Classification Findings:

1. If the request is supported, the classification study report packet will then be forwarded to the CEO Classification and Compensation Administration with a cover letter detailing the findings, and other relevant information. The CEO Classification and Compensation Administration reviews the class study report findings and information. If the CEO supports the findings a Reporting-Out-Letter, which includes the classification findings, is forwarded to DCFS.
2. If the request for class study cannot be supported, the initiator(s) will be notified in writing for its denial by DCFS Classification and Compensation Section.
3. The initiator(s) may elect to challenge the findings by resubmitting the request for class study within ten (10) business days of written receipt of notice to DCFS Classification and Compensation Section with a cover providing justification to clearly state the reason the request is still merited. DCFS Classification and Compensation Section will forward the classification study report packet, decision (denial) letter and any/all pertinent information to the CEO Classification and Compensation Administration, who shall then conduct a study as provided in Los Angeles County Code Civil Service Rule 5.03(A).

4.060 Effective Dates of Classification Changes

Classification changes appear as amendments to the Los Angeles County Code, Title 6. Upon final adoption of the Board of Supervisors' letter and Staffing Ordinance (second reading), the class is approved when the final signed letter of the CEO Classification Actions Board has been filed and signed at the scheduled Board Agenda. The CEO Classification and Compensation Administration forwards the final adoption approval findings to DCFS Classification and Compensation Section. The initiator(s) and Bureau Liaison are notified of the class approval effective date by DCFS Classification and Compensation Section.

4.070 Meaning and Effects of Classification

Reclassification affects only the position. Employees are never reclassified.

In reference to Civil Service Rule 5.5, a classification study may result in upward reclassification, downward reclassification, title change, or retain the status quo.

4.080 Effect of Upward Reclassification

Whenever a position is reclassified from one class to a higher class or from one series to another series, the incumbent shall not continue in the position, except temporarily, unless the incumbent gains eligibility for the new class and receives an appointment thereto in accordance with these Rules.

When many positions are involved in an upward reclassification, it is generally departmental policy to conduct a promotional examination for the reclassified positions.

4.090 Effect of Downward Reclassification

Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by demotion in lieu of layoff in accordance with the provisions of Civil Service Rule 19. Any person demoted involuntarily to fill a position reclassified downward shall be placed on a reemployment list in accordance with the provisions.

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4.100 Effect of Title Change

The class title and level of classification as determined by the duties and responsibilities of the position may be retained. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the new class as was held in the old class.

4.110 Reviews and Appeals

In accordance to Civil Service Rules 5.04, any employee or appointing power adversely affected by any classification action may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 30 days of notification of such action, and shall specify the basis for the request. The Director of Personnel shall either amend the classification action or provide the employee with reasons for affecting no change. Unless as otherwise provided in these Rules, the decision of the Director is final, subject to such judicial review as provided by decisions of local administrative agencies.

4.120 Bonuses

In accordance with Chapter 3, Section 3.1.8, Hires, Job Changes, and Terminations Controls of the Los Angeles County Fiscal Manual states, “departments should review the work assignment of all employees receiving bonuses annually to ensure that the bonuses are still applicable.” It is the responsibility of the employee and his/her supervisor or manager to notify DCFS Classification and Compensation Section when there are any changes that would no longer qualify the employee to receive the bonus to prevent any under/over payment. All renewals, extensions or terminations of bonuses will be signed and dated by the Manager of the Classification and Compensation Section.

If an employee is eligible for the continuation of his/her bonus, or if the bonus should be stopped or terminated, it is his/her responsibility and his/her unit of assignment’s responsibility to resubmit the bonus request or request for termination. The request for extension of bonus, except bilingual pay, must be received by DCFS Classification and Compensation Section prior to the approved expiration date.

4.130 Bilingual Bonus Pay/Termination

In reference to, Los Angeles County Code Section 6.10.140, various Memoranda of Understanding, Los Angeles County Interpretive Manual and, guidelines and memos issued by CEO Classification and Compensation Administration, provides for payment of bilingual pay to qualified employees. Certification of proficiency in a foreign language by itself does not qualify an employee for the bilingual pay, nor does being hired off a language certification list.

1. Conditions for Bilingual Pay

In accordance to Los Angeles County Code Section 6.10.140(A), any person employed on a permanent, full-time position, or, effective January 1, 1992, on a temporary or recurrent position, the salary of which is established in Section 6.28.050, except as noted under subsection E of this section below, may receive additional compensation at the rate of \$50.00 per pay period. If the employee is compensated on an hourly basis, the additional compensation shall be at the rate of \$0.57 per hour.

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2. Requirements for Bilingual Pay

All of the following conditions must be met in order to qualify for such bilingual bonus compensation:

- A. His/her department head must find that the specific work assignment of the employee requires a fluency in both English and at least one foreign language, and knowledge of and sensitivity toward the culture and needs of the foreign-language group clientele to which the department is providing service. Such specific assignments must require the fluent use of both languages by the employee on a continuing and frequent basis in order to meet the public service responsibility of the department.
- B. Both his/her department head and chief executive officer must certify that the employee, in fact, possesses and exercises fluency in English and the required foreign language or languages, and possesses and displays a knowledge of and sensitivity toward the culture and needs of the foreign language group involved.
- C. For the purpose of this section, American Sign Language shall be deemed to be a foreign language.
 - i. The employee must be a permanent, full-time employee or on a temporary or recurrent position, the salary of which is established in Sec. 6.28.050, except as noted under subsection E of Los Angeles County Code 6.10.040.
 - ii. The employee must have a valid Language Proficiency Certificate.
 - iii. Each situation is evaluated on an individual basis, with consideration being given to the bilingual allocation/need of the office or pay location.

To download a DCFS 1372 - Bilingual Bonus Request/Termination form, visit the LAKids Web site at <http://lakids.dcms.lacounty.gov/hrd3/Classification/forms.html>.

3. Certification for or Termination of Bilingual Pay

A. Certification for Bilingual Pay

The Office Head is responsible for submitting, or resubmitting, a request for bilingual pay by completing the certification portion of the DCFS 1372, Bilingual Bonus Request/Termination, for an employee who is qualified and is assigned to a bilingual position as a transfer in, new hire, reinstatement, promotion, demotion, change of classification, restoration, or after a return from a leave of absence of over 60 days. A DCFS 1372 is required for any of the above changes even if the employee remains in the same office or region. Completing only a DCFS 68 form **will not** initiate or continue the bonus.

The bilingual bonus request must clearly state that the employee has daily contact with the public continuously and frequently.

There are some exceptions to the above requirement. The DCFS 1372 is **not** needed when an employee who is already receiving bilingual pay:

- Transfers laterally to another bilingual position. When the lateral transfer is to a bilingual position at another office or bureau, the Office Head who is gaining the employee must indicate on DCFS 68 form, Change of Pay Location/Unit Code,

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which the employee is currently on bilingual pay and is transferring to another bilingual assignment.

- Promotions or demotions within the same job series to another bilingual position at the same office or region, only as follows:

Clerk	Intermediate Typist Clerk
Typist Clerk	Intermediate Typist Clerk
Children's Social Worker Trainee	Children's Social Worker I
Children's Social Worker II	Children's Social Worker III
Eligibility Worker I	Eligibility Worker II
Eligibility Worker III	

When a bilingual employee promotes out of the clerical series to a new bilingual position, the new DCFS 1372 must be accompanied by a copy of the Language Proficiency Certificate indicating the employee's proficiency in reading and speaking.

B. Termination of Bilingual Pay

DCFS Human Resources Division/Personnel Processing or Classification and Compensation Sections automatically terminate an employee's bilingual pay when any of the following circumstances occur: Change in pay location, promotion, transfer, demotion, change of classification, leave of absence in excess of 60 days, or termination of County service.

The only exceptions to automatic termination of bilingual pay are when the employee promotes or demotes within the same job series to another bilingual position at the same office, district or region, only as follows:

Clerk	Intermediate Typist Clerk
Typist Clerk	Intermediate Typist Clerk
Children's Social Worker Trainee	Children's Social Worker I
Children's Social Worker II	Children's Social Worker III
Eligibility Worker I	Eligibility Worker II
Eligibility Worker III	

The Office Head must use the DCFS 1372 to terminate an employee's bilingual pay such, a situation may occur when the employee is reassigned to duties within the same pay location with no change in status except that the employee's language skills are no longer required continuously and frequently.

4. Other Factors Affecting Bilingual Pay

- A. An employee will never be paid bilingual bonus prior to the effective date of the Language Proficiency Card.
- B. The effective date an employee will be paid for the bonus will be determined by three factors:
 - Date the Language Proficiency Card was issued;
 - Date the employee was placed on bilingual assignment; and

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- Date the Office Head submits the DCFS 1372 (which determines the effective date).

In cases where the effective date of the Proficiency Card is not an issue, but there is an unreasonable amount of time between the date the employee was placed on a bilingual assignment and the date the Office Head submits the DCFS 1372 to DCFS Classification and Compensation Section, the Section will review the circumstances surrounding the late submission to make a determination of the effective date on a **case by case basis**.

- C. The bilingual pay does not constitute a base rate.
- D. The employee must maintain an overall rating of "Competent" or better in his/her Performance Evaluation.

5. Bilingual Pay for Social Workers

In accordance with the bargaining units for social workers, Children's Social Workers (CSWs) and Supervising Children's Social Workers (SCSWs) may qualify to receive additional bonus pay as provided in their Memoranda of Understanding under the following conditions.

- The Children's Social Worker must provide a Child Welfare Services/Case Management System caseload summary at the time he/she submits his/her Bilingual Bonus Request. The caseload summary must show at least one client whose primary language can be verified against the case count report as being a language that is not English. The effective date of the additional bonus will be determined by the oldest case on the caseload summary which has been verified as a bilingual case.
- The Supervising Children's Social Worker must have at least 51% of the case-carrying social workers he/she supervises as bilingual. He/she must provide a list of the social workers with their employee numbers he/she supervises together with this DCFS1372.

4.140 Out-of-Class (OOC) Assignment Bonus

In reference to the Los Angeles County Code Section 6.10.040, various Memoranda of Understanding, Los Angeles County Department of Human Resources' Policies, Procedures, and Guidelines and Los Angeles County Interpretive Manual and CEO Executive Office Policy, provides bonus payments to certain employees who perform Out-of-Class (OOC) assignments.

OOC Definition

An "Out-of-Class assignment" is limited to permanent full-time employees, assigned to perform all the significant duties of an allocated, vacant, funded position in a higher-level class by an individual in a lower-level class, for purposes other than training or because of an emergency.

OOC Bonus Eligibility

- Meet the "Out-of-Class" definition.
- Must perform all of the significant duties of the higher-level class. "Significant duties" include those duties which are level-defining for the class, i.e., those duties which make the class different from lower level classes within the same occupation.

Example: An employee working out-of-class on a supervisory class must fully exercise both technical and administrative supervision.

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- Be on an eligible list for the higher-level position, meet the minimum requirements for the higher-level class, or be reasonably expected to meet the requirements in a short period of time (six months).
- Work in an OOC assignment for more than 20 consecutive working days.
- Not be in a class allocated to the Management Appraisal Pay Plan (MAPP).

Note: MAPP participants are eligible for the Additional Responsibilities bonus and a Temporary Assignments bonus.

- Request for relief in writing.

Amount of OOC Bonus to be Paid

Employees who qualify for the OOC Bonus will be paid the lesser of:

- Two standard salary schedules, or 5% of the salary of a flat-rated class; or
- The difference between his/her current base salary and that of the higher-level class at the same step.

To download an Out-of-Class Bonus Request form, visit the LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>.

OOO Operational Provisions

After working on an OOC assignment for more than 20 consecutive working days, an affected employee or an Employee Representation Unit may request for relief in writing from having to work an OOC assignment.

When relief is requested, the Department may:

- Appoint the person to fill the vacancy within 30 calendar days of the request for relief. If this occurs, no out-of-class bonus is paid.
- Return the employee to an assignment in his/her own class within 30 calendar days of the request for relief; if this is done, no bonus is paid.
- Pay the bonus for each complete 30 calendar day period that the employee continues in the assignment, beginning with the 21st consecutive working day of the assignment or the date relief is requested, whichever occurs last.
- Once the department has refused to grant the bonus to an employee and has returned him/her to an assignment in his/her own class, the department should not then place someone else acting out-of-class on the same item. It is not the intent of this provision to allow the department to place a succession of people on an out-of-class assignment for brief periods to avoid having to pay the bonus.

Note: That management initiating an out-of-class assignment does not need to wait for the employee or union to make the request for relief; a department can initiate the bonus for an employee thus assigned, providing that all of the conditions for the bonus are met.

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Conditions under Which the Bonus is Not Paid

- If the “working Out-of-Class” definition is not met (i.e., not all of the significant duties of a higher level class are performed, and/or there is no vacant, funded position).
- For the first 20 consecutive working days of the out-of-class assignment. (Holidays and weekends do not constitute a break in consecutive working days; but may not be counted as part of the 20 days.)
- If the employee working Out-of-Class is appointed to the higher-level position within 30 days following the written request for relief.
- If the employee working Out-of-Class is returned to an assignment in his/her own class within 30 days following the written request for relief.
- If the class of the employee working Out-of-Class is allocated to the Management Appraisal and Performance Plan.

4.150 Additional Responsibilities Bonus (ARB)

In reference to the Los Angeles County Code Section 6.10.073, various Memoranda of Understanding and CEO Executive Office Policy, provides bonus payments to certain employees who perform additional responsibilities.

ARB Definition

An "Additional Responsibilities Bonus" may be requested when a permanent, full-time employee is assigned to perform additional responsibilities at a higher-level for a significant period of time.

ARB Bonus Eligibility

An ARB may be paid to an employee for performing the significant duties of a higher-level position or when he/she is assigned to a special project/assignment which requires the employee to perform additional duties and responsibilities beyond what is typically required of his/her current position.

Amount of ARB to be Paid

If an ARB is designated by the department head and approved by the CEO, the employee shall be notified of approval or denial within a reasonable time period and compensated as follows:

- Two salary schedules for represented employees.
- 5% for flat rate.
- Up to four salary schedules for non-represented classes.

Note: ARB of two salary schedules is typical.

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ARB Request

When submitting a request for ARB the following documents are required:

- To download an Additional Responsibilities Bonus Request form, visit the LAKids Website at <http://lakids.dcss.lacounty.gov/hrd3/Classification/forms.html>.
- Include supporting documentation indicating when the additional responsibilities were assigned to the employee, confirmed in writing by Management.
- Provide a detailed organizational chart of the bureau, division, section, program or unit indicating all budgeted positions and assigned position control numbers.
- Provide a justification for what the department's plan is to end the bonus.

ARB Operational Provisions

- Employees' should **not** be placed on an assignment without prior approval from the Director **and** the CEO.
- Upon approval by the CEO, payment of the bonus begins typically on the first day the additional responsibilities are assigned by management and performed by the employee and ends on the day when the performance of the additional responsibilities ceases.
- Requests for retroactive personnel actions are considered on a **case-by-case basis** only.
- Employee must perform the additional duties for a "significant period of time." Employees "filling in" during another employee's absence such as vacations, sick leave, jury duty, etc., of 30 days or less would not qualify for the additional responsibilities compensation.
- Employees on long-term leaves are not entitled to receive ARB when the leave exceeds thirty (30) days. The only exception is that the bonus would continue when the employee's leave is compensable under worker's compensation provisions.
- ARBs terminate on July 1st of every year or sooner should the conditions or eligibility for ARB is no longer met.
- It is the responsibility of the employee and his/her supervisor/manager to notify DCFS Classification and Compensation Section when there are changes that would no longer qualify the employee to receive an ARB.
- Both management and the employee are responsible for requesting renewal of the ARB extending past the expiration date. All renewals of ARBs require completion of a new ARB application and submission to DCFS Classification and Compensation Section, prior to the established expiration date.

4.160 Management Appraisal Performance Plan (MAPP) Bonuses

Los Angeles County Code Section 6.08.360 Special provisions states: the provisions of Chapter 6.10 shall apply to MAPP Participants except as modified, deleted, or supplemented below. Special rates shall not be included in base salary for the purpose of calculating pay increases.

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Temporary Assignments Bonus (MAPP/TAB)

“Any MAPP Participant assigned to perform all the significant duties of a higher-level position in an acting or temporary capacity during the absence from work of an incumbent of an included position or when such position is vacant, for 30 calendar days or longer, shall be provided, during the term of the assignment, additional compensation of 5.5 percent.”

The Chief Executive Officer (CEO) may approve a higher amount that does not exceed the maximum of the salary range for the higher-level position and may waive the 30 day requirement, based on the needs of the service.

MAPP/TAB Request

When submitting a request for MAPP/TAB the following documents are required:

- The Temporary Assignment Bonus Request form, which may be downloaded from the LAKids Website at <http://lakids.dcs.lacounty.gov/hrd3/Classification/forms.html>.
- Provide a detailed organizational chart of the bureau, division, section, program or unit indicating all budgeted positions and assigned position control numbers.
- Name and pay title of superior employee.
- Description of duties and responsibilities of the “acting” position.
- Description of the superior employee’s current duties and responsibilities.
- Written justification for the reason of the request.

Acting Department Head

Additional Compensation, MAPP Participants shall be provided additional compensation of 5.5% unless a higher amount is approved by the Board of Supervisors.

Note: The Acting Department Head assignments are typically placed on a Board letter for approval.

Additional Responsibilities Bonus (MAPP/ARB)

The provisions of Section 6.10.073 shall apply to MAPP Participants except that such additional compensation authorized in accordance with the provisions of Section 6.10.073 shall be up to eleven (11) percent of a Participant’s current salary.

When submitting a request for a MAPP/ARB the following documents are required:

- The Additional Responsibilities Bonus Request form, which may be downloaded from the LAKids Website at <http://lakids.dcs.lacounty.gov/hrd3/Classification/forms.html>.
- Include supporting documentation indicating when the additional responsibilities were assigned to the employee, confirmed in writing by Management.
- Provide a detailed organizational chart of the bureau, division, section, program or unit indicating all budgeted positions and assigned position control numbers.

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- Provide a justification for what the department's plan is to end the bonus.

Note: This bonus provision is utilized on a very limited basis and requires a detailed justification.

Additional Compensation for Supervisors (MAPP Superior-Subordinate Bonus)

In addition to all other compensation provided by this code, the CEO Classification and Compensation Administration may adjust the salary of a Participant when such adjustment is appropriate to maintain a supervisory differential of up to 5.5% (***the CEO issued revised guidelines for MAPP Superior-Subordinate Bonus that limited the differential to a maximum of 2.5%***) between the MAPP Participant and his/her highest paid subordinate providing such organization is permanent and has been approved by the CEO. Such additional compensation may be discontinued by the CEO in the same manner and subject to the terms and conditions as such pay under Section 6.10.070 may be discontinued.

When submitting a request for a MAPP/SSP the following documents are required:

- The Superior-Subordinate Pay Finding & Authorization form, which may be downloaded from the LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>.
- Provide a detailed approved organizational chart of the bureau, division, section, program or unit indicating all budgeted positions and assigned position control numbers.
- Superior (employee) name and payroll title.
- Employee(s) name and payroll title of highest paid subordinate(s).
- Provide a detailed justification and a description of superior employee's current duties and responsibilities.

MAPP Bonuses Operational Provisions

- Bonuses terminate on July 1st (end of fiscal year or end of calendar year), and/or sooner should the conditions for eligibility no longer exist.
- It is the responsibility of the employee and his/her manager to notify Human Resources Division/Classification and Compensation Section when there are changes that would no longer qualify the employee to receive the bonus.
- Both management and the employee are responsible for requesting annual renewals for all bonus extensions prior to the established expiration date. All renewal requests require a new request form for submission to DCFS Classification and Compensation Section, prior to the bonus expiration date.
- The CEO do **not** approve retroactive MAPP bonus requests, *the approval date is the date the request is officially submitted to the CEO.*
- Out-of-Class Assignments, Manpower Shortage Recruitment Rates, Merit Bonuses for Managers and Standby Pay – the provisions of Los Angeles County Code Section 6.10.040; Section 6.10.050; Section 6.10.075 and Section 6.10.120 does not apply to MAPP Participants.

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4.170 Voluntary Reduction

In accordance to Los Angeles County Civil Service Rule 18.08, requests for voluntary reduction in rank shall be in writing and shall be directed by the employee to The County of Los Angeles, Department of Human Resources, Director of Personnel who has delegated to DCFS Human Resources Division/Classification and Compensation Section the authority to grant to the requested reduction, if it determines that the employee has demonstrated the skills and aptitudes required by the position to which reduction is requested.

When submitting a request for a Voluntary Reduction, the Request for Voluntary Reduction form is required. To download a Request for Voluntary Reduction form, visit the LAKids Website at <http://lakids.dcfs.lacounty.gov/hrd3/Classification/forms.html>.

4.180 Administrative Reassignment (Change of Classification)

Los Angeles County Civil Service Rule 15.03 provides that:

1. Whenever it is found necessary to change the classification of an employee from a non-supervisory class, supervisory class in a bargaining unit as certified by ERCOM, or managerial class in the Sheriff, to any other class, such change may be made administratively by the appointing power or powers, provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed. Such change of classification may be made only with the approval of the Director of Personnel.
2. Whenever it is found necessary to change the classification of an employee from a supervisory class not in a bargaining unit as certified by ERCOM or a managerial class (except managerial classes in the Sheriff) to any other class, such change may be made administratively by the appointing power or powers, provided there is no increase or decrease in grade, and the employee has demonstrated the skills and aptitudes required in the position to which the employee is to be changed.

Classification and Compensation Section is responsible for approval and change of classification in the department.

The Administrative Reassignment Request form is required when submitting a request for administrative reassignment/change of classification, which may be downloaded from the LAKids Website at <http://lakids.dcfs.lacounty.gov/hrd3/Classification/forms.html>.

4.190 Superior-Subordinate Pay

Superior-Subordinate Pay Definition

When an employee, as part of his/her regular duties, is required to supervise an employee or employees whose base pay is higher than the supervisor's total compensation.

In reference to the Los Angeles County Code Section 6.10.070, additional compensation for supervisors, various Memoranda of Understanding, Los Angeles County Interpretive Manual and CEO Executive Office Policy, Office Heads are responsible for assigning personnel staff in ways that avoid such superior-subordinate pay relationships whenever possible without unduly affecting the efficiency of operations.

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However, when it is considered to be in the best interest of the service to make such personnel assignments, Los Angeles County Code Section 6.10.070 permits the payment to the supervisor of additional compensation, upon approval of the CEO, as follows:

1. A supervisor eligible to receive a superior/subordinate bonus is entitled to receive a total calculated salary at the rate of at least \$1.00 per month more than his/her highest-paid subordinate's base pay. This difference of at least a dollar is paid as a bonus, provided that all the following conditions are met:
 - A. The CEO and the Department Head find that the supervisor is qualified and is satisfactorily exercising for a substantial portion of his/her time, administrative and technical supervision over the subordinate. The supervisor must be responsible for the day-to-day supervision of the subordinate.
 - B. The organization within which the superior and subordinate are operating is a permanent one approved by the CEO.
 - C. Both the supervisor and the subordinate have been appointed to full-time, permanent positions.
 - D. The classification of both the supervisor and subordinate is appropriate to the organization and to their duties and responsibilities.
2. The duration and amount of the superior-subordinate pay shall be determined by the following criteria:
 - A. The superior-subordinate pay shall not be effective before the first day of the month in which the Department Head notifies the CEO of the findings in Section 1a above. Requests for superior-subordinate pay cannot be approved retroactively.
 - B. If the subordinate is paid at a rate other than the base rate established for his/her classification, the supervisor's compensation shall be computed as if the subordinate were in fact receiving only such base rate.

Example: The superior-subordinate pay discrepancy is not based on the fact that the subordinate receives "Y" rate or other additional payments such as bilingual pay. In these cases, the superior's pay is computed as though the subordinate did not receive the additional payment.
 - C. The authorization remains in effect only as long as the pay inequity exists, and not longer than the end of the current fiscal year. The authorization is subject to annual renewal by the CEO.
 - D. A temporary absence of the supervisor, the subordinate, or both, which does not exceed 60 calendar days, shall not affect the superior-subordinate compensation. If an absence exceeds 60 calendar days, the relationship ceases to exist and the compensation will be suspended.

Superior-Subordinate Pay Procedures

The Office Head shall examine the circumstances and assignment of staff that causes a superior-subordinate pay relationship to exist.

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When the Office Head determines that such an assignment is in the best interest of the service and that it meets the criteria listed above, he/she should complete and submit all required information to DCFS Classification and Compensation Section.

To download a Superior-Subordinate Pay Finding & Authorization form, visit the LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>.

When completing and submitting the form to the DCFS Classification and Compensation Section for approval and salary adjustment, the request should include:

1. Name, classification, item number, and salary of superior;
2. Name, classification, item number, and salary of the subordinate(s) receiving pay equal to or greater than that received by the superior;
3. Name and classification of the employee to whom the superior reports;
4. Specific organizational unit involved as shown on the official organization chart approved by the CEO;
5. Statement to the effect that the superior is responsible for the day-to-day supervision of the subordinate(s);
6. How the situation arose;
7. The possibility of having assigned, or now assigning the superior or subordinate to some other unit without unduly affecting the efficiency of operations.

4.200 Verification of Experience

A Verification of Experience (VOE) letter can be issued to an employee in order to meet an examination requirement. This is true only if the examination bulletin states that a VOE can be considered for such examination.

The Department can only issue a VOE letter for work experience that was gained in DCFS. To request for a VOE letter, you must complete and submit all required information to DCFS Classification and Compensation Section for consideration. To download a VOE letter request form, visit the LAKids Website at <http://lakids.dcfslacounty.gov/hrd3/Classification/forms.html>.

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Chapter 5.000
Salary, Employee Benefits, and Other Pay Matters

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5.590	Timekeeper's Responsibility
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5.000 General Policy

The salary ranges of all DCFS classifications are determined by the Board of Supervisors and published in Title 6 of the Los Angeles County Code, known as the Salary Ordinance. It is the policy of DCFS that this ordinance be administered to Department employees efficiently and equitably.

5.010 Salary Ordinance and Standard Salary Schedule

The Salary Ordinance of Los Angeles County establishes the number and compensation of employees of the County. There are exceptions for *unclassified* positions and a few *classified* positions on special compensation plan; each classified position is assigned a standard salary schedule, which establishes the salary range for that classification.

5.020 Five-Step Plan of Compensation

A five-step plan of compensation applies to most positions in the classified service. Under this plan, positions are paid on a range of five steps of compensation, instead of a flat rate. Within each range, the steps are in increments of approximately 5.5%.

Usually the starting salary is the first step. The salary is usually increased to the next step after twelve months.

5.030 Special Step Advance Policy

The County Code allows employees in certain classes (identified in Section 6.08.010 of the salary ordinance) to advance to the next step in a different fashion. Employees holding these positions, at or below the identified salary schedule, advance from the first step to the second step upon completion of six months of continuous service on step one. From then on, step advances will occur annually, beginning one year after the advance to step two.

No step advance is given for any period during which the employee's performance evaluation rating is *improvement needed* or *unsatisfactory*.

5.040 Determination of Step Advance Date

An employee's first step advance month usually occurs after twelve (12) months from start date. Such an employee retains the step advance date as long as he/she is holding the position (classification).

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5.100 Determination of Salary When There is a Change of Status

5.110 Salary on Promotion

1. For purposes of this sub-section, a promotion is an appointment of an employee with at least **six months** of *active* service from a lower level position to a higher level position, which involves an increase in pay of at least one salary schedule or range.
2. When an employee is promoted, he/she shall be entitled to receive the step rate in the salary schedule of the new position which provides an increase in salary. An employee who is compensated at a Y-rate, which exceeds the top step of the salary range of his/her old position, shall, upon promotion, be compensated at the step rate in the salary schedule of the new position. This will provide an increase in salary over the top step of the old position, provided that he/she shall not thereby suffer a reduction in salary.
3. When the increase in salary provided for, in paragraph two above, is less than the equivalent of a one schedule increase in salary, the employee shall be placed on the next higher step of the position to which he/she is appointed. Step advances thereafter shall be as otherwise provided.
4. When the increase in salary provided for, in paragraph two above, is at least equivalent to a one schedule increase in salary, but less than the equivalent of a two schedule increase in salary; the promotee shall be entitled to advance to the next higher step of the position to which he/she was appointed in one-half of the time otherwise required. Step advances thereafter shall be as otherwise provided.
5. When an employee is appointed from a lower level position to a higher level position, and such appointment does not meet the criteria established in paragraph one above, he/she may be appointed to any step within the range of the position to which he/she is appointed, not to exceed the salary rate he/she would have received had the appointment met the criteria of paragraph one above.
6. The effective date of any change of status pursuant to this sub-section shall set a new anniversary date.

5.120 Salary on Appointment to Equal Level Position

Salary Ordinance Section 6.08.100 provides that when an employee is administratively reassigned or is appointed from an eligible list to a position that results in no change in grade, the employee shall receive a salary step placement as follows:

- If the salary range of the new position is either the same as that of the previous position, or less than one full schedule below that of the previous position, an employee may be placed at any step within the range of the position to which he/she is appointed, not to exceed the step rate he/she held in his/her former position. Such appointment *shall not* set a new anniversary date.
- If the salary range of the new position is less than one full schedule above the salary range of the previous position, an employee may be placed at any step within the new range, providing that he/she is not placed at any step rate that is higher than the lowest step rate which provides an increase in pay. Such step placement *shall not* set a new anniversary date.

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- The above requirements may result in the reduction of pay for an employee. In such a situation, it is DCFS policy to appoint the employee at the level allowed by the ordinance that brings about the least amount of pay loss to the employee. For determining the impact such an appointment may have in a particular employee's situation, the Office Head should consult with the Head, Personnel Operations, regarding appropriate DCFS classification. The Office Head will discuss the matter with the employee before a final decision is made on an anticipated appointment.

5.130 Salary on Demotion and Appointment to Lower Level Positions

Demotion

For purposes of this section, "*demotion*" means reduction from a higher to a lower level position with the consent of the appointing authority, and without examination.

When an employee is voluntarily demoted from a position in which he/she has completed his/her probationary period, the employee shall be entitled to the highest existing step of the salary range of the position to which he/she demoted that does not exceed the rate of pay immediately prior to the demotion.

In case of demotion due to disciplinary action from a position in which employee has completed his/her probationary period, the Department Head may indicate an existing step rate in the range of the lower position, which shall not be higher than the step rate, held by the employee in the higher position.

Upon demotion from a position in which the employee has not completed his/her probationary period, the employee shall retain the anniversary date held in the higher position.

If an employee is voluntarily, or involuntarily, demoted from a position in which the employee has not completed the probationary period, the step rate of the position to which demoted shall be set as though the employee had never occupied the higher level position. In this case, a person demoted to a former position shall have the former anniversary date in that position restored. A person demoted during a probationary period to a position not previously held shall be entitled to have the date of entry into the higher level position as the anniversary date.

Appointment from Eligible List to a Lower Level Position

When an employee on a higher level position is appointed from an eligible list to a lower level position, the employee may be appointed to any existing step within the range of the position to which appointed, not to exceed the step rate held in the former position. Such appointment shall not set a new anniversary date.

When an employee on a higher level position is appointed from an eligible list to a lower level position prior to completion of the probationary period in the higher level position, the employee shall be entitled to the salary step placement and step anniversary provided by Paragraph 1, immediately above; or the step placement and step anniversary date to which the employee would be entitled if such an employee were demoting in accordance with the provisions of paragraph five under "*Demotion*" immediately above; whichever is the lesser.

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5.140 Salary Restoration

When an employee is appointed to a higher level position through restoration, the employee shall receive the compensation which is the higher of the following:

1. If the restoration is to a position previously held, the employee receives the salary step and anniversary date he/she had when he/she formerly held that position.
2. If at least one year has elapsed since the employee last held any higher level position, the employee's salary step is determined as provided for in Section 5.110, Salary on Promotion. The date of restoration in this case sets a new anniversary date.
3. If the employee previously held a position higher than the one to which he/she is being restored, the employee's salary step is determined as if he/she were voluntarily demoted to the position to be restored.

Restoration Following Interruption of Continuous Service

When a restoration is the result of an employee's reinstatement after a break in County service, the employee shall be placed at the first step of the salary range of the position to which he/she is appointed. The date of reinstatement shall also set a new anniversary date. Exceptions are when an employee returns from military service or is re-employed from a lay-off list, as provided in this Chapter.

5.150 Salary on Reinstatement

An employee who is reinstated following resignation to enter the military forces is entitled to seniority based on, among other considerations:

1. Employment before military service.
2. Period between leaving County service and entering military service.
3. Period of military service.
4. Period between release from military service and return to County employment.
5. Seniority will determine vacation and sick time benefits.

Reinstatement following Resignation for Reasons Other Than to Enter the Armed Forces

When an employee is reinstated following resignation from County service for reasons other than to enter the armed forces, the employee shall be placed at the first step of the salary range for the position to which that person is reinstated as if the employee were entering County service for the first time. The date of reinstatement shall set a new anniversary date.

Vacation and sick time benefits for an employee, so reinstated, shall be computed from the date of reinstatement (new anniversary date) as if the employee were entering County service for the first time.

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5.160 Salary on Re-employment

When an employee is re-employed from a layoff list, the employee shall receive the salary step rate designated by the Office Head, except that:

1. If the employee is re-employed to the position that the employee held immediately prior to separation, the employee shall not receive a step rate higher than the step rate the employee was on prior to separation.
2. If the employee is re-employed to a different position than the employee had held immediately prior to separation, the employee shall not receive a step rate greater than either of the following, whichever is the lesser:
 - A. The top step rate of the position to which the employee is re-employed.
 - B. The step rate of the re-employment position to which the employee would be entitled, based on length of prior service in the position and any closely related, equal, or higher level positions. The CEO shall determine if positions are "closely related," "equal" or "higher level" positions as used in this Section.
3. The employee shall continue to have the anniversary date held prior to the layoff.

5.170 Additional Compensation in Special Circumstances

The general provision that an employee will be given that step that provides an increase in compensation when he/she is promoted, does not apply in those cases where the employee is receiving special payments such as superior-subordinate pay, etc., in the lower level position.

5.180 Overtime

Overtime provisions are contained in Chapter 7.000 of this Human Resources Manual.

5.190 Superior-Subordinate Pay

Superior-subordinate pay becomes a matter of concern when the base rate of compensation received by a supervisor equals, or is less than, the base rate received by his/her subordinate.

Office Heads are responsible for assigning personnel in ways that avoid such superior-subordinate pay relationships whenever possible without unduly affecting the efficiency of operations.

However, when it is considered to be in the best interest of the service to make such personnel assignments, Los Angeles County Code Section 6.10.070 permits the payment to the supervisor of additional compensation, upon approval of the Chief Executive Officer (CEO), as follows:

1. The supervisor, who is a MAPP participant, shall receive compensation at a rate of 2.5% more than the base rate of the highest-paid subordinate, provided that all the following conditions are met. Non-MAPP participant supervisors shall receive compensation at a rate of \$1.00 per month of his/her highest paid subordinate:
 - A. The CEO and the Department Head find that the supervisor is qualified and is satisfactorily exercising for a substantial portion of his/her time, administrative and technical supervision over the subordinate. The supervisor must be responsible for the day-to-day supervision of the subordinate.

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- B. The organization within which the superior and subordinate are operating is a permanent one approved by the CEO.
 - C. Both the supervisor and the subordinate have been appointed to full-time, permanent positions.
 - D. The classification of both the supervisor and subordinate is appropriate to the organization and to their duties and responsibilities.
2. The duration and amount of the superior-subordinate pay shall be determined by the following criteria:
- A. The superior-subordinate pay shall not be effective before the first day of the month in which the Department Head notifies the CEO of the findings in Section 1a above. Requests for superior-subordinate pay cannot be approved retroactively.
 - B. If the subordinate is paid at a rate other than the base rate established for his/her classification, the supervisor's compensation shall be computed as if the subordinate were in fact receiving only such base rate.

Example: The superior-subordinate pay discrepancy is not based on the fact that the subordinate receives "Y" rate or other additional payments such as bilingual pay. In these cases, the superior's pay is computed as though the subordinate did not receive the additional payment.
 - C. The authorization remains in effect only as long as the pay inequity exists, and not longer than the end of the current fiscal year. The authorization is subject to annual renewal by the CEO.
 - D. For the period approved, the supervisor's compensation shall be adjusted without further authorization from the CEO to reflect any changes in the base rate of the supervisor, or the subordinate, in order to maintain the 2.5% differential over the highest-paid subordinate.
 - E. A temporary absence of the supervisor, the subordinate, or both, which does not exceed 60 calendar days, shall not affect the superior-subordinate compensation. If an absence exceeds 60 calendar days, the relationship ceases to exist and the compensation will be suspended.

Procedure

The Office Head shall examine the circumstances and assignment of staff that causes a superior-subordinate pay relationship to exist.

1. When the Office Head determines that such an assignment is in the best interest of the service and that it meets the criteria listed above, he/she should submit a request for approval and salary adjustment to the Personnel Officer at DCFS Human Resources. The request should include:
 - A. Name, classification, item number, and salary of superior;
 - B. Name, classification, item number, and salary of the subordinate(s) receiving pay equal to or greater than that received by the superior;

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- C. Name and classification of the employee to whom the superior reports;
 - D. Specific organizational unit involved as shown on the official organization chart approved by the CEO;
 - E. Statement to the effect that the superior is responsible for the day-to-day supervision of the subordinate(s);
 - F. How the situation arose;
 - G. The possibility of having assigned, or now assigning the superior or subordinate to some other unit without unduly affecting the efficiency of operations.
2. The Office Head is responsible for reporting to the Personnel Officer **without delay** any personnel changes affecting authorized superior-subordinate pay relationships. This includes instances where no change in salary is involved, such as:
- A. An absence of either the supervisor or subordinate exceeds 60 calendar days. The office involved is responsible for notifying the Personnel Division to suspend the compensation, and if the employee returns, must resubmit to the Personnel Office a request for authorization of superior-subordinate pay.
 - B. The relationship ceases to exist because of reassignment or transfer.

5.200 Bilingual Pay

Los Angeles County Code Section 6.10.140 provides for payment of bilingual pay to qualified employees. Certification of proficiency in a foreign language by itself does not qualify an employee for the bilingual pay, nor does being hired off a language certification list. For purposes of this section, American Sign Language (AMESLAN) is considered a foreign language.

1. Requirements for bilingual pay
- A. To qualify for the bilingual pay, the following conditions must be present:
 - B. The employee must be a permanent, full-time employee or on a temporary or recurrent position, the salary of which is established in Sec. 6.28.050, except as noted under subsection E of Los Angeles County Code 6.10.040.
 - C. The employee must have a valid Language Proficiency Certificate.
 - D. The employee's assigned duties must require the fluent use of English and the foreign language on a continuing and frequent basis in order to meet the public service responsibility of the Department.
 - E. Each situation is evaluated on an individual basis, with consideration being given to the bilingual allocation/need of the office or pay location.

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2. Certification for or Termination of Bilingual Pay

A. Certification for Bilingual Pay

The Office Head is responsible for submitting, or resubmitting, a request for bilingual pay by completing the certification portion of the DCFS 1372, Bilingual Bonus Request/Termination, for an employee who is qualified and is assigned to a bilingual position as a transfer in, new hire, reinstatement, promotion, demotion, change of classification, restoration, or after a return from a leave of absence of over 60 days. A DCFS 1372 is required for any of the above changes even if the employee remains in the same office or region. Completing only a DCFS 68 **will not** initiate or continue the bonus.

The bilingual bonus request must clearly state that the employee has daily contact with the public continuously and frequently.

There are some exceptions to the above requirement. The DCFS 1372 is not needed when an employee who is already receiving bilingual pay promotes or demotes within the same job series to another bilingual position at the same office or region, only as follows:

Clerk	Intermediate Typist Clerk
Typist Clerk	Intermediate Typist Clerk
Children's Social Worker Trainee	Children's Social Worker I
Children's Social Worker II	Children's Social Worker III
Eligibility Worker I	Eligibility Worker II
Eligibility Worker III	

When a bilingual employee promotes out of the clerical series to a new bilingual position, the new DCFS 1372 must be accompanied by a copy of the Language Proficiency Certificate indicating the employee's proficiency in reading and speaking.

B. Termination of Bilingual Pay

The DCFS Human Resources Division automatically terminates an employee's bilingual pay when any of the following circumstances occur: Change in pay location, promotion, transfer, demotion, change of classification, leave of absence in excess of 60 days, or termination of County service.

The only exceptions to automatic termination of bilingual pay are when the employee promotes or demotes within the same job series to another bilingual position at the same office, district or region, only as follows:

Clerk	Intermediate Typist Clerk
Typist Clerk	Intermediate Typist Clerk
Children's Social Worker Trainee	Children's Social Worker I
Children's Social Worker II	Children's Social Worker III
Eligibility Worker I	Eligibility Worker II
Eligibility Worker III	

The Office Head must use the DCFS 1372 to terminate an employee's bilingual pay. Such a situation may occur when the employee is reassigned to duties within the same pay location with no change in status except that the employee's language skills are no longer required on a continuing or frequent basis.

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3. Other Factors Affecting Bilingual Pay

- A. An employee will never be paid bilingual bonus prior to the effective date of the Language Proficiency Card.
- B. The effective date an employee will be paid for the bonus will be determined by three factors:
 - Date the Language Proficiency Card was issued;
 - Date the employee was placed on bilingual assignment; and
 - Date the Office Head submits the DCFS 1372 (which determines the effective date).

In cases where the effective date of the Proficiency Card is not an issue, but there is an unreasonable amount of time between the date the employee was placed on a bilingual assignment and the date the Office Head submits the DCFS 1372 to the DCFS Human Resources Division, the latter date will be used to determine the effective date.

- C. The bilingual pay does not constitute a base rate.
- D. The employee must maintain an overall rating of “Competent” or better in his/her Performance Evaluation.

4. Bilingual Pay for Social Workers

In accordance with the bargaining units for social workers, Children’s Social Workers (CSWs) and Supervising Children’s Social Workers (SCSWs) may qualify to receive additional bonus pay as provided in their Memoranda of Understanding (MOU) under the following conditions:

- The CSW must provide a caseload summary at the time he/she submits his/her Bilingual Bonus Request. The caseload summary must show at least one client whose primary language can be verified against the case count report as being a language that is not English. The effective date of the additional bonus will be determined by the oldest case on the caseload summary which has been verified as a bilingual case.
- The SCSW must have at least 51% of the case-carrying social workers he/she supervises as bilingual. He/She must provide a list of the social workers with their employee numbers he/she supervises together with this DCFS1372.

5.210 Standby Pay

Any staff employed in a full-time permanent position who is assigned regularly scheduled periods of standby service at off duty times may be paid a \$0.25 per-hour bonus, not to exceed \$50.00 per month total pursuant to Los Angeles County Codes and Provisions (Chapter 6.10.120) or whatever the maximum amount as specified in the applicable MOU. This rate is paid to employees in any class, which does not have a higher standby rate.

The following are NOT eligible to receive standby pay:

- Administrative and managerial positions;

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- Management Appraisal Pay Plan Participants;
- Exempt Salaried Employees;
- Training positions, such as students, interns, and resident physicians;
- Non-competitive positions; and/or
- Without compensation positions.

5.220 Call-Back Pay

Whenever an employee is unexpectedly ordered by his/her department head to return to duty because of unanticipated work requirements, such return to duty shall be deemed to be a call-back if the order to return is given to the employee following termination of his normal work shift and departure from his/her work location, and such return occurs within 24 hours of when the order is given but not less than two hours before the established starting time of the employee's next regular shift.

For FLSA Covered Employees, as defined by County Code Section 6.15.010A, who are authorized for paid overtime, there shall be minimum payment equivalent to four hours pay at the FLSA overtime rate provided in County Code Section 6.15.070C, unless a different rate of pay is specifically authorized by the Board of Supervisors.

Unless specifically authorized by the Board of Supervisors, an employee who performs multiple call-backs shall not receive compensation for more than one such call if:

1. The second call-back or any call-back subsequent to the second call-back occurs within four hours of the initial call-back.
2. The affected employee has actually worked less than a total of four hours as a result of such multiple call-backs.

5.230 Night Service Bonus

An "evening shift" is a regularly established work shift at least five-eighths of which falls between the hours of 4:00 p.m. and 11:00 p.m. A "night shift" is a regularly established work shift at least five-eighths of which falls between the hours of 9:00 p.m. and 8:00 a.m.

Pursuant to County Code Section 6.10.020, a \$0.20-per-hour bonus shall be paid to any employee for each hour he/she works during an evening or night shift, except as otherwise provided in this section or as otherwise provided by the Board of Supervisors. This shall not apply to employees employed in the training positions such as students and interns (with the exception of Veteran Intern positions under the Veterans' Internship Program).

5.240 Other Bonus Information

The Longevity and Retention bonuses are processed through the Personnel Processing Section in accordance with the appropriate MOU. The Longevity bonus is processed by the Personnel Processing Section once the employee has reached the appropriate years of service in accordance with the appropriate MOU. The Retention bonus is request by the Office Head to the Personnel Processing Section to either begin or terminate the bonus in accordance with the appropriate MOU.

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5.300 Employee Benefits

Employee benefits are established by the County Board of Supervisors through negotiations with County employee representatives and/or enactment of ordinances. The County Code, Title 6 is the legal basis for these plans. The descriptions given below are for informational purposes only and should not be considered as authoritative.

The County of Los Angeles recognizes excellence and performance by providing comprehensive and competitive benefit programs to its employees. The main theme of all of the programs is flexibility (as provided in this Chapter). These types of programs are made possible through Section 125 of the Internal Revenue Code which allows the employees to choose between nontaxable benefits, taxable cash and the best plan for employees and their families. In addition, the County pays you a monthly "benefit allowance" to use to pay for these benefits.

The County offers four **benefit plans** and each plan has different benefits and rates, see below:

1. Choices Benefit Plan - for employees represented by the Coalition of County Unions.
2. Options Benefit Plan - for employees represented by SEIU Local 721.
3. MegaFlex Benefit Plan - for eligible non-represented employees.
4. Flexible Benefit Plan - for eligible non-represented employees.

To enroll in the Flexible Benefit Plan, eligible employees must contact the Department's Benefits Desk in the Personnel Processing Section and complete the necessary enrollment forms within sixty (60) days of becoming eligible. Questions regarding specific procedures for any changes employees wish to make should be addressed to the Benefit Coordinator. Questions regarding insurance benefits, provisions, and coverage are to be directed to the specific carrier.

As a participant of one of the plans above, you may elect the following benefits:

- Medical Coverage
- Dental Coverage
- Group Term Life Insurance
- Accidental Death & Dismemberment Insurance
- Health & Dependent Care Spending Accounts
- Medical Coverage Protection (Long-Term Disability Health Insurance)
- Short-Term Disability – for MegaFlex participants only
- Long-Term Disability – for MegaFlex participants only

Part-time employees (except workers in student positions) who work an average of thirty (30) hours or more per week during a period of three consecutive months **may be** eligible to enroll in a County medical plan. To learn more about the benefits offered to eligible part-time employees, contact the Benefits Desk in the Personnel Processing Section.

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5.310 Mandatory Retirement Plans

The retirement system in the County is administered by the Los Angeles County Employees Retirement Association (LACERA). Every County employee appointed to a permanent position of three-quarter time or more automatically becomes a member of LACERA on the first day of the calendar month following the month in which the employee was appointed.

Temporary, seasonal, intermittent, or part-time employees of less than three-quarter time are ineligible for membership in LACERA, except when specifically included by the Board of Supervisors. Employees of the Department, who are temporarily on permanent items of less than three-quarter time, while participating in the DCFS Master of Social Worker Graduate Study Program, have been included in LACERA by the Board of Supervisors' option.

LACERA administers six retirement plans. Membership in the various plans is determined by the date when the employee was hired.

Plan A	Employees hired before September 1, 1977.
Plan B	Employees hired between September 1, 1977 and September 30, 1978.
Plan C	Employees hired between October 1, 1978 and May 31, 1979.
Plan D	Employees hired between June 1, 1979 and December 31, 2012.
Plan E	Non-contributory plan for employees hired between Jan. 4, 1982 and Dec. 31, 2012.
Plan G	All employees hired on or after January 1, 2013.

An employee currently entering County service, or transferring from a temporary status to a permanent status of three-quarter time or more are automatically enrolled in General Plan G. This requirement is a condition of continuing employment.

The HR Division will provide new employees with information and instructions for plan enrollment. (Form 76R353A – *Los Angeles County Employees Retirement Association Member's Sworn Statement and Election of Retirement Plan.*)

After completion of the application by the employee, forward it to the HR Division, Processing Unit.

The Personnel Processing Benefits Section will answer general questions by telephone. Specific questions regarding an employee's coverage or benefits will only be answered through written or personal inquiry by the employee. To learn more about these plans, call LACERA at (800) 786-6464 or access the LACERA Website at <http://www.lacera.com/home/index.html>.

5.320 Optional Retirement Plans

These are optional, supplemental retirement plans administered independently from LACERA. The plans are administered by Great-West Retirement Services. The administrator charges each participating employee a fee.

Generally, all permanent County employees are eligible for participation in the Deferred Compensation Plan. In addition, employees belonging to represented bargaining units are eligible to join the Thrift plan, while non-represented employees are eligible to join the Savings Plan. Contributions to each of the payments may only be made through payroll deductions (as provided in this Chapter). Below are general descriptions of the three plans. The descriptions are not authoritative; they are for informational purposes only. Questions regarding the investment options and limitations, benefits, distributions, tax considerations, etc. are to be addressed to the County of Los Angeles Service Center and/or Great-West Retirement Services.

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5.330 Deferred Compensation and Thrift Plan (Horizons, 457 Plan)

The Deferred Compensation and Thrift Plan are known as Horizons Retirement Plan. This voluntary plan allows the employee to:

- Build a retirement nest egg beyond LACERA pension.
- Contribute to and earn in tax-deferred accounts.
- Earn a dollar-for-dollar County match up to 4% of regular earnings.

In order to enroll in this retirement plan, an employee must be:

1. A full-time, permanent employee of the County of Los Angeles; and
2. A member of the Los Angeles County Employees Retirement Association (LACERA).

There are various investment options, which include five Pre-Assembled Portfolios and variety of payment methods from which to choose from. Be sure to read all fees carefully regarding this retirement plan. The County of Los Angeles and Great-West Retirement Services provide a wide range of administrative services, in which they include in fees for these services. To receive more information regarding this plan, go to www.lacounty.com or the County of Los Angeles Service Center at (800) 947-0845, both of which are available 24 hours a day, seven days a week.

5.340 Defined Contribution Plan (401(k) Savings Plan)

The County of Los Angeles 401(K) Savings Plan is a powerful tool to help reach retirement goals. As a supplement to other County retirement/pension benefits that an employee may have, this voluntary plan allows to save and invest extra money for retirement, **tax deferred**. The employee's personal pre-tax contribution limit, effective on January 1st of each year, either will be stated to you in a preset chart or 100% of Eligible Earnings as defined by the Plan, whichever is less.

The County will match dollar-for-dollar up to 4% of the employee's monthly "compensation" as defined by the Plan. To receive the entire match, the employee must contribute a dollar amount equivalent to at least 4% of the monthly compensation to the Plan.

The money the employee personally contributes to the Plan is always 100% invested. The matching contributions made by the County are vested as shown below:

Years of Service in Plan	% Employer Contributes Vested
1	20%
2	40%
3	60%
4	80%
5	100%

Please consider the investment objectives, risks, fees and expenses carefully before investing. For this and other important information, please visit www.lacounty.com or by calling the Los Angeles County Service Center at (800) 947-0845. Read them carefully before investing.

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5.350 Pension Savings Plan

The County of Los Angeles Pension Savings Plan is a retirement and investment plan for part-time, temporary and seasonal employees who are **not eligible** to participate in the retirement programs provided through the Los Angeles County Employees Retirement Association (LACERA).

This Plan is a nonqualified governmental deferred compensation defined contribution plan administered by the PSP Administrative Committee. Under the Plan, employees will contribute part of their monthly pay through a before-tax payroll deduction (a minimum of 4.5% of compensation will be deducted; an additional voluntary contribution of up to 7% is also permitted). The County will make a contribution equal to 3% of the monthly compensation to the employee's account.

A PSP account will be established in the employee's name, where both your contributions and the County contributions will be placed and will receive earnings. The funds in the account are held for employees' benefit, and may be withdrawn at the time of retirement, or upon separation from County service.

All enrollments and or changes are generated by DCFS Human Resources Division (HRD). You will need to contact the HRD Personnel office to have them correct your records.

5.360 Optional Group Insurance Plans

Every member of LACERA is covered by \$2,000 of County-paid term life insurance, effective the first day of the month following appointment. In addition, an employee who is covered by Retirement Plan E has an additional term life insurance (for a total of \$10,000 coverage). These types of coverage are the only insurance plans that **do not require** positive enrollment steps by the employee. Temporary employees are not covered by these life insurance term plans.

All other insurance plans offered through the County are optional and voluntary. They require the employee to take positive steps to enroll. The other group insurance plans offered by the County cover health, dental, optional term life, and accidental death and dismemberment. Employees are responsible for enrolling themselves and their dependents in the optional plans of their choice within the specified time limits set by the various insurance carriers. Any employee paid premiums are paid through payroll deductions (as provided in this Chapter).

Information about Specific Benefits and Provision of the Various Group Insurance Plans

The County makes no recommendation as to the adequacy of coverage offered by any insurance carrier. Further, questions regarding claims and benefit payments are matters between the carrier and the employee.

When employees leave County service or their employment status changes so that they become ineligible for County-sponsored programs, they may convert the County-paid term life insurance, health plan, and optional life insurance plan to private programs.

The group dental plans and the accidental death and dismemberment coverage may not be converted.

Employees wishing to convert the life insurance plans should call the Insurance Section of the CEO (213) 974-2474 no later than two weeks after the effective date of separation or change of status.

Employees wishing to convert a health plan should call the plan directly.

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Employees who are retiring from the County service should contact the Retirement Board for information concerning types of coverage offered through it.

5.370 Health Plan

The County-sponsored health plans are Kaiser and Anthem Blue Cross. An eligible employee may select only one of the plans. The County will contribute toward the premium payment. The amount of the County contribution is determined through collective bargaining with employee representative organizations. If the County contribution is not large enough to cover the premium charged by the carrier, the balance is deducted from the employee's monthly pay. Questions regarding current premium rates and County contributions should be directed to the employee's timekeeper.

5.380 Dental Plan

Delta Dental, Safeguard, and DeltaCare are County-sponsored programs available to employees. Coverage is not automatic. If a permanent full-time employee wishes coverage, timely enrollment action must be taken. The County contributes to the premium payment. If the County's contribution is insufficient to cover the premium, the balance will be deducted from the employee's monthly earnings.

Temporary employees are not eligible for group dental plans.

5.390 Life Insurance and Accidental Death and Dismemberment (AD&D)

Met Life Insurance Company is the underwriter for the County-sponsored Life Insurance Plan and for the Accidental Death and Dismemberment (AD&D) Plan. Employees may also purchase accidental death and dismemberment coverage in amounts equal to one to eight times their adjusted annual salary.

The County does not contribute toward premium payments for these types of insurance coverage. Premiums will vary with the options selected. The premiums are paid through payroll deductions. Temporary employees are not eligible. If a temporary employee is later appointed to a permanent item and wishes coverage, the employee must enroll within 60 calendar days of the appointment.

5.400 Enrollment Requirements

Each employee is responsible for enrolling in the option insurance plans on a timely basis.

An employee may obtain printed material that gives detailed information on a particular insurance plan, as well as the forms for enrolling in that plan, from Personnel Processing Benefits Coordinator.

1. New Employees

Permanent, full-time employees must enroll themselves and their dependents in each optional insurance plan ***within 60 calendar days of their hiring date.***

Temporary employees must enroll in the health plan of their choice ***within 60 calendar days of their hiring date.*** Temporary employees are not eligible for the dental, optional term life, or the accidental death or dismemberment coverage. If an employee is later appointed to a permanent item and wants to enroll in these plans, it must be done ***within 60 calendar days of attaining permanent status.***

Permanent employees who are temporarily placed on an item bearing a suffix "0" (for temporary sub-help position), but who retain their permanent status, are considered to be

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“dual status” employees. These employees may continue their County-sponsored coverage, provided that a verification of status letter is sent by DCFS Personnel Processing Section to the Auditor-Controller and the CEO. Verification is routinely processed by Personnel Processing Section at the time “dual status” begins, but employees should check their pay stubs to see that the correct payroll deduction codes and amounts continue to show after they start to receive their pay as “dual status” employees.

The availability of, and the enrollment requirement information for, the County-sponsored optional insurance plans are available from the DCFS Personnel Processing Section. Information is also given to the incoming employee verbally during the intake process.

2. All Employees

Employees who have passed the 60 calendar day enrollment period are presumed to have exercised their option to either enroll or not to enroll in their voluntary insurance plan(s) for which they are qualified.

Enrollment in a plan after the time limit has expired is limited, as follows:

Open Enrollment

A special departmental notice is prepared and circulated by the Personnel Processing Section informing DCFS employees whenever open enrollment is offered.

Open enrollment periods are scheduled by the County. Open Enrollment usually occurs from October 1 through October 31. Each open enrollment is limited in time and to the insurance plans that are included. During open enrollment employees can switch benefits plans, add or remove dependents according to plan rules.

5.410 Enrolling and Deleting Dependents

1. Definition

Your eligible dependents generally include:

- Your legal spouse/domestic partner (see Summary Plan Descriptions for special rules concerning domestic partner and same-sex spouse eligibility).
- Your children:
 - Under age 19.
 - Under age 19 for whom you have legal custody, or have to cover under your medical plan as part of a qualified medical child support order.
- Your adult children age 19 through age 25. To be enrolled you must attest that your adult child is not eligible for other employer-sponsored coverage (except under a parent's plan), such as a plan from their own job or their spouse's job.

2. Enrolling a New Dependent

An employee who wishes to add a newly-acquired dependent (spouse or child) to an insurance coverage must make such a request on a timely basis. To add a new dependent, the employee must notify and submit all required documentation to the Department of Human

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Resources Benefits Coordinator within 60 days. Changes can also be made through the mylacountybenefits.com Website.

Note: On life insurance and AD&D, if dependent coverage is already in force, all new dependents are automatically covered. If no dependent coverage is in force, new dependents must be enrolled within 90 days.

Depending on the insurance plan and the number of dependents already enrolled, the addition of a new dependent may result in increased premiums.

3. Deleting an Ineligible Dependent

When a dependent becomes ineligible for the County-sponsored coverage, the employee must take immediate action to delete the ineligible person (in most instances). The employee must notify the Department of Human Resources Benefits Section. An exception exists for the health plans.

Coverage for a disabled child may continue past age 25 if your health plan determines that your child became disabled before the limiting age (check with your health plan to determine the limiting age). Proof of your child's disability may be required from time to time. Your disabled child's coverage ends when the plan no longer considers your child to be disabled, your child marries or no longer depends on you for support, or you stop coverage for any reason.

For life and for AD&D coverage, action to delete an eligible dependent is required only if the deletion will result in no dependent coverage.

No action to delete an eligible dependent is required for the dental coverage.

The failure of the employee to delete the ineligible dependent will not extend or continue the coverage for the ineligible person. Coverage for the dependent ceases as soon as the person becomes ineligible.

However, the failure of the employee to delete the ineligible dependent on a timely basis may result in the employee's continuing to pay through payroll deduction, and/or the County to subsidize the ineligible dependent's premiums.

If the employee wishes to delete a dependent for any other reason, the employee must submit the deletion forms.

Employees enrolled in the Flexible Benefits Program must submit completed deletion forms to the DCFS Flexible Benefits Counselor for processing.

5.420 Insurance Coverage during Unpaid Leave of Absence (COBRA)

If an employee goes on a leave of absence that results insufficient pay from which to deduct the premiums for the life and the AD&D coverage, or the health and dental plan premiums.

When any of the above occurs, the Insurance Section of DHR sends a monthly premium due notice to the employee, covering each insurance plan and giving the employee the option of maintaining the coverage while on leave. The notice should reach the employee no later than the third week of the month in which a paycheck is not received, or the month in which the pay stub does not show the insurance deduction code and the amount.

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If the employee does not receive a notice by the end of the third week, the employee should inform the Insurance Clerk at DHR immediately. Non-receipt of the notice may be because the employee's current address is not on record. It is critical that the employee properly notify the Department and the DHR Insurance Section of each change of address as it occurs.

If the employee wishes to maintain coverage, premiums must be paid directly to the Insurance Section of DHR. If more than one type of coverage is involved, it is the employee's responsibility to pay for each and every coverage premium. Failure to pay when billed for any coverage will result in the cancellation of that coverage. The employee is responsible for any services received after the date of cancellation.

When an employee maintains coverage by paying the premiums during the unpaid leave, the payroll deduction and/or County subsidy for that coverage resumes automatically when the employee returns from that leave.

If an employee did not retain the coverage and wants the canceled coverage restored, the re-enrollment must be completed within 90 days of the return to work date. A coverage that is cancelled during an employee's unpaid leave remains canceled unless the employee re-enrolls within 90 days of return. The application must show the date of return from leave.

5.430 Continuation of County Sponsored Group Health Coverage (COBRA)

A Federal law known as COBRA (The Consolidated Omnibus Reconciliation Act of 1985, as amended) requires the County of Los Angeles to offer employees ("Subscribers") and their qualified dependents ("Beneficiaries") the opportunity for a temporary extension of health benefits at group rates plus an administrative charge in certain instances where coverage under the Plan would otherwise end. At the time you first become covered under a County health plan, you should receive a notice that will explain your rights and obligations under COBRA as well as a notice explaining your rights and obligations under California law.

COBRA allows for continuation of all County sponsored group health coverage when certain "Qualifying Events" occur that would normally terminate such coverage.

You may choose continuation coverage if your coverage terminates for the following reasons:

- Reduction in your hours of employment.
- Termination of your employment.

In addition, your spouse/domestic partner and children are entitled to choose continuation coverage for the following reasons:

- Termination of your employment or reduction of your hours or employment.
- Your divorce, legal separation or termination of domestic partnership.
- You become eligible for Medicare.
- Your death.
- Your child ceases to qualify as a dependent.

Under COBRA, you or your covered dependent(s) are responsible for informing the County within 60 days of a divorce/legal separation, or of a child losing dependent status under your plan. If

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notification is not given within this time frame, the right to continuation coverage will be lost. Also, if you or your covered dependents do not choose continuation coverage within 60 days from the date you receive notice; your coverage will end as specified under the term of your plan.

When you become eligible for COBRA, the County will notify you or your dependent(s) of the right to continue coverage. If continuation coverage is chosen, the County is required to offer coverage identical to that which you had while employed. Your coverage will last for 18 months or longer depending upon the reason coverage ends or if you are disabled. You do not have to show that you are insurable to choose continuation coverage. You will have a grace period of 45 days after you elect COBRA to make your initial payment. You will be responsible for paying the monthly premium plus an administrative charge.

After Federal COBRA ends, you may be entitled to extend coverage under California law. In addition, you will have the opportunity to enroll in an individual conversion policy.

Please note that continuation coverage rights with respect to domestic partners arise as a matter of County policy and do not arise under federal or state law.

To learn more about your COBRA coverage, please contact:

COUNTY OF LOS ANGELES
DEPARTMENT OF HUMAN RESOURCES
EMPLOYEE BENEFITS DIVISION
COBRA ENROLLMENTS
3333 Wilshire Boulevard, 10th Floor
Los Angeles, CA 90010
(213) 388-9982

5.440 Change of Address or Name for Insurance

An employee must notify each of his/her insurance companies separately whenever there are changes in the employee's name or address. Each insurance carrier requires that its own form be used for these purposes, and is separate from the "Notice of Change of Address" or the "Name Change" forms.

An employee who does not keep the insurance companies informed of a current address may fail to receive the latest identification card, a premium notice, or other literature concerning the coverage. This may cause difficulties for the employee in receiving benefits, or may even *result in the cancellation of the coverage.*

5.450 Charitable Giving Programs

Los Angeles County employees raise more than \$1 million a year for charity. The Board of Supervisors and/or DCFS may authorize charitable organizations to solicit employees for contributions. When a charitable organization is so authorized, both the Board of Supervisors and DCFS encourage employees to contribute through payroll deduction and by participating in various fundraising activities. Only authorized charitable organizations are allowed to solicit employees or receive donations through payroll deduction.

5.460 Fund Distribution Agencies

The Board of Supervisors has approved payroll deductions by five (5) non-profit, Fund Distribution Agencies (FDA). The Board-approved FDA's are United Way, Brotherhood Crusade, Asian Pacific Community Fund, Earth Share, and the United Latino Fund. In addition to contributing through

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payroll deduction, DCFS employees are encouraged to support the FDA's by participating in various fundraising activities.

5.470 March of Dimes

The March of Dimes is authorized by Board of Supervisors and DCFS to solicit employees for contributions. The March of Dimes Campaign is an annual charitable event held every year between March and July. Fundraising activities include walking or sponsoring a walker in the March for Babies event, sale/purchase of raffle tickets and other various fund raising activities.

5.480 Red Cross Blood Drive

The Red Cross conducts regular blood drives. DCFS encourages those employees medically able to donate blood at least once a year. Red Cross donation sites are set up at offices throughout the County. The DCFS Blood Drive Coordinator will notify DCFS employees when there is an opportunity to donate.

5.490 Family and Children's Services Trust Fund

Family and Children's Services Trust Fund is a special fund administered by the Los Angeles County Department of Children and Family Services. It was established by social workers in 1986 to pay for items and services needed by neglected and abused children served by DCFS that could not be paid at public expense.

All contributions are tax deductible. The Family and Children's Services Trust Fund needs each employee's help to support a child's dream. Donations to the Trust Fund can be made through the United Way and Brotherhood Crusade by designations to the Trust Fund. For additional information regarding the fund, please call (213) 482-2838.

5.500 Other Programs and Payroll Deductions

5.510 Credit Union

The Credit Union for DCFS is 1st City Savings Federal Credit Union, located in the Credit Union Plaza at 717 West Temple St., Los Angeles, CA, 90012. Use PDA Form 76E3562 to authorize payroll deductions and contact the credit union for specific instructions.

It is a non-profit employee-owned, federally-chartered financial organization through which employees may save and/or borrow money. Savings or payments by payroll deductions are available.

5.520 Union/Employee Representative Dues

Use PDA Form 76E362 to authorize union/employee organizational payroll deductions to pay such dues. Employees should contact the perspective union/employee organizations for specific instructions.

5.530 Payroll Deductions and Pay Stubs

Employees should examine their paycheck stubs regularly for insurance codes and deductions. Errors can occur, *especially* when a change in payroll status has occurred, such as adding or deleting a dependent, transferring between County departments, receiving a salary increase, or going on or returning from a leave of absence without pay. Employees can print or view the Employee Pay Statement that is available on Employee Self-Service (ESS) Paystub Viewer at <http://Mylacounty.gov>.

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The fact that an insurance code and amount appear on the pay stub is proof that premiums for that plan are being paid, either by the County or the employee. If a discrepancy is discovered, employees should notify Payroll immediately.

The CEO/Human Resources Insurance Section acknowledges, in writing, all requests for coverage or cancellation of County-administered plans. The letter also advises employees of the first date their paychecks will reflect the action and the effective date of the action.

If an employee has not received written acknowledgment within four weeks from the date the documents are submitted to the Payroll and Timekeeping Section, the employee should immediately notify the department's Payroll and Timekeeping Section.

A list of the payroll earnings codes, deduction codes, contribution codes and cafeteria benefit plan codes are available on LA County Auditor Controller Web site at <http://auditorweb.co.la.ca.us/Auditor-Controller/Payroll>.

Employees can verify each of their forms of insurance coverage by looking for the code number and the amount of monthly premiums on the pay stub that is received with their 15th paycheck. Both the code and the amount appear. If one or both are missing or incorrect, employees should inform their insurance company.

5.540 Length of Service Recognition

All County employees receive recognition of their service to the County. The service awards are as follows:

- For 10, 15 and 20 years of service, the employee will receive a pin.
- For 25 years of service, the employee receives a personalized paperweight with the County emblem and years of service engraved.
- For 30 years, of service the employee will receive a desk set. This desk set consists of two gold plated ink pens. The stand for the pens also has the County emblem, years of service and is personalized with their name.
- For 35 years of service, the employee receives a glass and gold plated clock, personalized with their name and years of service.
- For 40 years of service, the employee receives engraved book ends.
- For 45 years of service, the employee receives an engraved crystal vase.
- For 50 years of service, the employee receives a lapel pin (gold sand blasted engraved with diamonds).
- For 55 years of service, the employee receives an engraved award tower.
- Employees who retire with 35 years of service will receive a gold Bulova watch with the number of years served with the County and their name engraved on the back.

The employee should receive 10, 15, and 20 year service pins within 30 days from the date service was completed. All other awards (25, 30, 35, and 40) are received approximately 60 days from the date County service was completed. If the employee does not receive the award at the specified time contact the Personnel Processing Section.

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5.550 Timecards, Paydays, and Payroll Problems

In April 2012, the Countywide Timekeeping and Payroll Personnel System (CWTAPPS) was replaced with eHR Time Collection System.

5.560 Timecards

Each employee must be held accountable for complete and accurate time card reporting on a daily basis when using the web-based timesheet, referred to as TIMEI, in the eHR Time Collection System. The employee's electronic signature confirms that the employee accurately and completely recorded all of the time worked for the period

5.570 Employee's Responsibility

All DCFS employees must enter and verify all hours worked and time off. They must also electronically sign, validate and submit their timesheets for supervisor approval within the established eHR Time Collection System deadline. The employee's electronic signature confirms that the employee accurately and completely recorded all of the time worked for the period.

If the employee is not available to enter and/or submit his/her web-based timesheet in eHR Time Collection by the established deadline, the employee's designated proxy will enter the employee's time and submit the web-based timesheet on the employee's behalf for approval.

A Proxy is a designated individual authorized to submit a timesheet on behalf of an employee. Proxies are used in situations when an employee is out on leave, does not have access to a computer, or if the employee is out of the office when their timesheet is due.

5.580 Manager and Supervisor's Responsibility

Manager and Supervisors are responsible for reviewing, rejecting and/or approving timesheets online for their employees by the established eHR Time Collection deadlines. Time recorded by employees as worked must only reflect time that is actually spent performing worked for the County. Managers and Supervisors should ensure appropriate documentation with their approval exists for reported time off and overtime of their employee.

Manager and Supervisors are responsible for obtaining documentation and ensuring appropriate and accurate coding of time collection documents for each employee under his/her supervision when approving or rejecting the employee's timesheet online.

If an error is discovered after the web-based timesheet was submitted, the Manager or Supervisor shall forward a copy of the corrected timesheet to the timekeeper. The employee and Manager or Supervisor shall sign the form to verify change.

Falsification, tampering with and/or failure to properly complete these documents by employee or supervisors will be subject to appropriate disciplinary action.

5.590 Timekeeper's Responsibility

Each pay period, timekeepers will review the Missing Time Sheet report from the eHR Time Collection reports to ensure that timesheets are submitted.

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Adjustments

The timekeeper will process the time corrections received from the Manager or Supervisor.

Distribution of Salary Warrants and Mileage Checks

Each office has an employee assigned to receive and issue salary warrants and mileage checks. The assigned person must be someone other than the timekeeper or anyone associated with the timekeeping function.

Controls must be kept to ensure checks are distributed to authorized persons. (Office Heads may refer to the Timekeeper's Handbook for more detailed information.) When warrants are received for employees who are not in the pay location, payroll must be notified and the checks returned to the payroll office immediately.

5.600 Payday

Paydays are usually on the 15th and 30th of each month. If either of those days is a Saturday, Sunday, or Holiday, payday is the preceding working day. All paychecks will be delivered through the messenger service to the designated pay locations throughout the Department or direct deposited to employee's account.

If any paychecks are not received, the timekeeper shall notify the Payroll Office.

5.610 Pay Problems and Questions

For Payroll problems or inquires, employees shall contact the Payroll and Timekeeping Help Desk.

The Auditor's Office has established specific methods for dealing with lost, stolen, or mutilated checks. Generally, a check must be missing for seven working days after date of issuance before a duplicate check can be issued. Employees having questions about the reissuing of lost, stolen, or mutilated checks should contact their office timekeeper.

5.620 Withholding – Tax Deductions

Requests to change withholding tax deductions are made by completing one copy of Form W-4. The form must be dated and signed by the employee. One copy of the Form W-4 should be forwarded to Payroll and Timekeeping Section.

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**Chapter 6.000
Employee Development**

Number	Section
6.000	Statement of Purpose
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6.020	Specific Types of Internal Training
6.030	Annual Training Plan
6.040	Training Regulations & Annual Performance Appraisals
6.050	Orientation Program
6.060	Children's Social Worker Orientation and Training Program
6.070	In-Service Training
6.080	Purchased Training
6.090	Purchased Training Requests (PTRs)
6.100	Reciprocal Training
6.110	Self-Directed Training; SCSW/CSW
6.120	Certified Training Hours
6.130	Educational Meetings
6.140	Social Work Placement by Professional Schools
6.150	Social Work Professional Development Advancement Programs
6.160	Educational Leave
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6.180	Title IV-E Stipend Social Work Internship Program
6.190	The CalSWEC Stipend
6.200	Field Placement Coordination
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6.240	County Time and Mileage

6.000 Statement of Purpose

The Department of Children and Family Services (DCFS) holds as a basic principle that in order to deliver quality professional services, DCFS has the responsibility to train, support, and enrich its staff. In support of this belief, the Department's Training Section coordinates and provides training to all staff involved, either directly or indirectly, in rendering services to children and their families.

6.010 Training Policy

The scope, authority and responsibility for training and employee development activities are mandated by Federal, and State, and County regulations. As directed by DCFS Leadership and pursuant to these regulations, the Department develops and maintains an approved Annual Training Plan to meet clearly established training needs and to support achievement of priority Departmental outcomes for children and families.

In partnership with accountable managers and supervisors, the Training Section develops, coordinates, delivers, evaluates and seeks to continuously improve training in support of the Los Angeles County and DCFS Strategic Mission and Goals, as well as promotes and supports outcome achievement for those we serve – the children and families of Los Angeles County. This is accomplished through the development and delivery training programs that target major initiatives

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and support best practice. Summarized, these responsibilities and initiatives include but are not limited to:

- Manage and oversee all internal and external training resources, work with and through staff and managers at all levels to lead, manage and oversee comprehensive development and implementation (through training) of a continuously improving, outcome driven, practice model for Child Welfare Services to achieve improved outcomes in the areas of safety, permanence and well-being;
- Develop and implement training at all levels (manager, supervisor, line staff, and support staff) that is responsive to all elements of current Federal, State and Board mandates including the Child Welfare Services Re-Design, Federal Program Improvement Plan (PIP), and the Child Welfare Services Outcome Improvement Program (AB 636);
- Implement improved coordination of training across systems including other County Agencies, community/stakeholders, Universities and other providers towards improved integration of services in support of client children, families and communities;
- Maximize development and utilization of effective partnerships to support training including the Inter-University Consortium, private providers, internal resources, and other County Agencies;
- Provide leadership and oversight in equipping resource families through on-going and specialized in-service training (AB 2129 and CWSOIP Funds);
- Provide direct training and organization development support to strengthen local DCFS leadership in managing to improved outcomes, maximize the development of skill in key areas supported by evaluation and transfer/application of learning strategies;
- Provide priority training as needed to support DCFS implementation of the Title IV-E Waiver;
- Respond timely to all DCFS leadership directives and requests.

6.020 Specific Types of Internal Training

The DCFS Internal Training Plan focuses on training Children's Social Workers (CSWs), Supervising Children's Social Workers (SCSWs), other supervisory and management staff, administrative support, clerical staff, and those with other specific roles and responsibilities.

6.030 Annual Training Plan

In achieving the goals and objectives of the Annual Training Plan, it is policy that identified sources for training needs include: Board of Supervisors, Juvenile Court mandates, Executive Team mandates, statute/regulation, data/information, ongoing quality review, and recommendations of advisory committees and management.

Below are needs articulated and reflected in the Annual Training Plan:

- Adequate training be provided to all employees regardless of race, creed, color, sex, religion, ethnic origin, marital status, age or disability;
- Staff members who supervise the performance of other employees be responsible for developing those employees as part of their supervisory function;

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- Managers and Supervisors be trained both initially and ongoing in effective staff development techniques and methods; and
- Appropriate training records and reports to be maintained for the planning and control of the training program.

While the DCFS organizational structure may change and adapt with time, the Department's training plan focuses on training Children's Social Workers, Supervisory and Management staff, clerical staff, and Revenue Enhancement staff as well as those staff in specialized direct service and administrative/support functions. This includes foundational training required to assume a role/responsibility as well as ongoing in-service and targeted specialized training to develop and perform in that role ongoing.

The Training Section works closely with relevant and qualified sources of training including the University Consortium for Children and Families (UCCF) and the training contractor, University of California Los Angeles (UCLA), in developing specific training events.

6.040 Training Regulations & Annual Performance Appraisal

Pursuant to California Department of Social Services (CDSS) regulations (Chapter: 14:600 Training Programs) all Child Welfare Workers/Children Social Workers and Supervisors shall undergo 40 hours of continuing training every 24 months.

Timely compliance with this mandate must be addressed as part of each individual's Annual Performance Evaluation. At the initiation of each Performance Appraisal (PA) Cycle, in accordance with job appointment date, the accountable Manager or Supervisor shall meet with the employee to discuss and map out training needs for the coming 12 month period. Training can and should encompass:

- What is needed to fulfill specific job duties;
- Training which enhances and supports employee professional growth and advancement;
- Mandated County based training; and
- Targeted training to support implementation of key Departmental and community initiatives.

Qualifying training for these required hours is not limited to formal classroom instruction but encompasses and allows for multiple learning/training modalities to be utilized, accessed, tracked and reported. These include conferences, Seminars, On-line training/eLearning, Unit and office based meetings/trainings, and Self-directed training.

All training attended and which qualifies towards meeting this regulatory requirement must be tracked and reported at the time of the employee's annual performance review. Employee transcript report, which includes all tracked training hours, is available for management access via the Los Angeles County Learning Management System (The Learning Net).

6.050 Orientation Program

New employees of the Department participate in an orientation program designed to align them with the mission and goals of the Department, orient them to County Service, and inform them of employee rights, responsibilities, and opportunities for their career development within the Department.

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All public contact employees will be trained on the requirements of the County's Non-Discrimination Policy and Division 21.

6.060 Children's Social Worker Orientation and Training Program

Pursuant to California Department of Social Services (CDSS) regulations (Chapter 14.611 regarding Training Programs), all newly appointed SCSWs and new CSWs are required to complete modules designated by CDSS to be completed as part of foundational training and within the first and second years of appointment/hire.

All newly appointed Children's Social Workers (CSWs) will participate in a multi-day orientation program designed to introduce them to basic child protective service philosophy and information, and acquaint them with their professional responsibilities in providing services to children and their families.

Following completion of the initial Academy training (which will change in duration and structure over time), CSWs will participate in regularly scheduled advanced foundational courses for the balance of the 12-month probationary period. These sessions are designed to increase the CSWs' social work skills in assessment, interventions, and treatment of endangered children and their families.

The formal orientation and training program is not designed to encompass all the ongoing training needs of the CSW. Many of these skills can only be learned on the job in close consultation with the SCSW. The SCSW, with the support of the Training Section, has the on-going responsibility to guide and help the CSW develop professionally.

Academy Field Activity and Training Guide

New social workers and their assigned supervisors utilize a Field Activity and Training Guide to assist them in tailoring ongoing field work assignments throughout the Probationary period. The training guide directs and supports the professional development of new CSWs during their first year of service with DCFS. The guide is issued to new CSWs and their Supervisors during the Academy and will provide them the opportunity to bridge learning experiences from the classroom to the field. At the completion of the Academy the guide will serve as an on-going learning tool and reference document for CSWs as they go through the 12-month probationary period. The guide provides essential opportunities to SCSWs and managers to fully develop and enhance the skills of their new staff.

6.070 In-Service Training

The Department makes available to staff, managers and supervisors, on-going training which is intended to increase and enhance employee skills. This training may be obtained directly from courses developed by the Department's Training Section or may be obtained through utilizing other resources and modalities as approved and sponsored by the Department.

For attendance & behavior expectations during In-Service Training, please refer to Chapter 7.000.

6.080 Purchased Training

DCFS contracts for training from outside agencies or individuals with particular expertise when this would most appropriately meet a specific training need.

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6.090 Purchased Training Requests (PTRs)

PTRs are requests for training expenditures from the Departmental purchased training budget. Such requests may be made by any employee, but funds are primarily reserved for non-represented, management or support staff. These funds are available for CSWs/SCSWs who have exhausted their Self-Directed Training Funds.

For further information, see Instructions for Purchased Training Requests and the PTR form at:

http://lakids.dcfslacounty.gov/Conferences/doc/INSTRUCTIONS_3514.pdf; and

<http://lakids.dcfslacounty.gov/Conferences/doc/PTRFormBlank.pdf>

6.100 Reciprocal Training

The Department develops Reciprocal Training with other agencies in the Child Welfare area. Reciprocal Training provides staff with contact and training by other professionals, and provides other agencies with relevant training presented by the Department.

6.110 Self-Directed Training; SCSW/CSW

It is the Department's policy to encourage employees to participate in part-time courses, conferences, seminars and workshops which closely relate to their current work and have substantial immediate value in improving their performance. Through the "Self-Directed Training" program, the Department may participate in the cost of registration or tuition, and/or release time for job related education meetings. DCFS has established a fund for each CSW and SCSW and it is this fund which can be used to purchase "Self-Directed Training" outside of the In-Service Training offered. Self-Directed Training may be used for the purpose of enhancing CSWs or SCSWs individual and professional skills relative to working in the child welfare environment. This includes any of the following:

- Developmental workshops, conferences and seminars or classes relevant to child welfare;
- Membership/enrollment fees in professional organizations and multi-disciplinary councils on child abuse prevention and treatment, or licensure programs, when offered as part of a training activity;
- Subscription to professional journals, books or magazines relevant to child welfare services, when used as part of a training activity;
- Application fees for certification programs.

The training requested cannot be a duplication of training already provided by the DCFS Training Section or the UCCF, unless such DCFS training is either closed to enrollment or is no longer being offered.

For more information refer to Action Directive (AD) 95-06, Self-Directed Training Funds at <http://lakids.dcfslacounty.gov/Conferences/doc/SelDirectedTrainingACTIONDIRECTIVE.pdf>

Note: The employee is responsible for ensuring that sufficient time exists between the request date and the date of the training event for appropriate authorization to be given.

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Procedure for Requesting the Self-Directed Training Funds

1. The CSW or SCSW shall:
 - Complete the Self-Directed Training Fund Request form and attach a descriptive brochure of the training or other activity. The form can be found in AD 95-06, Self-Directed Training or on the LAKids Website in the Forms Section at <http://lakids.dcfslacounty.gov/DCFS/forms/index.htm>; and
 - Submit the packet to his/her immediate Supervisor for review and signature of the Office Head.
2. The Supervisor shall:
 - If denied, return the request to the CSW with an explanation for denial.
 - If approved, send the approved request to the RA or designee at least ten (10) days before the event.
3. The Regional Administrator (RA) shall:
 - Develop a mechanism for tracking Self-Directed Training Funds in order to ensure that no CSW exceeds their fund allocation.
 - If the amount of the request exceeds the maximum allowance, deny the request and return it to the SCSW with instructions to resubmit for the allowable amount.
 - If funds are available and the request qualifies, approve and sign the request, sending the original to Finance Section a copy to the Training Director, and returning a copy to the requesting CSW/SCSW within five working days of the SCSW signature.

6.120 Certified Training Hours

Certified Training Hours ARE HOURS REQUIRED FOR STEP RAISES. The importance of on-going training and skills enhancement for CSWs and SCSWs is underscored by the training hours required for SCSWs and CSW IIIs to advance to steps 6 and 7 of their respective salary scales. These hours include training time received through the use of DCFS-approved audio/video tapes as recorded in the Los Angeles County Learning Management System (The Learning Net). Employees are responsible for updating and maintaining transcript records for all training not provided or sponsored by DCFS Training Section. Forms are available for completion, approval and submission for credit on The Learning Net and on LAKids at <http://lakids.dcfslacounty.gov/DCFS/forms/index.htm>.

6.130 Educational Meetings

Background

With advance authorization, DCFS may provide tuition and other costs for employees to attend off-site educational meetings.

Policy

Department policy encourages employees to participate in conferences and/or other learning events that closely relate to their current work and which have substantial immediate value in improving their performance. "Educational Meetings" can be training courses, conferences, seminars, workshops

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and/or professional organization member gatherings with the exception of general membership meetings of professional or other organizations.

The Department may participate in the cost of registration/tuition and/or release time for job related educational meetings. When such attendance has advance authorization from the appropriate DCFS levels, the employees' absence would not adversely affect operations and when adequate funding exists to pay for that attendance. To ensure timely processing, all training requests must be submitted to the employee's Office Head two weeks in advance of the training.

Procedures for Requesting Off-Site Training on County Time

The employee secures identifying date about the job related educational meeting(s) he/she wishes to attend. The employee is responsible for ensuring that sufficient time exists between the request date and the date of the educational meeting for appropriate authorization to be given.

The employee completes form "Request for Off-Site Training" with a copy of the program content attached. The employee forwards these documents through his/her supervisor to the appropriate Office Head.

Upon approval, a copy of each of these two documents will be forwarded to the Head of the Training Section, where an annual report on off-site training will be prepared.

If the Office Head or his/her delegate approves attendance at an off-site training, mileage reimbursement can be claimed to sites within Los Angeles or adjoining counties using existing procedures, whether tuition is approved or not.

6.140 Social Work Placement by Professional Schools

It is Department policy to provide both graduate and undergraduate field work experience for students enrolled in local universities having accredited MSW or BSW programs who are majoring in Social Work and who require a professionally supervised field experience.

Requests from universities for these placements are coordinated and processed through the Education and Licensure Section. In addition to supervised placements to enhance professional skills, it is also possible for the Department to grant Educational Leaves for graduate studies.

6.150 Social Work Professional Development Advancement Programs

In order to enhance the professional skills of employees, educational leaves for graduate study - without pay - will be granted whenever possible, in accordance with the following provisions:

- Civil Service Rule 17.02, which states that "Leaves of Absence from regular duties without pay may be granted by the appointing power for such purposes as...education or training... when such leave is deemed by the appointing power to be in the best interest of the Department. When such leave is for longer than six months, it must be approved by the Director of Personnel."
- State Welfare and Institutions Code, Section 10900, provides authority for granting of educational leaves to ensure that the Department will have available the quality and quantity of personnel needed to carry out its services.

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The Education and Licensure Section administers several programs to aid in the professional development of all DCFS staff which are located below:

- Educational Leave.
- Work Release Time Program.
- Title IV-E Stipend Social Work Internship Programs.
- Tuition Reimbursement Program.
- Clinical Licensure Program.

6.160 Educational Leave

Educational Leave (non-paid leave) is for employees who are interested in returning to school to obtain a BSW or MSW degree in social work. The Department will consider staffing needs and the overall workload impact to determine whether to grant Education Leaves. Non-paid leave is granted for one academic year and may be renewed for an additional academic year. A formal request for educational leave must be made in writing for each year of leave requested. Educational leave may be cancelled at any time with prior notice to the employee specifying a reasonable date for termination of the leave. Failure to return to work from a cancelled leave may be treated as a resignation.

To qualify for Educational Leave, an employee must, at a minimum, meet the following criteria:

- Be a full-time permanent employee.
- Have worked for the Department for at least three (3) consecutive years.
- Have been rated at least "Competent" on the last two (2) Performance Evaluations.

6.170 Release Time

Work Release Time is for employees enrolled in a part-time program. Employees granted Work Release Time will be required to work one full year for the Department in exchange for the time granted to do field placement at a site other than DCFS. The work commitment takes effect upon receipt, by DCFS of official notice, of the employee's graduation date. Employees who fail to fulfill employment commitments following graduation or who fail to graduate from the program, for which Work Release Time has been given, must reimburse DCFS for the Work Release Time taken; this includes the number of Work Release Time hours taken, salary of the employee and other benefits accrued/given during those hours.

Upon approval of the Work Release Time by DCFS Executive Team and with advance authorization from the appropriate regional administrative levels, employees may attend off-site field placement internships required for completion of a Bachelor of Social Work (BSW) or Masters of Social Work (MSW) from an accredited MSW program or an accredited Baccalaureate program acceptable to the Department for hire in a Children's Social Worker Trainee position.

Participation in the Work Release Time Program allows employees to leave their work site for a specific number of hours each week to conduct an educational field placement internship. Work Release Time is not intended to be used for other school-related activities such as class attendance, travel time, registration, study, thesis research, etc. Part-time Masters of Social Work Programs are generally three year programs requiring education field placements internships during the last two

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academic years. In Baccalaureate of Social Work programs, educational field placement internship is required during the senior year.

Work Release Time is only available to employees who continue to work while attending school so that their placement and work schedules combined total 40 hours per week.

Employees enrolled in an accredited BSW program are required to participate in a field internship program as part of their academic requirements. Once approved for Work Release Time, employees are eligible to for up to 400 hours of field placement during the last year of their undergraduate program. All BSW field placements will be performed within DCFS at an appropriate site.

Employees enrolled in a MSW program and approved for Work Release Time will spend the first year of their field placement in an appropriate agency, selected by their University. At no time are DCFS employees to engage in practice where there exists a reasonable possibility that the employee's outside activities may be incompatible with or create a conflict of interest as a result of his employment with DCFS (Chapter 8.000).

Employees will perform the second year field placement within DCFS and are required to perform their second year internship at a DCFS location other than the employee's usual work site. Employees on Work Release Time may not be called back to work on caseload assignments during field placement hours.

Employees, approved for Work Release Time, will have their caseloads reduced proportionate to the number of hours the employee is on Work Release Time. The caseload for employees shall be reduced to reflect the time they are released to do their field placement by 40% for employees in field placement 16 hours per week and by 50% for employees in field placement 20 hours per week.

Eligibility Criteria for Work Release Time

- A minimum of three (3) years permanent employment with DCFS.
- Copies of the two (2) most recent Performance Evaluations reflecting capacity to perform the work and overall rating of "Competent," "Very Good" or "Outstanding."
- Personal statement demonstrating reasons for returning to school and how the individual and DCFS will benefit. Demonstrated ability to provide high quality services to the Department's multi-ethnic, multi-cultural client population.
- Letter of acceptance from an accredited social work (MSW or BSW) program.
- Agreement to commit to work for DCFS for one calendar year in exchange for each year of Work Release Time granted. The year is in addition to any other commitments required as a result of receiving a CalSWEC stipend or other grant. The work commitment takes effect upon receipt by DCFS of official notice of the employee's graduation.
- Priority for approval of Work Release Time shall be given to employees completing their second year placement requirement. This number does not include staff requesting Educational Leave. Management may increase or reduce the total number of Work Release Time and/or Educational Leave granted in their office based on staffing needs.
- Employees may not transfer to another office or program while on Work Release Time. Employees already on the transfer match list are responsible for removing their names from the transfer match list while participating in the Work Release Time Program. Employees who

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elect to transfer to another office or program shall forfeit their participation in the Work Release Time Program.

- Employees granted Work Release Time will be required to return to a 5/40 work schedule; and employees assigned to Emergency Response will be transferred to Continuing Services.

6.180 Title IV-E Stipend Social Work Internship Program

There are two (2) Title IV-E Stipend Internship Programs for the development of a Master's Social Worker (MSW) Degree, but only one (1) Title IV-E Stipend Internship Program is eligible to employees currently employed at DCFS. This stipend is offered by the California Social Work Education Center (CalSWEC). The DCFS employee must be enrolled in a MSW university program, to be awarded said stipend. The stipend is ONLY awarded through the University, but funded by the State.

6.190 The CalSWEC Stipend

The CalSWEC Stipend is a two year work commitment stipend, funded by the State of California. Upon graduation, the two year work commitment can be completed at any of California's 58 County Public Child Welfare Agencies.

6.200 Field Placement Coordination

The Internship Program is designed to provide the social work student with an opportunity to develop knowledge and skills necessary to provide quality services to clients. The Field Instructor is responsible for providing a structured learning experience and a supportive environment that encourages respectful intervention with families, ethical conduct, and integrity in the provision of services.

The coordination of field placements and the recruitment of Field Instructors is the sole responsibility of the Education and Licensure Section. All requests for field placement from the universities are coordinated and processed through the Education and Licensure Section. Placement priority will be afforded to employees attending universities with whom the department has entered into an Affiliated Placement Agreement.

The Education and Licensure Section is responsible for screening all students requesting placement in the Department. Students requesting field work experience with DCFS will be processed through Human Resources and only those who have completed the pre-employment clearance process with Human Resources will be accepted for placement.

The placement of all Title IV-E Stipend interns will be coordinated by Education and Licensure staff. Interns will be placed individually with department volunteer staff that has an MSW; two years post graduate experience, and their manager's approval to supervise an intern. Field placement opportunities consist of direct practice assignments for non-DCFS employees and administrative assignments for DCFS employees who have experience as a line Children's Social Worker.

Placements for all employees in graduate social work programs, whether or not they are awarded a stipend, will be coordinated by the Education and Licensure Section. Employees are required to complete their second year placement within the department. Under no circumstances will employees be allowed to use their current job assignment as a field placement.

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6.210 Tuition Reimbursement Program

The Tuition Reimbursement provides DCFS employees, at all levels, the opportunity to obtain financial support for continuing their education with the goal of enhancing job skills and performance. DCFS, in providing and supporting this program, seeks to enable employees to develop and use their full potential, aligned with the organization's mission and objectives. The program adheres to our goal to build and maintain a work environment and an employee support climate conducive to performance excellence, full participation and personal and organizational growth. The program is designed and adheres to Los Angeles County Code found in Chapter 5.

DCFS will provide reimbursement for certain approved tuition costs for approved courses taken at fully accredited schools. Approved courses must have a direct relationship to the mission function and needs of the Department. Courses must enable the employee to enhance his/her job skills and performance and/or, when applicable, acquire new skills that may enable him/her to accomplish specific career goals within the Department.

An employee can access the funds at a maximum of four (4) times in a fiscal year. Applications will not be accepted prior to the previous month of the start date for the class and no later than two (2) weeks after the class starts. The program will operate until all funds are exhausted.

The applications will be processed on a first-come, first-serve basis. The program may be suspended at any time due to a shortage of funds or change in priorities. The allocation of funds will depend solely on management's discretion based on departmental fiscal and budgetary constraints.

1. Employee Eligibility Criteria

All employee classifications in DCFS are eligible to apply for the Tuition Reimbursement Program. Interested employees must meet the following eligibility requirements based on the Los Angeles County Code found in Chapters 5.52.070 and 5.52.060:

- Be a full-time, permanent employee who has successfully completed probation and is not on leave.
- Be rated "Competent" or better on their most recent Performance Evaluation.
- Take a course(s) that is offered by an institution that is fully accredited.
- Take a course that has a reasonable future benefit to the Department.

2. Course Approval Criteria:

Based on Los Angeles County Code Chapter 5, course(s) eligible for reimbursement must meet the following criteria:

- It is offered by an institution that is fully accredited by the Western Association of Schools and Colleges; or if the course is taken online through an institution that is outside of the local area then the course must be offered by an institution that is fully accredited by one of the regional accrediting associations of Schools and Colleges recognized by the U.S. Department of Education that govern and oversee the other regional areas of the United States.
- It is offered outside of the employee's normal working hours. Overtime cannot be granted for these courses.

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- It has a direct relationship to the mission of the Department.
- It provides knowledge and skills, which can have a positive impact on the employee's current job assignment, or have the immediate and direct reasonable potential for career advancement at DCFS.
- It is directly or has the reasonable potential for future benefit to the Department.
- All courses will be strictly reviewed on an individual basis for their content and direct relevancy.

The purpose of the Tuition Reimbursement Program is not designed to enable employees to simply earn an advanced degree. Approved courses will be those that enhance the employee's current or future job skills or performance, or lead to degrees that relate to the employee's current or reasonably accessible future job goals. Courses that appear to have no relationship to an employee's current or future job skills or performance cannot be approved.

Note: DCFS already has a significant educational advancement program in place for preparing social workers to practice in child welfare. Currently our program works collaboratively with local universities in providing internship opportunities, flexible work schedules, work release time, educational leaves and financial support at the Bachelor and Master of Social Work level.

DCFS supports clerical and support staff in attaining their educational goals through a number of programs that are community based and easily accessible to the employee. These programs provide a career path for our employees. Application and reimbursement procedures are the same for all program applicants.

3. Reimbursement Criteria

Based on Los Angeles County Code Chapter 5:

Employees may be reimbursed for a maximum of two (2) courses which together total no more than eight (8) units of credit in any one semester or quarter. Tuition Reimbursement applications for courses costing \$5.00 or less per course will not be approved. The maximum total reimbursement for any one semester/quarter for specific classes at the upper division Baccalaureate level as well as the Masters level is \$750.00. The maximum total for any lower division classes (those classes that can be taken for credit at a local junior college) is \$250, which is subjected to change without notice based on the Department's funding. No funds will be approved beyond the actual cost of the course or the maximum amounts stipulated here, whichever is less.

4. Tuition Reimbursement Application & Claim Procedure

The tuition reimbursement application must be submitted to the DCFS Tuition Reimbursement Coordinator, 532 E. Colorado Blvd. 5th Floor, Pasadena, CA 91101. Applications will be accepted no more than one month prior to the start date of the course, but no later than 14 calendar days after the start date of the course. Applications received after the stated time frame shall be denied.

Reimbursement will be authorized only for approved courses in which the employee earns at least a "C" grade, or the equivalent. If the employee terminates his/her employment with the

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county within one year of the date of the completion of the course for which he/she has been reimbursed, he/she shall return the amount of such reimbursement. It is the employee's responsibility to notify Finance of termination of employment.

The Tuition Reimbursement Coordinator shall review and make final disposition of all applications. The coordinator will notify the employee whether the application has been approved or denied.

Upon completion of the course(s), the employee must forward the Tuition Reimbursement Claim form to the Tuition Reimbursement Coordinator. The proof of payment and evidence of having attained a grade of "C" or better in the course must also be attached to the Claim Form. Claims shall be submitted within 30 days of the date the class ends. The Tuition Reimbursement Coordinator shall submit the claim to the Finance Division for reimbursement.

6.220 Clinical Licensure

All qualified DCFS employees who wish to pursue clinical licensure are encouraged to do so. Although a clinical license is not mandatory, the Department is committed to enabling employees to achieve the highest level of professionalism. To this end, DCFS provides a formalized program for qualified master's degree employees interested in pursuing the Licensed Clinical Social Worker (LCSW) and/or Licensed Marriage and Family Therapist (LMFT) licenses. DCFS will make every effort to assist employees in meeting both the "experience" and "supervision" requirements as set by the BBS, which is the administrative licensing body for the State of California. Services under this program cannot be seen as an entitlement as participation is dependent on individual factors and always contingent upon the availability of resources.

The Clinical Licensure Program safeguards the process of clinical supervision within DCFS. The program serves as liaison with the DCFS training section to ensure ongoing availability to pertinent BBS mandated trainings. The program provides clarity and direction with regard to licensure and provides consultation services regarding practice issues. The Program's main focus is the on-going clinical skill development of DCFS employees which in turn increases the quality of agency services to clients. Additionally, the Clinical Licensure Program serves as an agency tool for recruitment, as well as retention of its most skilled employees.

The Clinical Licensure Program is the body within DCFS responsible for ensuring that employees are meeting the practice requirements set by the Board of Behavioral Sciences (BBS). Management of the program is centralized for the agency in order to best support agency accountability to the BBS' statutes and regulations. The Program Coordinator regularly attends BBS Board Meetings and disseminates pertinent information to participating employees through the program's e-mails distribution lists. It is the Program's responsibility to respond to all inquiries from participants and stakeholders regarding BBS, clinical supervision, and the overall licensure process within DCFS.

The Clinical Licensure Program is a sanctioned program by the department MD 02-04, Clinical Licensure Program Policy, and supported within the MOU. Per policy, the program mirrors the statutes and regulations set by the BBS. Although clinical licensure is not an entitlement, participation in clinical supervision is part of employees' work week and approved to be done on county time. Per policy, participating employees are allowed up to 4 hours of their work week for Clinical supervision.

An Employee's probationary status does not preclude their participation in the Clinical Licensure program but completion of probation is encouraged as another layer of supervision and support to the new employee.

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Services provided by the Clinical Licensure Program include, but are not limited to; securing clinical supervision for BBS registered employees; supporting training for and providing consultation for participating BBS licensed employees; providing information on the statutes and regulations of the BBS licensure program; ensuring that DCFS meets the legal mandates set by the BBS regarding the process of supervision; and clarifying program procedures.

See Management Directive 02-04, Clinical Licensure Program Policy, which may be downloaded from the DCFS Website at <http://lacdcfs.org/Policy/Management%20Directives/TOCMD.htm>.

6.230 Requests for Clinical Supervision

All employees registered with the BBS and functioning in a job position that meets the BBS scope-of-practice guidelines for clinical practice must submit a program application to the Clinical Licensure Program. The application can be accessed from the Education and Licensure Website <http://lakids.dcfslacounty.gov/ealsnew/default.html> or obtained directly from the Clinical Licensure Program Coordinator. BBS registered employees who need clinical supervision and BBS licensed employees interested in providing clinical supervision are required to obtain their manager's approval in order to participate in the Clinical Licensure Program.

Once an application for the program is accepted, efforts are made to match the registered employees to a licensed employee who is able to meet their supervision needs. To assist with matching, a "Needs List" is distributed sent out on a monthly basis to all participating licensed employees. Employees who identify a licensed employee within their worksite and make direct arrangements to work together may do so as long as both have approved applications on file, meet the BBS requirements, and register their actions with the Licensure Program. It is the responsibility of both the licensed and registered employees to make their status and needs known to the Clinical Licensure Program. Program participants are required to be knowledgeable about and follow the rules set forth by the BBS.

6.240 County Time and Mileage

Participation in the DCFS Clinical Licensure Program, both as a Clinical Supervisor or as a licensure candidate, shall be counted as part of the employee's work week and thus can occur on County time. Employees are allowed to apply up to four (4) hours of their work-week towards clinical supervision and licensure. For employees who must travel to another DCFS location to secure clinical supervision, travel time and mileage is allowed.

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Chapter 7.000
Hours of Duty, Attendance, Absences from Work

<u>Number</u>	<u>Section</u>
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7.030	Rest and Lunch Breaks
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7.000 Introduction

Consistent attendance is a basic condition of employment and essential to the operations of the Department. Any employee who will be absent from work for any reason shall request advance approval from his/her Office Head as soon as the need for absence is known. In a case of absence for compelling personal reasons, or non-emergent sick leave, at least one day's advance request shall be made. An Office Head may or may not approve a request for absence due to personal reasons, based upon the needs of the Department. In a case of emergent personal sickness, critical sickness, or death in the immediate family, or other cases when the need for absence cannot be anticipated, notice shall be given within the **first business hour** of the first day absent. Employees on post positions shall call their duty manager at least one hour prior to their shift. Proof of the need for absence may be required by the Office Head, according to the circumstances. Any employee who fails to comply with these requirements is subject to loss of pay for the time absent and may subject an employee to disciplinary action, up to and including discharge.

The scheduling and granting of time off is based upon consideration of the desires of employees and the needs of the Department. In case these two considerations cannot be reconciled, the needs of the Department must prevail.

7.010 Hours of Work/Alternate Work Schedule

All Department offices shall be open to the public from 8:00 a.m. to 5:00 p.m. daily, except Saturday, Sunday, and holidays. The Department Head may determine that offices be open at other times or days, depending upon public necessity and convenience. Each Office Head establishes the workweek for each employee. Full-time employees generally work eight (8) hours a day, five (5) days a week, although alternate work schedules or workweeks differing from the basic five-day, 40-hour schedule may be established by individual Office Heads (Los Angeles County Code 6.12.020).

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Employees shall make a written report of the time worked or not worked on the appropriate form(s) currently in use.

5/40 (Regular Work Schedule).

Eight (8) hours per day for five (5) days per week. Daily work schedule will total eight (8) hours. **Lunch break is not included in the eight (8) hour work schedule.** (DCFS Human Resources Manual Section 7.052 explains the total work hours if the employee elects to take a one (1) hour lunch break or a 30-minute lunch break.)

4/40 (Alternate Work Schedule).

Ten (10) hours per day for four (4) days a week. Daily work schedule will total 11 hours due to **one (1) hour lunch period that must be taken.**

9/80 (Alternate Work Schedule).

Nine (9) hours for eight (8) days and eight (8) hours for one day within a two (2) week period. Daily work schedule will total ten (10) hours for eight (8) days and nine (9) hours for one (1) day due to **one (1) hour lunch period that must be taken.**

Whatever their schedule, non-exempt (covered by the Fair Labor Standards Act) and exempt (not covered by the Fair Labor Standards Act) employees are required to work the number of hours called for by their schedule. If they actually work more than 40 hours in a week, any hours more than 40 is overtime. If they are absent, they must account for scheduled work time missed by using approved leave or by reporting an absence without pay.

Non-emergent absences from work require prior authorization, as does working overtime. Form **DCFS 158, Request for Time-Off or Overtime**, shall be used by employees when requesting a non-emergent absence or reporting overtime worked.

7.020 Staggered Working Hours

Los Angeles County Code Section 6.12.020 permits a Department Head to stagger, arrange, and assign the work of his/her Department and to change work plans from time to time at his/her discretion.

While most employees' workday begins at 8:00 or 8:30 a.m., this Department has some work shifts at other times. Staffing of all shifts is on a voluntary basis with the concurrence of the Office Head, except where sufficient volunteers cannot be recruited to accept shifts that best meet the needs of the County and the Department. In that case, Office Heads shall make such assignments on an involuntary basis in accordance with any applicable Memoranda of Understanding. Office Heads shall staff all shifts in consideration of service to the public, needs of the office and Department, Supervisory coverage, and employee abilities and preferences. Form DCFS 194, *Policy Regarding Observance of Working Hours and Proper Use of Time*, shall promptly be completed for and by each employee whenever assigned new working hours.

7.030 Rest and Lunch Breaks

All DCFS employees shall be entitled to mid-morning and mid-afternoon rest periods of 15 minutes each, which are included in the 5/40, 4/40, and 9/80 work schedules (Los Angeles County Code 6.12.020).

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For all DCFS employees, the **lunch period is not included in the eight (8) hour, nine (9) hour, or ten (10) hour work schedule**. Employees who are assigned to the 5/40 work schedule, shall work an additional 30 minutes in order to take a 30-minute lunch break, or work an additional hour in order to take a one (1) hour lunch break.

All employees assigned to an alternate work schedule (i.e., 4/40 or 9/80) shall have a one (1) hour lunch break. The Department has determined that 30 minutes does not provide a sufficient rest period for employees who have a longer work day as it may negatively impact productivity, service, and work quality.

The lunch period shall be taken at the approximate middle of the work day and shall not be combined with the rest periods. Breaks may not be accrued, i.e., may not “carry over” a morning break in order to have a 30-minute afternoon break.

Work shift Examples:

5/40: Eight (8) hours per day for five (5) days a week.

Lunch period is **not included** in the eight (8) hour workday schedule. Employee must have an 8 ½ hours work day to receive a 30-minute lunch break or a nine (9) hour work day to receive a one (1) hour lunch break. Example: 8:00 a.m. to 4:30 p.m., or 8:00 a.m. to 5:00 p.m.

4/40: Ten (10) hours per day for four (4) days a week.

Lunch period is **not included** in the ten (10) hour work day schedule. Employee must have an 11 hour work day and take a one (1) hour lunch break. Example: 7:00 a.m. to 6:00 p.m.

9/80: Nine (9) hours per day for eight (8) days and eight (8) hours for one (1) day within a two (2) week period.

Lunch period is **not included** in the nine (9) hour work day schedule. The employee must have a ten (10) hour work day on the nine (9) hour days and take a one (1) hour lunch break. Example: 7:00 a.m. to 5:00 p.m.

7.040 Work Week

The County work week normally consists of five (5) working days of eight (8) hours each, totaling 40 hours per week. The eight (8) hour work day applies to all employees unless otherwise specified by Department rules adopted by the Board of Supervisors, or by the Los Angeles County Code Section 6.12.010.

The normal County work week of five (5) working days is subject to the exceptions stated in Los Angeles County Code Section 6.12.020, *Working Week*. Among those exceptions is a 40-hour work week of more or less than five (5) working days. That employee may be required to work for more than five (5) days per week, or more than the regular number of hours in an assigned work day or week, when public necessity or convenience so requires.

Any employee assigned to a schedule that is different from a five (5) day, 40-hour schedule is entitled to receive the same rights as provided to all five (5) day, 40 hour employees.

Los Angeles County Code Chapter 6.12 also pertains to assignment of work, working hours, and days. Employees who work properly authorized time in excess of the 40-hour work week will receive

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paid or compensatory overtime in accordance with the current County overtime policy, applicable Memoranda of Understanding (MOU), and provisions of the Fair Labor Standard Act.

7.050 Attendance Policy

This policy is designed to provide continuing guidance and direction to staff in handling attendance and punctuality. It is important that all personnel recognize that excessive absences, particularly instances that are unscheduled, impair the ability of the Department to achieve its objectives and deliver adequate service.

This policy should provide all managers, supervisors, and employees with a clear understanding of the standards governing attendance, appropriate use of sick time, and working hours. Its proper use requires that supervisors use sound judgment in balancing production needs of the Department and the personal needs of individual employees.

Usually there are a few employees in every organization who, for a variety of reasons, are chronically absent or who abuse their benefits by using them for purposes for which they were not intended. Supervisors shall be prepared to initiate action that will correct the behavior of those who abuse benefits.

The following standards and procedures are intended to assist management in establishing controls that will minimize arbitrary actions concerning employee attendance and decrease the likelihood of abuse of an important County benefit.

7.060 Punctuality

Employees are expected to be present at their work station and ready for work at the beginning of their shift, and to remain on the job except for pre-arranged break and lunch periods.

Recurrent tardiness in reporting to work, or returning to work from break and lunch periods, places an additional and unnecessary work burden on remaining employees. An employee can be docked or disciplined for unacceptable patterns of tardiness.

7.070 Docking

One way to prevent the formation of poor reporting habits is to make it clear that late arrival at the work station will cost employees money, and that there is no way in which they can recover the loss. However, reporting time as "Absent without Pay" does not substitute for, or replace, appropriate corrective or disciplinary measures.

As specified in this Chapter, each DCFS employee is required to sign for DCFS 194, *Policy Regarding Observance of Working Hours and Proper Use of Time*, when the employee begins service and whenever work hours are changed. This form puts each employee on official notice that docking action will be imposed for unexcused tardiness.

Standards

1. Employees are required to be at their work stations and ready to work at the beginning of their scheduled work day.
2. Any unreported or unapproved absence will be recorded as "Absent without Pay."
3. Any pattern of tardiness, or late return from breaks or lunch, will result in corrective or disciplinary action.

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4. No accumulated overtime or additional time worked will be used to cover any unapproved absence from the work station.
5. Leaves are reported and absences are recorded in increments of 15 minutes, to the maximum hours for each scheduled workday. **The 15 minute increment rule also applies to all work schedules.**

Example: An employee may be docked pay for 15 minutes for each time the employee tardy 15 minutes or less. For tardiness of over 15 minutes to 30 minutes, 30 minutes pay may be docked. For longer tardiness, additional increments of 15 minutes pay may be docked.

7.080 Performance Evaluations

Standards

1. Employee attendance patterns will be reviewed and evaluated on a continuous basis (no less than once every six months).
2. Corrective action will be taken as soon as any patterns of abuse in sick leave benefits, promptness in reporting to work, or incidents of absence without pay are detected.
3. When informal means of correcting employee attendance or tardiness problems fail to produce expected change in behavior, formal disciplinary action will be taken (refer to Chapter 14.000).
4. Patterns of excessive and/or inappropriate use of sick leave, tardiness, or absence without pay will be reported in performance evaluations and employees will be rated accordingly.
5. Patterns of abuse in one evaluation period will not be used to support a rating in a subsequent evaluation period, unless such abuse continues into the current rating period.
6. In accordance with applicable MOU and management principles, performance evaluation ratings or comments will not be used to penalize employees for appropriate use of sick pay benefits, unless such absences are excessive.

7.090 Appraisals of Promotability

Because of the importance of good attendance, it is obvious that employees in supervisory positions cannot function effectively if they have poor attendance. Supervisors are expected to set an example. An employee with poor attendance or punctuality is a poor risk to appoint to a supervisory position. It is appropriate, therefore, to give an overall rating in the range of "Inadequate" on Appraisals of Promotability completed for employees with such problems.

7.100 Probationers

Although acceptable attendance is required of all employees, it is particularly important to insure that all new employees maintain good attendance records. ***The probationary period is an extension of the Civil Service Examination Process.*** Anyone supervising an employee during a probationary period must be aware of the employee's attendance pattern and should call attention to any deviation from acceptability. If an employee has an attendance problem that cannot be brought up to standard by the end of the probationary period, steps should be taken either to release the employee or to reduce him/her to his/her former classification before the probationary period ends.

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7.110 In-Service Training Attendance and Behavior Policy

1. All DCFS staff participating in DCFS/IUC Sponsored In-Service Training Sessions will arrive on time.
2. DCFS staff that arrives 15 minutes, or later, to a scheduled In-Service Training Session may not be admitted into the session. Staff is to report to their office for the remainder of the day.
3. DCFS staff that leaves an In-Service Training Session early will not be given "Full" Credit for the Course. Staff is to report to their office for the remainder of the day.
4. DCFS staff, who are disruptive while attending a scheduled In-Service Training Session, will be asked to conduct themselves professionally for the remainder of the Training Session. If the disruptive behavior continues, DCFS staff will be asked to leave the Training Session and are to report to their office for the remainder of the day.
5. DCFS staff attending offering Board of Behavioral Sciences (BBS) Continuing Education Credit (CEC) must arrive on time and remain for the duration of the Training Session to receive a BBS CEC Certificate of Completion- no partial credit is issued.

7.200 Overtime

7.210 Policy

The Federal Fair Labor Standards Act (FLSA) is applicable to employees of the County of Los Angeles. FLSA overtime regulations apply to Non-Exempt (covered by FLSA) Employees ONLY. Los Angeles County Code Chapters 6.12, 6.15, and applicable MOU apply to Represented and Exempt (not covered by FLSA) Employees.

Exempt employees, may earn Compensatory Time Off (CTO) for overtime worked under the terms defined herein. Exempt employees, those assigned to management and high level staff positions (referred to as "salaried" or "exempt"), may accrue overtime on less than a full-day basis, provided that the overtime worked consists of **three (3) or more hours**; such overtime is recorded. No overtime credit is received for **less than three (3) hours** of overtime worked. However, effective August 2009, if less than three (3) hours of overtime are worked, such hours may be entered for tracking/billing purposes only using a special Earnings Code, 083 Comp Time Worked Not Accrued-Exempt Employees. This overtime is not accrued.

Effective September 25, 2009, the maximum CTO accumulation is increased to 240 hours (480 hours for FLSA Exempt Safety employees). This limit is applied to the end of each calendar year. This means that the total balance of unused CTO as of December 31 for each employee covered by Chapter 6.09 may not exceed 240 hours. This practice will give employees until the end of the year to use CTO hours earned beyond the cap before any excess CTO hours are forfeited.

Such CTO is not eligible for payment and **must be taken off in full-day (eight (8) hour) increments** by the end of the year in which it is accumulated or it is deemed lost. However, accumulated due to a major emergency may be eligible for payment, if authorized by the CEO.

It is a policy of this Department that no overtime shall be worked (accumulated or paid overtime) unless it can be justified on the basis of genuine emergency conditions or other extenuating circumstances. Both paid and accumulated overtime must have prior approval **before** being worked. The words "accumulated," "cumulative," "accrued," and "compensatory" (overtime) are synonymous

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and mean that equivalent time-off shall be later taken. "Paid" overtime means paid in money instead of equivalent time-off.

The nature of certain managerial positions may make it impractical in certain situations to secure prior approval for working accumulated overtime. When this occurs, the manager shall submit a written request within 24 hours to his/her supervisor.

Paid overtime **must** receive authorization of the Chief Executive Office, and approval of the Director or the Chief Deputy, DCFS. Accumulated overtime **must** receive approval by the Office Head. It is imperative that Office Heads and supervisors do not permit their subordinates to work any unauthorized overtime.

Any employee who works overtime without prior authorization may be subject to disciplinary action. This includes accumulated and paid overtime. Any supervisor who permits such overtime to be worked may also be subject to disciplinary action.

7.220 Federal Fair Labor Standards Act (FLSA)

Effective April 15, 1986, the Federal Fair Labor Standards Act (FLSA) was implemented. FLSA requires payment of overtime for non-exempt employees at the premium rate of time-and-one-half. For non-exempt employees, overtime is defined as any time worked after 40-hours per week, as provided in this Chapter. FLSA provides that certain kinds of work are exempt from the requirements for payment of overtime. Employees in executive, administrative, or professional jobs are exempt.

7.230 Operational Impact

Overtime (OT) provisions are defined under the Fair Labor Standards Act (FLSA), its implementing regulations and relevant judicial rulings, and the MOU between Los Angeles County and Employee Organizations. MOUs vary on specific applications those with questions are encouraged to read the MOU and contact their Labor Relation's Representative.

7.240 Definitions and Procedures

Title 6 of the Los Angeles County Code contains detailed County policies and regulations on this subject. Also see applicable current MOU for overtime compensation.

Overtime means time earned in excess of 40 hours in a given week that has been ordered and approved in advance by the Department Head or his/her designated assistant.

For purposes of overtime, the normal work week begins on Monday and ends on Sunday. Except for changes that are intended to be permanent, an employee's work week remains fixed and may not be changed to avoid paying overtime compensation.

Hours worked include the following for Represented (Non-Exempt) and Non-Represented (Exempt) Employees:

1. Paid holiday leave. (No other leave, paid or unpaid, counts.)
2. Rest periods of short duration (coffee breaks, etc.).
3. Meal periods – if employee is not relieved of his/her duties, but is frequently interrupted by call to duty.
4. Orientation and training time required by the Department.

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The following are **not** counted as working hours:

1. Any paid or unpaid absences, except paid holiday leave.
2. Meal periods (except for residential care staff).
3. Attendance at lectures, meetings, and training programs, if it is outside of regular working hours, voluntary, not directly related to the job, and where the employee does not perform productive work.
4. Home-to-work travel.

7.250 Overtime Compensation

1. A *non-exempt* (covered by FLSA) employee who works more than 40 hours in a workweek must be paid at the rate of time-and-one-half for all hours worked in excess of 40, in increments of 15 minutes rounded to the nearest 15 minutes. The employee shall have the option of receiving paid time or compensatory time at time and one-half subject to the terms of the applicable MOU and the FLSA.
2. An *exempt* (not covered by FLSA) may earn Compensatory Time Off (CTO) for overtime worked on a full shift basis only under the term defined herein. Those exempt employees assigned to management and high level staff positions (referred to as “salaried” or “exempt”) receive no recorded CTO for any overtime worked in less than eight (8) hour increments. However, exempt employees who work at least three (3) hours overtime may “hold” such time until eight (8) overtime hours may be recorded on the timesheet for credit as CTO.

If paid overtime for this category of employee is approved by the CEO, the employee may elect to receive accumulated overtime instead of paid overtime.

It is Departmental policy that employees who are exempt from FLSA take off compensatory overtime no later than the year following the calendar year in which it is earned. This will ensure that employees do not lose accrued time, and will protect funds by obviating payment for unused time.

This policy shall be observed unless critical operational needs preclude allowing employees time off. Deferment that will result in payment to the employee of unused compensatory overtime must have the prior written approval of the Office Head. The only exception is when the payment is required because of the employee’s termination of employment.

Office Heads shall see that ongoing records of all compensatory overtime earned by employees are kept updated, and assure that employees take off their accrued time on a timely, orderly basis, or that deferment is granted or denied in accordance with Departmental policy and needs. Questions regarding compensatory overtime eligibility should be directed to the office timekeeper, or through channels to DCFS Payroll.

Employees are responsible for knowing what accrued time they have and for requesting and taking authorized time off, and for requesting deferment if warranted, within the time limits specified in this section.

The maximum amount of compensatory overtime that can be carried over from one calendar year is 144 hours. If an FLSA exempt employee accumulates more than 144 hours of compensatory

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overtime in a calendar year, the employee will lose the time in excess of 144 hours unless used by the end of that calendar year.

Exempt from the one (1) year carry-over limitation are employees who are members of certain bargaining units. Employees of these units may carry over compensatory overtime for an additional year. If the overtime is not taken off within the second year, the employee will be compensated for the unused time at the straight time rate based on their salary at the end of the second year.

7.260 Use and Accumulation of Overtime

1. Usage of Non-FLSA Earned Compensatory Time

For represented employees, (i.e. FLSA-covered), whether overtime can be accrued as Compensatory Time Off (CTO) for use as a leave at a later time depends **solely** upon the overtime provisions of the MOU pertaining to the employee's job classification. FLSA-covered non-represented employees are permitted to accrue CTO in accordance with the provisions of Chapter 6.15 of the County Code.

Per Chapter 6.15 of the County Code, County departments may require employees to work overtime when there is a business need. Each County department must establish a system of requesting, authorizing and monitoring overtime hours. There are two methods of compensating an employee for overtime worked:

- A. Compensatory time; or
- B. Paid overtime.

Except in emergencies, all paid overtime requires prior approval by the CEO in writing. Overtime will be paid in accordance with the County Code.

All overtime worked shall be in compliance with the provisions of Chapter 6.15 of the County and CEO Policy Bulletins.

Compensatory Time Off (CTO) is the accrual of overtime worked as hours of leave in lieu of overtime payment. There are limits specified in the Fair Labor Standards Act (FLSA) on the amount of FLSA CTO that can be accrued.

With Department Head (Appointing Authority) approval, a represented employee may elect to work up to thirty-two (32) hours of FLSA overtime to be used as compensatory time off in lieu of pay. Compensatory time is accrued at the rate of one and one-half (1-1/2) hours for each hour of overtime worked. No more than forty-eight (48) hours of compensatory time may be accrued in a calendar year. All overtime hours worked in excess of thirty-two (32) hours and accrued as compensatory time in a calendar year shall be paid.

FLSA overtime which is authorized to be accrued by FLSA-covered employees consists of two parts, FLSA CTO (Straight) and FLSA CTO (Premium). For each hour of overtime worked over the threshold, an employee accrues one hour of FLSA CTO (Straight) and one-half hour of FLSA CTO (Premium).

To use compensatory time, an employee **must** submit a written request to the immediate supervisor at least five (5) working days prior to the first date requested to be off. Such accumulated compensatory time may be taken of subject to staffing requirements and with prior written approval of Departmental management. Accumulated compensatory time must

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be used by the end of the calendar year following the year in which it was earned or it shall be paid. Accrued compensatory time shall be paid prior to any promotions.

Management may direct an employee to use accumulated compensatory time provided the employee is given ten (10) business days' notice. Unless approved by management, employees may not accrue overtime hours which are worked during disaster periods or emergencies declared by the Board of Supervisors, local or federal government.

2. Usage of Non-FLSA Earned Compensatory Time

Non-FLSA overtime means time worked which is in excess of the number of hours regularly scheduled for the FLSA workweek, but during that week the total number of hours actually worked is below the FLSA threshold because of leave time taken off.

Example: If an employee is absent on sick leave Monday, works Tuesday through Friday as normally scheduled, and then works eight hours Saturday, "overtime" has been worked. However, the employee actually worked a total of only 40 hours (32 regular hours plus eight (8) Saturday). In this case, if the overtime is to be accrued, the employee would receive eight (8) hours of Non-FLSA CTO for the eight (8) hours worked on Saturday.

For each hour of overtime worked, Non-represented FLSA-covered employees can elect to get paid at the Straight rate for one (1) hour and accrue one-half hour of CTO (FLSA CTO, Premium).

Employees **shall not** be directed by Management to take compensatory time off without at least ten (10) business days notice or be denied a timely request to take such time off.

Requests for time-off will be approved based on the needs of the service as determined by Management.

With prior approval of Departmental management, accumulated compensatory time not used during the calendar year in which it is earned may be carried over one (1) additional calendar year during which it must be taken. Compensatory time not used within the above period shall be paid to the employee at the straight time rate rather than being lost.

3. Distribution of Overtime

Management shall assign overtime work as equitably as possible among all qualified employees in the same classification in the same organizational work unit and work location. In the assignment of overtime under this provision, however, Management may consider special skills required to perform particular work.

An employee who works a four (4) day, forty (40) hour week work schedule or a nine (9) day, 80 hour two (2) week work schedule **and** who uses benefit time or compensatory time to cover the balance of a day in which they receive an eight (8) hour holiday, the benefit time or compensatory time used shall be treated for purposes of overtime computation in the same manner as the eight (8) hours of County holiday time.

This policy shall be observed unless critical operational needs preclude allowing employees time off. Deferment, which will result in payment to represented exempt employees of unused accumulated overtime, must have the prior written approval of the Assistant Director. The only exceptions are when the payment is required because of the employee's termination of employment; or while an employee is absent due to an industrial injury determined by the

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CEO/DHR or the Workers' Compensation Appeals Board to be compensable. (LA County Code Section 6.20.070, F.-1)

Office Heads shall see that ongoing records of all accumulated overtime earned by employees are kept updated, and assure that employees take off their accrued time on a timely, orderly basis, or that deferment is granted or denied in accord with Departmental policy and needs. Questions regarding an employee's accumulated overtime balance should be directed to the office timekeeper, or through channels to the DCFS, Human Resources Division Payroll Section.

Employees are responsible for knowing what accrued time they have and for requesting and taking authorized time off, and for requesting deferment if warranted, within the time limits specified in this section.

Office Heads will receive a listing from the Human Resources Division annually during the last quarter of the year. The list will identify those employees who carried over accumulated overtime from the previous year and show the amount of overtime carried over. Office Heads shall schedule this overtime to be used before the end of the calendar year **following** the year in which the overtime was worked to avoid payment for the overtime.

The Assistant Director will receive a final control list by December 1st of each year, listing those employees whose carry-over accumulated overtime remains unused.

7.270 Accumulated Overtime at Time of Transfer or Termination of County Service

When an employee transfers from one County department to another, the employee's accumulated overtime shall be transferred in whole to the new department (Los Angeles County Code Section 6.08.080).

Los Angeles County Code Section 6.15.050 provides that an employee shall be paid a lump sum payment for unused, accumulated overtime upon termination from County service. Payment is computed at the workday rate of pay in effect on the employee's final day of County service. Los Angeles County Code Section 6.24.040 states that payments shall be made at the County's option, in one payment within three months after the employee's termination.

7.280 Emergency Overtime

In cases of extraordinary emergency cause by fire, flood, danger to life or property; cases of disturbances, such as labor-management disputes, the Department Head may order overtime service.

7.290 Mandatory Overtime

An employee may be required to work overtime for more than the established number of days in the workweek, or for more than the established number of hours in the workday when public necessity or convenience requires. Overtime may be paid or accumulated according to applicable FLSA, MOU and CEO approval criteria (LA County Code Sections 6.15.020 and 6.15.040).

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7.300 Holidays

This subject is based upon Los Angeles County Code Section 6.12.040.

The County currently observes holidays as shown and explained immediately below.

The underlined Holidays are observed on a Monday.

New Year's Day January 1

Martin Luther King Jr.'s Birthday 3rd Monday in January

President's Day 3rd Monday in February

Cesar Chavez Day March 31

Memorial Day Last Monday in May

Independence Day July 4

Labor Day 1st Monday in September

Columbus Day 2nd Monday in October

Veteran's Day November 11

Thanksgiving Day the 4th Thursday in November and the Friday immediately after

Christmas Day December 25

Employees required to work on a holiday receive compensation as provided in this Chapter under *Overtime Compensation*. This applies whether or not their hours worked in the work week exceed 40. Whenever an FLSA exempt employee (represented or non-represented) is unable to take worked holiday time-off in the same calendar year during which time it is earned, the time may be carried over only into the following calendar year. The time is lost if it is not taken off by December 31 of that following year.

Upon termination from County service, an employee shall be paid a lump sum payment for unused, accumulated holiday time. Such payment shall be computed at the workday rate of pay in effect on the employee's final day of County service (Los Angeles County Code Section 6.24.040).

When an employee transfers from one County department to another, the employee's accumulated holiday time shall be transferred in whole to the new department (Los Angeles County Code Section 6.08.080).

7.310 Religious Holidays

With advance approval of the Office Head, an employee may use vacation, personal sick, accumulated holiday, or overtime to observe religious holidays. If paid leave is not available, the employee may be granted leave without pay upon request.

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7.320 Vacations

Chapter 6.18 of the Los Angeles County Code contains the County's policies, procedures, and details on this subject, and is summarized as follows:

1. Entitlement

Vacation is earned on the basis of active service. Active service means on-the-job service and any authorized paid absences, including regular days off. An employee does not earn vacation while absent and receiving **only** Workers' Compensation benefits.

Most employees, excepting the below stated categories of hourly, less than half time, daily and monthly as-needed, recurrent, and temporary employees, are entitled to a paid vacation of two (2) weeks per year after one (1) year of service; after five (5) years' of service, three (3) weeks per year; and after fourteen years' service, four (4) weeks per year. After ten (10) years' service, an additional day of vacation is earned each year until reaching four (4) weeks of vacation after 14 years of service.

Employee eligibility for the above "full" vacation is dependent upon the actual number of days of active service in the prior eligibility year. Los Angeles County Code Chapter 6.18 contains Tables 1 through 5 specifying the number of days of active service required for working days of vacation earned.

Excluded Category of Employees:

- A. Hourly employees and persons employed less than half time are not eligible for vacations.
- B. Daily and Monthly As-Needed, Recurrent, and Temporary Employees. These employees are eligible for an initial vacation on any date:
 - i. That they have completed 200 days of active service in the preceding 365 calendar days; and
 - ii. They were in service on a date at least 365 calendar days prior (regardless of whether or not they were in **continuous** service during that period).

2. Vacation Accrual

Vacation Leave, for non-MegaFlex employees who are entitled to earn this leave, is earned and accrued each pay period based on certain hours recorded in each pay period. After the end of each pay period, Vacation Leave hours are posted to employee's Leave Balances. This accrual process begins for employees upon appointment to an eligible job; there is no waiting period or minimum service requirement before accrual begins. Vacation Leave that has been earned in one pay period can be used in the next pay period, unless the employee has less than one year of service.

For employees with less than one year of service, Vacation Leave hours that are earned are held in reserve until the employee completes one year of service, at which time the earned Vacation Leave may be used. Effective in 2010, earned Vacation Leave time is posted for each pay period in hours and minutes, rather than hours and fractions of hours.

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3. Vacation for Employee Leaving County Service Other Than to Enter the U.S. Armed Services

Upon termination from County service, for reasons other than to enter military service, an employee who has been in County service for one year or more immediately prior to such separation, shall be paid a lump sum payment for unused, accumulated vacation time. Such payment shall be computed at the workday rate of pay in effect on the employee's final day of County service (Los Angeles County Code Section 6.18.070).

4. Vacation for Employee Leaving County Service to Enter the U.S. Armed Services

An employee who enters the U.S. Armed Services, and who has been in County service for one year or more immediately prior to entering, shall be entitled to whatever vacation has accrued to him/her during the current calendar year if employed before January 1, 1967; or during the current year of continuous service if employed on or after January 1, 1967. Such vacation must be taken at the time of entering military service. No lump sum payment may be made in lieu of carrying such person on the payroll (Los Angeles County Code Section 6.18.080).

5. Holidays Occurring During Vacation

A holiday falling within a vacation period shall not be considered a working day (Los Angeles County Code Section 6.18.100).

6. County Work During Vacation

No employee, while on vacation from County service, shall be permitted to work for the County in any capacity or in any department if he/she is to receive compensation for such work in addition to his/her regular vacation pay (Los Angeles County Code Section 6.18.110).

7. Vacation Benefits May Not Be Combined With Part-Pay Sick Leave

Authorized vacation benefits shall not be used in conjunction with sick leave benefits when the purpose is to obtain payment for a portion of that sick leave that cannot be paid for under the provisions governing sick leave compensation (Los Angeles County Code Section 6.18.120).

8. Vacation Benefits upon Transfer to another County Department

When an employee transfers from one County department to another, the employee's unused current or deferred vacation benefits shall be transferred in whole to the new department, unless a lump sum vacation payment is specifically authorized by the CEO (Los Angeles County Code Section 6.08.080).

Deferred Vacation Time

While employees continue to earn and use Vacation throughout the year, sometimes an employee may not use all Vacation earned during a year. This Vacation is not lost, but rather is carried over to the following year. Such carried over Vacation is called "Deferred" Vacation, while Vacation that is earned during the current year is called "Accrued" or "Current" Vacation.

At the end of a subsequent year, an employee who has not used very much Vacation may have some Deferred Vacation and some Accrued Vacation still remaining; these two are combined at the beginning of the following year and become the New Year's Deferred Vacation balance. This process of accrual and deferral continues from year to year, but there is a limit (320 hours for most employees) to the amount of Vacation that can be deferred more than one year. The amount of Deferred Vacation that is subject to the limit consists of Deferred Vacation carried over from previous

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years plus Accrued Vacation from the current year. These are combined at the end of the year to become the following year's Deferred Vacation, and if that new combination of Deferred Vacation exceeds the limit (e.g. 320 hours), the amount over the limit must be used by the end of December of that year. However, if it is not used, it is paid off in the following January. In the meantime, the employee continues to earn Current Vacation. Thus, if the employee still doesn't use any Vacation, then the maximum accrual (e.g. 160 hours) is added to the remaining balance of 320 hours Deferred Vacation (320 hours remains after the excess over that number of hours was paid off), and the employee begins the new year with a new Deferred Vacation balance of 480; and 160 hours (480 minus the 320 limit) would have to be used by the end of the year, or they would be paid off the following January. These processes are carried out automatically.

Procedures

All vacations shall be taken with the authorization of the Office Head. Seniority in County service will be the deciding factor in cases of conflicting requests, provided the Department needs are met. The circumstances of each employee may be considered in determining when vacations shall be taken.

7.330 Vacation Scheduling – Responsibilities of Office Heads and Employees

Employees are responsible for knowing what accrued time they have and for requesting and taking authorized time off.

Office Heads shall establish vacation schedules for employees under their jurisdiction. The schedules shall indicate the amount and eligibility date of vacation available to each employee and specifically when he/she is to take his/her vacation. Form PA DCFS 158, *Request for Time-off or Overtime*, may be used to obtain employees' vacation preferences.

7.400 Sick Leave

Los Angeles County Code Sections 6.20.010 through 6.20.060 contain the County's full and part-pay sick leave provisions.

Both full-pay and part-pay sick leaves are available to non-Mega Flex employees who are compelled to be absent because of disability due to sickness, injury, pregnancy, or quarantine.

7.410 Sick Leave Accrual Process

Full pay Sick Leave, for non-MegaFlex employees who are entitled to earn this leave, is earned and accrued each pay period based on certain hours recorded in each pay period. After the end of each pay period, eHR posts earned 100% Sick Leave hours to employees' Leave Balances. Sick Leave that has been earned in one pay period can be used in the next pay period. This accrual process begins for new employees upon appointment to an eligible job; there is no waiting period or minimum service requirement.

Effective January 1, 2007, non-MegaFlex employees are eligible to use up to 96 hours (e.g., 12 [8]-hour workdays) of **full-pay Sick Leave per year for any reason**, so long as it does not interfere with the public service mission of the Department. Sick Leave for non-illness related reasons is commonly referred to as "Personal Leave."

When an employee transfers from one County department to another, the employee's accumulated sick leave benefits shall be transferred in whole to the new department.

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7.420 The Use of Sick Leave

Sick Leave is compensated to prevent economic loss to the employee when illness or injury prevents an employee's presence at work. Employees have an obligation to personally inform their Supervisor when they are absent due to illness or injury. This obligation cannot be fulfilled by having a friend call in or leaving a message with the first person who answers the phone, but must be specifically addressed to the supervisor. The Supervisor must have complete control of the facts and may wish to give special instructions or pass on important information.

Employees who fail to report their absence as required in the standards of this policy, except where they are physically unable, may be considered to be **Absent Without Pay (AWOP)** for the entire period of unreported absence, and any employee who does not call in within the specified time period may also be **Absent Without Pay** for that period of time preceding notification.

Policy

1. Employees are entitled to sick leave when they are compelled to be absent from work because of a disability resulting from injury, illness, or pregnancy.
2. Non-emergency medical or dental care, such as periodic physical examinations, dental examination, and eye examinations for glasses or contact lenses; using Sick Leave for these purposes requires prior supervisory approval.

Note: Under California law, an employee is also entitled to use that amount of Sick Leave typically earned during a 6-month period to attend to an illness of a child, parent, spouse, or domestic partner.

3. Any employee who claims Sick Leave at full pay may be required to furnish a doctor's note or some other proof of illness, injury, or pregnancy before such leave is granted. Los Angeles County Code Section 6.20.120 permits an Office Head to require satisfactory proof from an employee of his/her need to be absent for any of the reasons stated in that section.
4. Employees who are excessively absent due to illness or injury and cannot provide medical certification to cover the period of absence, Supervisor/Manager must refer it to Performance Management Section for appropriate corrective action.
5. Periodic medical reports may be required any time an employee is on an approved medical leave that exceeds 30 days.
6. Employees will personally notify their Supervisor by phone within the first 30 minutes of their work shift whenever they are unable to report to work because of illness, injury, and may be required to make subsequent reports. Employees on post positions shall call the Duty Manager at least an hour before their shift.
7. When reporting an illness or injury, employees are required to provide the expected date or time of their return.

7.430 Full-Pay Sick Leave

Full –pay sick leave is earned on the basis of qualifying service. Qualifying service means:

- Compensated, on-the-job performance of assigned duties, or
- Authorized paid leave of absence.

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Qualifying service does not include the period during which an employee is:

- Absent without pay.
- On leave without pay.
- On suspension.

All sick-leave credited on or after January 1, 1986, is based on active service, even if such service was performed in 1985.

Depending on class and number of years of service, an employee may be eligible for from eight (8) days to 12 days of full pay Sick Leave per year. Please refer to the timekeeper for salary and benefit information regarding specific classes for the maximum number of Sick Leave days an employee can earn.

Upon termination of County employment, a permanent full-time employee with a minimum of five (5) years of continuous service receives a lump sum payment for 50% of the full pay Sick Leave hours not used. Payment is limited to a maximum of 90 working days (720 hours).

The pay is computed at the workday rate of pay in effect on the employee's final day of County service as follows:

- All full pay Sick Leave accumulated prior to January 1, 1971.
- One half of full pay Sick Leave accumulated after January 1, 1971.

An employee who is re-employed after a layoff from permanent status or a release from monthly recurrent status is entitled to restoration of any earned and unused full pay Sick Leave not previously paid. This provision does not apply to daily as-needed, daily recurrent or full-time employees. An employee, who returns to employment after resignation to enter military service, is entitled to restoration of any previously earned and unused full pay Sick Leave not previously paid.

Note: An employee on leave of absence for union business **is not** credited with Sick Leave.

7.440 Reimbursement of unused Full-Pay Sick Leave

A full time permanent employee may be paid for up to three days of Sick Leave if the employee used no Sick Leave for any reason (including personal leave) for either the period from January 1 to June 30 of any calendar year or from July 1 to December 31 of any calendar year. To qualify for reimbursement, the employee not only must have used no sick leave for the six (6) month period, but also must have completed at least 12 months of continuous service during the year preceding the period for which Sick Leave reimbursement is being requested (Los Angeles County code 6.20.030).

To be eligible for the reimbursement, the employee must request it in writing to the Office Head, no later than July 31 or January 31, immediately following the period for which payment is to be made.

Semi-annually, the Personnel Division will send a personnel memo to each Office Head and attach a computer listing of all employees at each pay location who appear to be eligible for reimbursement.

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7.450 Sick Leave at Part-Pay

Effective April 1, 2010, The County's pay system changed from Monthly to Semi-Monthly, and all employees are paid now on a workday basis rather than a calendar day basis. Employees who need to use Part-Pay Sick Leave hours, only need to cover the hours on their scheduled work days.

At the beginning of each calendar year, eligible employees who have completed six (6) months or more of continuous service (or six (6) months service for daily employees) receive various amounts of Part-Pay Sick Leave hours, at either 65% pay or 50% pay, in accordance with the following table.

TABLE OF PART-PAY SICK LEAVE HOURS

CONTINUOUS SERVICE	Monthly Employees Prior to April 1, 2010		Daily Employees, and All Employees, after March 31, 2010 (Semi-Monthly Pay)	
	65% Pay	50% Pay	65% Pay	50% Pay
6 months-1 year	0	56	0	40
1 –2 years	56	56	40	40
2 – 5 years	112	112	80	80
5 – 10 years	224	336	160	240
10 years	448	336	320	240
11 years	448	392	320	280
12 years	448	448	320	320
13 years	448	504	320	360
14 years	448	560	320	400
15 years	448	616	320	440
16 years	448	672	320	480
17 years	448	728	320	520
18 years	448	784	320	560
19 years	448	840	320	600
20 years	448	896	320	640
21 years	448	1008	320	720
22 years	448	1120	320	800
23 years	448	1232	320	880
24 years	448	1344	320	960
25 years	448	1456	320	1040
26 years	448	1568	320	1120
27 years	448	1680	320	1200
28 years	448	1792	320	1280
29 years	448	1904	320	1360
30 or more years	448	2016	320	1440

1. Sick Leave at part-pay may **not** be used for non-emergency medical or dental care, and it is not be accumulated.
2. An employee who is under quarantine, imposed by an official authority, is entitled to a leave, based on the above part-pay Sick Leave table, when full pay sick benefits are exhausted.
3. An employee who is reinstated following a layoff pursuant to Civil Service Rules is entitled to part-pay Sick Leave based on the employee's aggregate continuous service. The amount of part-pay Sick Leave shall be in accordance with the above table, minus any amount used during the calendar year in which he is reinstated.

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An employee who returns to DCFS employment following resignation to enter military service, is entitled to restoration of any previously earned and unused part-pay Sick Leave.

7.460 Limitations on Sick Leave Benefits

1. An employee who has exhausted all Sick Leave benefits is not entitled to New Year's Sick Leave benefits until the employee returns to work. "Officially" being returned to work means the employee has provided medical verification, and has physically returned with the ability to perform his/her duties.

If an employee returns to work without having adequately recovered from all illness or injury, the employee, fellow workers, and The County may be placed in jeopardy should the employee be unable to meet the demands of the job or is further injured. The Office Head may therefore require medical verification of the employee's ability to return to work which may include an evaluation by Occupational Health Services. See Return to Work Procedures in Chapter 9.000.

2. Effective beginning April 1, 2010, Sick Leave at part-pay shall be allowed commencing with the first day of absence from work due to any illness or injury. However, Sick Leave at part-pay shall **not** be allowed to any person until all full-pay Sick Leave has been exhausted.

An employee is considered "hospitalized" when he/she is admitted to a hospital as an in-patient or when he/she receives emergency care at a hospital emergency room for an accidental injury.

An employee's illness or injury is considered to have ended at the time he/she returns to work. Therefore, every illness or injury is presumed to be a separate illness or injury. The only exception is when an employee provides medical verification substantiating that the illness or injury is a continuation of a prior disabling condition.

3. An employee who is compelled to be absent because of sickness or injury, or for non-emergency medical or dental care, may elect to take time off on vacation or compensatory time for overtime or holidays worked, in lieu of paid Sick Leave.

However, an employee on part-pay Sick Leave may not interrupt the use of part-pay Sick Leave without accrued time unless specifically authorized to do so by the Office Head. In such a situation, the Office Head shall consider the following:

- A. The authorization should be for the use of a block of accrued time rather than a day here and a day there.
 - B. An employee may not use vacation benefits or other accrued time in conjunction with Sick Leave benefits so as to gain eligibility for a portion of that Sick Leave that cannot be paid for under the provisions governing sick leave compensation.
4. No Sick Leave benefits shall be paid for any period in excess of the time an employee has been in County service.
 5. Sick Leave benefits for persons employed on a daily basis are computed on a five day work week, unless the person actually works more than five days per week.
 6. An employee on leave for an industrial injury covered by Workers' Compensation earns Sick Leave time unless the absence exceeds one (1) year (or the length of the employee's

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continuous service if less than one (1) year) and the Workers' Compensation payments are not supplemented with other benefits.

7.470 Continuous Absence Due to Illness or Injury

1. An employee whose Sick Leave begins in one (1) calendar year and extends into the next calendar year continues to receive Sick Leave benefits from the prior year until these benefits have been exhausted. The employee is not allowed additional Sick Leave benefits for the continuation or balance of that same leave.
2. No employee shall be compensated for Sick Leave at part-pay in one (1) calendar year in excess of that shown in the table in Section 7.310.

The employee's illness or injury is considered to have ended at the time he/she returns to work. Therefore, every illness or injury is presumed to be a separate illness or injury. The only exception is when an employee provides medical verification substantiating that the illness or injury is a continuation of a prior disabling condition.

Such an employee may not use the New Year's Sick Leave benefits because the employee was still out on a continuous sick leave from the previous year. Although the employee had used other time in lieu of Sick Leave benefits to cover this absence, he/she was still out on a Sick Leave and was, in essence, being compensated for Sick Leave within the meaning of this section. This rule would apply even if the employee had been using other accrued time in lieu of Sick Leave benefits from the very first day of illness and continued to do so into the New Year. The employee may not use the New Year's Sick Leave benefits until the employee returns to work.

7.480 Unwarranted Sick Leave is Grounds for Suspension or Discharge

"Unwarranted" Sick Leaves shall be deemed an abuse of the provisions of the Salary Ordinance allowing leaves of absence on full-pay for illness. If any Supervisor finds that any County employee under his/her supervision has abused or is abusing such Sick Leave privileges, the Office Head, for the first offense, may suspend any such employee for a period of 30 days without pay, and for a second offense, may take steps for the discharge of any such employee. It is hereby declared to be the sense of the Board of Supervisors that further abuse following suspension for prior abuse shall constitute sufficient grounds for discharge from County service" (Los Angeles County Code Section 5.16.040).

7.490 Personal Sick Leave

A non-Mega Flex employee who earns 100% Sick Leave may use some of it as Personal Leave. Personal Leave is defined as any leave, taken for personal reasons, which does not interfere with the public service mission of the department. In general, this means that prior supervisory approval must be given to take Sick Leave as Personal Leave, before Personal Leave may be used.

Note: Effective in 2000, available Personal Leave may also be used to care for a spouse (including, effective January, 2004, a domestic partner), child, or parent who is ill. In this case, prior supervisory approval may not be feasible, but it should be obtained when the need to give care is anticipated.

An employee using Personal Leave to care for a spouse, child, or parent may be required to furnish a doctor's note or some other proof of illness or injury of the relative before such leave is granted.

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Beginning in 2004, the allowance for Personal Leave was increased to 72 hours for all eligible (i.e. employees earning Sick Leave) employees. Currently, effective January 1, 2007, the maximum allowance for Personal Leave is 96 hours.

Although using Personal Leave is the same as using Earnings Code 011, **there must be an available balance of EC 011 (or EC 113, Sick Pre-71, or EC 009, Pre-86 Special Sick – 100%),** and the employee must not have exceeded the number of hours of Personal Leave allowed for the employee's item.

Personal leave requires prior approval by the Office Head or his/her authorized representative. Personal leave cannot be used for work stoppages of any kind.

7.500 Leave of Absence

7.510 Introduction

Policy and procedures on leaves of absence are based upon Los Angeles County Code Chapter 6.20, *Leave of Absence*, Civil Service Rule 16, *Leaves of Absence*, and applicable Memoranda of Understanding.

A leave is an **APPROVED** paid or unpaid absence from duty.

7.520 Proof of Need for Absence

Los Angeles County Code Section 6.20.120, *Proof of Absence*, states:

Any employee absent due to sickness, injury, pregnancy, quarantine, non-emergency medical or dental care, or on any of the leaves provided for in Los Angeles County Code Section 6.20.080 may be required, before such absence is authorized or payment is made, to furnish a doctor's certificate or other proof satisfactory to his/her Department Head that his/her absence was due to such causes.

Leaves of absence covered in Section 6.20.080 of the Los Angeles County Code are:

- Bereavement Leave
- Civil Service Examinations
- Military Leave
- Jury Duty
- Witness Leave (including administrative hearing proceedings)

7.530 Use of Paid Time before a Leave of Absence without Pay

It is the policy of this Department that employees use all available vacation, holiday, and accumulated overtime prior to the commencement of a leave of absence without pay **that exceeds three (3) calendar days**. Exceptions to this policy may be made at the discretion of the Office Head when very unusual circumstances warrant special approval. A statement outlining the reasons for any exception to this policy, signed by the Office Head, shall be entered on the leave form.

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7.540 Forms and Procedures for Requesting Leave

A request for leave shall be made on the appropriate form and addressed to the Office Head. A leave of 29 or less calendar days shall be requested on Form DCFS158-1, *Request for Time Off or Overtime*. A leave of 30 or more calendar days shall be requested of Form DCFS 36, *Extended Leave of Absence With or Without Pay*.

7.550 Pregnancy Leave

That period of time during which an employee is temporarily disabled and compelled to be absent due to pregnancy as certified by her physician. The employee is entitled to sick leave benefits, if available.

An employee may work during the entire length of her pregnancy. If the Office Head has any question as to the employee's ability to perform her job duties, he/she should consult with the Health and Safety Coordinator. In some instances, a physician's statement verifying the employee's ability to work may be required.

When an employee returns to work following pregnancy, medical verification should be presented that she is physically able to perform the duties of her position.

7.560 Bereavement Leave

Los Angeles County Code Section 6.20.080 provides that any person employed in a full-time monthly position, including permanent, temporary, or recurrent subs, who is compelled to be absent from duty because of death of his/her father, mother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, husband, wife, child, stepchild, grandfather, grandmother, grandchild, domestic partner, or a stillbirth where a death certificate is issued, are eligible for Bereavement Leave. Bereavement Leave is also allowed for the death of a domestic partner's father, mother, stepfather, stepmother, child, stepchild, or grandchild, shall be allowed the time necessary to be absent from work at his/her regular pay for not more than three (3) working days.

An employee who is required to travel a minimum of **500 miles one way** in connection with such absence shall be eligible to receive two (2) additional working days of Bereavement Leave.

Bereavement Leave need not be taken in one lump sum, the allowed working days may be taken at another time following the death, as long as the absence is related to the death. For example, if an employee takes two (2) working days of Bereavement Leave at the time of death, he/she may take a third day later on to attend to the business affairs of the deceased. Any additional time that may be needed beyond the working-day limit must be charged to Vacation, Personal (Sick) Leave, CTO, or Holiday time, and prior management approval must be obtained.

A written request for bereavement leave must be submitted the employees immediate supervisor as soon as practical following the death of the relative. The request should include:

1. Nature of the request.
2. The degree of kinship between deceased and the employee.
3. Dates of period absent from work.
4. The employee's signature.

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The following are acceptable as satisfactory proof:

- A death certificate.
- Obituary notice.
- Letter from attending physician.
- Newspaper clipping.
- Letter from mortuary.

Should two (2) or more qualifying family members die at the same time, the employee receives three (3) working days leave for each such qualifying family member.

If a qualifying family member specified in Los Angeles County Code Section 6.20.080 dies while an employee is already off work and using Personal Leave, CTO, Holiday time, or Vacation Leave, the employee may substitute the allowed amount of Bereavement Leave in lieu of the foregoing leave types.

7.570 Jury Duty

Service on any California State (Superior) or Federal Court is covered by Jury Duty Leave (event code 018). Service on any County's criminal grand jury is covered, but service on a civil grand jury is not covered, because such service is entirely voluntary. An employee may serve on a County grand jury, if the employee's department approves an unpaid leave of absence, but the employee does not receive his/her regular pay or Jury Duty Leave.

7.580 Term of Service for Jury Duty

Effective July 1, 1999, the term of service for jurors in the Los Angeles County Superior or Municipal Courts is one (1) day or one (1) trial (2.1002 of the California Rules of Court). Potential jurors need to report for only one day to find out whether they will continue to serve. Californians are required to participate in jury service only once every 12 months. There are four (4) ways to fulfill this obligation:

1. Be assigned to on-call or standby jury service.

The juror telephones the court or visits a Web site to determine if he/she must appear in person. A potential juror may serve no more than one (1) day on on-call service or five (5) days on standby telephone service. The option selected for the juror varies by court. Serving on-call or on standby satisfies the juror's obligation.

2. Appear in person for jury service.

The juror appears in person at the courthouse. If he/she is not chosen for a trial or assigned to a courtroom for jury selection on the first day of scheduled service, he/she has satisfied this obligation.

3. Appear in person for jury service.

The juror is assigned to a courtroom for jury selection, but is not chosen for a trial. Dismissal by a judicial officer satisfies the juror's obligation

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7.590 Prospective Juror Affidavit for Jury Duty

An employee shall notify his/her supervisor within three (3) days that he/she is in receipt of a "Prospective Juror Affidavit." A "Prospective Juror Affidavit" is sent to prospective jurors by the Juror Services Section of the Superior and Municipal Courts. The form requests information and contains questions that are used by the Jury Commissioner to determine if the person is qualified to serve as a juror. Once the employee is determined to be qualified to serve as a juror, the court will issue a "Summons for Jury Duty."

7.600 Receipt of a Summons for Jury Duty and Verifying Jury Service

An employee shall notify his/her supervisor and timekeeper, and provide a copy, within one (1) working day of his/her receipt of a "Summons for Jury Duty."

Employees must provide verification of each week of their jury service to their Office Head. To verify jury service, jurors may, at any time, request a "Certification of Jury Service" form from the Juror Services office at the court to which they are assigned. The computer-generated form is issued in duplicate. The employee gives the original to the employer and retains the copy.

7.610 Requests for Exemption or Deferment from Jury Duty

The right to trial by jury is an essential part of our legal system. No DCFS employee shall be encouraged or influenced to request that he/she be excused from duty or that his service be deferred when a court has called him/her.

The Department will support a request for exemption, excuse or deferment only when critical operations would suffer. In this case, Division Chief Approval, in writing, constitutes DCFS' request for the court's consideration.

Application for Jury Duty deferment may be made if an employee desires to do so. The "Summons for Jury Duty" will indicate a telephone number that employees may call to request a postponement.

If the reason for the employee's deferment is connected to his/her job responsibilities, employees may ask the Office Head to prepare a written request to the court and forward it to the Division Chief for consideration. The Office Head, on their own initiative, may prepare a job responsibility defilement request, with the employee's knowledge and consent. If approved by the Division Chief, the request for the employee's deferment is sent to the court. The court will notify the employee of its decision in each case all employees not granted deferment will report for Jury Duty as directed by the court.

7.620 Pay Provisions and Procedures

A permanent full-time employee will receive regular pay during actual time spent on Jury Duty provided all fees (except mileage allowances) received in connection with jury service are forfeited and deposited with the County Treasurer (Los Angeles County Code Section 6.20.080). Meals or lodging allowances provided to impaneled juries by the court are not forfeited and do not affect the employee's eligibility for regular County pay.

Employees must account for all time spent on Jury Duty. If an employee is excused from Jury Duty on a normal work day, he/she is expected to report for work. If excused from Jury Duty and the employee's office is closed (i.e., the office is on a 4/40 schedule and closes on Fridays), the employee must use time on the books (personal leave, vacation or accumulated overtime) to cover the day. If an employee becomes ill during Jury Duty and is excused by the Court from Jury Duty for that period of time, the absence is charged to the employee's sick leave. An employee **cannot** claim mileage for travel to and from Jury Duty through the use of standard mileage claim form 76M395.

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Mileage allowances, if any, granted by the court are reimbursed directly to the employee through the court's reimbursement procedure.

Any *monthly*-pay bonuses, such as bilingual pay, superior-subordinate pay, etc., will be continued up to a maximum of 60 days. Any *hourly* pay bonuses, such as night shift bonus, will be discontinued while on Jury Duty.

An employee with other than full-time permanent status will not receive County pay while on Jury Duty but may collect and retain fees granted by the court.

Exception: Employees on monthly recurrent, monthly temporary, monthly temporary training shall receive paid jury leave according to Los Angeles County Code Section 6.20.090. Jury fees paid shall be turned over to DCFS Finance Division.

7.630 Work Schedules for Alternate Work Schedule Employees on Jury Duty

Historically, some MOU's and the County Code required that work schedules for an employee going on Jury Duty be changed to the employee's department's regular 5/40, Monday through Friday daytime work schedule. This language was intended to ensure that employees' work schedules coincide with jury service hours, so that employees would not suffer hardships from having to report to work before or after spending the day in a jury box. However, the County Code has been amended to provide the possibility of employees' retaining their existing schedules; see "Exceptions to Jury Duty Schedule Changes," below.

Note: The Payroll Section should be consulted in all cases that require a schedule change.

On-Call Jury Service

Employees who are asked to call the Jury Supervisor to determine if they should appear for Jury Duty should report to work at their normal starting times. They do not have their schedules adjusted on these days. If they are asked to appear, they simply record the balance of hours scheduled for the day as Jury Duty. If they are directed to report for Jury Duty on a RDO, they do so on their own time (i.e., employees do not receive overtime for jury service on an RDO).

Exceptions to Jury Duty Schedule Changes

With the expanding use of 9/80 or 4/40 schedules, or of short-term or on-call jury service, the practice of changing to a 5/40 schedule was re-examined to fit modern circumstances. To enable this, the County Code has been amended to provide that departments will, when appropriate, and in accordance with regulations issued by the CEO, convert the employee's schedule, if it isn't already a 5/40 schedule, to such schedule. Accordingly, the CEO has issued policy guidelines which provide that non-represented employees assigned to other than a five-day, 40-hour schedule may remain on their established work schedules while serving Jury Duty. Thus, for non-represented employees, department management may determine, on a case-by-case basis, when a work schedule change is necessary. However, for represented employees, departments must follow pertinent MOU provisions or their previous practice.

7.640 Witness Leave

Any employee in a full-time monthly position (whether permanent or temporary) is eligible for Witness Leave if the employee is subpoenaed to appear in court.

Part-time, daily or hourly employees do not receive any paid Witness Leave. Such employees may keep any witness fees.

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Employees in monthly recurrent or monthly temporary positions receive one (1) day (eight (8) hours) of paid Witness Leave per year if they accumulated 200 days (1600 hours) or more of active service during the prior calendar year. If these employees do not meet this active service requirement, they receive four (4) hours of paid Witness Leave per year. This leave may not be accumulated.

Any employee who is under subpoena to appear in a court or hearing shall be allowed the time necessary to be absent from work to comply with the subpoena, provided that the court appearance is not as an expert witness or as a party to the case being heard. "A party to the case" is defined as being either the plaintiff or defendant in a civil matter, or the defendant in a criminal matter.

Usually, when an employee is named as a defendant, plaintiff, or respondent, he is a party to the action. However, there are times when a person's name does not appear on a subpoena as a "party," but he/she is nevertheless a "party" to the action as far as paid witness leave is concerned. For example, the person may be included under "et al." or, a person may be a real party of interest in a case in which his insurance company, spouse, or other relative is a named party. On the other hand, a person who was the victim of a crime, while obviously "interested," may not be a party to the action. If the "People" require his/her testimony, he/she is eligible to paid witness leave.

7.650 Provisions for Witness Leave

The following provisions apply to persons who are not a party to the case when they are called as a witness:

- To receive his/her regular pay, the employee must deposit any witness fees with the County Treasurer.
- The subpoena must come from a court or commission legally empowered to issue subpoenas (i.e., Civil Service Commission).
- Employees ordered to appear as a witness on their regular days off do not receive any pay from the County. In such a case, the employees may keep their witness fees.
- Employees are also allowed the time necessary to be absent from work to appear at an administrative proceeding in which their employment or pay status is an issue.

Note: Persons under subpoena to appear as a union witness in a grievance arbitration hearing do not receive time off with pay. Such persons may, with departmental approval, use accrued leave (such as Vacation, Personal Leave, or CTO overtime) to cover this time.

- Regular pay means the eHRS' Calculated Salary, which includes schedule/level/percentage bonuses (including out-of-class bonus and superior/subordinate pay) but excludes most hourly bonuses (such as night shift bonus).
- Witness Leave is not applicable when court appearance is required of employees as part of their duties. Under these circumstances, employees are considered to be at work.
- If an employee is subpoenaed to be a witness on an RDO, he/she does so on his/her own time; i.e. employees do not receive overtime for witness service on an RDO.
- When an employee is excused from witness service for a day (or part of a day), the employee must report to work during this period, so long as the employee could work at least one (1) hour on the job.

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The procedures to be used by DCFS offices when served with a summons, claim or a subpoena on County matters are given in Section 5.44.100 of the Los Angeles County Code. The material includes discussions of witness fees and matters pertaining to the small claims court.

Guidelines for handling a subpoena concerning non-County business are given in Chapter 8.000.

7.660 Witness Fees

See Los Angeles County Code Section 5.44.100 for procedures in claiming witness fees and for instances in which such fees may not be available.

An employee subpoenaed as a witness on non-County business shall claim all allowable witness fees and promptly give them to his/her Office Head. The Office Head shall then send the witness fee(s) to the Department's Finance Division.

Any employee not claiming or giving his/her witness fee(s) to his/her Office Head does not qualify for paid witness leave on non-County business.

Any mileage reimbursement received by an employee on non-County business from the entity issuing the subpoena need not be given to the Office Head.

An employee required to appear on County business shall claim all allowable witness fees and mileage reimbursement and give them to his/her Office Head for transmission to the Department's Finance Division.

7.670 Appearance at Administrative Proceeding

Any full-time permanent employee, who is required by ordinance, rule, or charter to be absent from work to represent himself/herself at an administrative proceeding at which his/her individual employment or pay status is at issue, shall be allowed the time necessary to be absent from work at his/her regular pay. However, if an employee is not required to be present at an administrative proceeding, the employee shall use his/her own time. With advance approval of the Office Head, employees are permitted to use their own time if they choose to attend. Generally, the Civil Service Commission sends a notice to an employee who states if his/her presence is either required or not required. Persons under subpoena to appear as a union witness in a grievance arbitration hearing do not receive mileage reimbursement or time off with pay. Such persons may, with Office Head approval, use accrued leave (such as vacation, personal leave, or overtime) to cover this time.

"Time necessary to be absent from work" does not include any time during which the employee is "on call" or his/her presence in a proceeding is not required. (Los Angeles County Code Section 6.20.080)

7.680 Time Off to Vote

Under California law, County employees who, because of commuting time, childcare obligations, or other circumstances, do not have sufficient time beyond their regular work schedules to vote in State-wide elections may take up to two (2) hours off work without loss of pay. This leave is called Time Off To Vote; it is based on Section 14000 of the California Elections Code.

Such time off must be taken either at the beginning or at the end of their regular work shift, whichever allows sufficient time and is least disruptive to the employees' work.

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When an employee realizes prior to an election that he/she must use some Time Off to Vote leave, the employee must notify his/her immediate supervisor at least two (2) working days prior to the Election Day.

In order to track this time, Earnings Code 047, Time Off to Vote, should be used on the Timecard Screen (TIMEI). This code pays the employee his /her regular earnings; the time does not count as hours worked for overtime purposes.

Pursuant to California Elections Code 14001, departments are required to conspicuously post a notice ten (10) days before every State-Wide election that notifies employees of the right to take time off to vote.

7.690 Time Off to Pick Up Pay Checks

An employee, upon request, shall be allowed to use paid County time and to claim mileage reimbursement to pick up his/her **un-garnished** paycheck if:

1. The check was not delivered on payday to the correct pay location through no fault or negligence of the employee, AND
2. There is **no other way** for him/her to get the check on payday.

An employee shall **not** be allowed paid County time or to claim mileage reimbursement in his/her efforts to pick up his/her garnished paycheck.

7.700 Time Off for Civil Service Examinations

7.710 Los Angeles County Exams

Any employee employed on any item (including temporary, hourly and daily) shall be allowed the necessary time off with pay to participate in Civil Service Examination(s) for County positions. Prior permission must be granted by the Office Head.

Employees may take any portion of a County Civil Service Examination on County time. However, employees do not receive overtime or any other kind of special time off for participating in an exam outside their normal working hours.

The Earnings Code for Civil Service Leave (called "Civil Service Exam") is EC 020. This code is used on the Daily Timecard Screen to record absences for Civil Service Leave taken on scheduled workdays.

A Civil Service examination, within the meaning of Section 6.20.080 of the Los Angeles County Code, shall include the following activities:

1. Filing a job application when a **personal appearance for this purpose is required in an official bulletin**.
2. Participation in a written, oral, or performance test or medical examination at a time and place specified by the CEO/Human Resources or the appointing power.
3. Inspection of examination scoring keys, scored answer sheets and/or rating standards in accordance with Civil Service Rules 7.16 and 7.19.

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4. Job placement interviews for any employee whose name appears on an eligible list from which his/her appointment would be authorized by the Civil Service Commission Rules.
5. Appealing the conduct or results of an examination. Time necessary to be absent from work shall include only that time during which the appellant is required to be present at a Civil Service Commission hearing.
6. Reasonable travel time to participate in any of the above activities.

Note: Mileage permittees **are not allowed reimbursement** for mileage for such trips.

Not included as activities for which paid leave may be allowed under this provision are the following:

1. Job interviews for purposes of obtaining a transfer or administrative reassignment, or taking a voluntary reduction.
2. Filing a job application in person when a personal appearance is not required in the official job bulletin. If an employee desires to personally deliver the application, such absence, if authorized, must be treated as any other absence for personal reasons.
3. Inspection of bulletins, employment counseling or other activities related to the securing of information pertaining to job openings.

7.720 Military Leave

Military leave policy is based upon Sections 2021 and 2024 of Title 38 of the United States Code, Sections 395 through 395.03 of the California Military and Veterans Code and California Government Code Section 18540.3. Los Angeles County Code Section 6.20.080 and Civil Service Rule 16.03 are also applicable.

7.730 Policy and Definitions

It is the policy of this Department to grant permanent and temporary employees short-term temporary military leave that does not exceed 180 consecutive days, including travel time, based on the provisions outlined in the applicable provisions of the Military and Veterans Code and County Charter.

Military leave is considered temporary or short-term if it does not exceed 180 consecutive days, including travel time. The principal provisions of the California Military and Veterans Code specify that a temporary military leave:

1. Includes ordered active duty, active duty training and inactive duty training (as provided in this Chapter).
2. Applies to any County employee including temporary employees.
3. Provides that the employee on leave shall have an absolute right to be restored to his/her former position if:
 - The position or a comparable position still exists; and
 - The employee is capable of performing the duties of the position.

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4. Any employee who has completed one (1) year of County Service (including any previous military service, which is defined as full-time service in the armed forces during a national emergency or state military emergency declared by the governor) receives full County pay for the first 30 calendar days of active military duty or active duty training. Such pay shall not exceed 30 calendar days in any one fiscal year, and employees are not entitled to receive pay for leave covering inactive duty training.

Upon his/her return, the employee is entitled to the same seniority, continuous service date (CSD) rate of pay, rights/privileges, and status that the employee would have had if the military leave had not been taken.

An employee who resigns from County service to enter the Armed Forces is entitled to be restored to the employee's former position with the same rights as an employee who was on a military leave.

7.740 Verification Required

Requests for military leaves of absence should include the following:

- Copy of the military orders and branch of service.
- Duration of the tour of duty.
- Enlistment status (reserve, draftee, volunteer).

7.750 Ordered Active Duty and Active Duty Training

Active military duty or active duty training is always by official orders in which the duty or training is identified as *active*. Active duty includes the two (2) or more weeks of annual training by reservists, which usually occurs during the summer months.

7.760 Inactive Duty

Inactive duty or training is the evening or weekend training periods or drills. Such training periods usually are not by official orders. The reservist is given a schedule of training periods, usually for a year, by the commander of the reserve unit.

An employee should attempt to have an evening or weekend training period or drill schedule changed if it requires the employee's presence during a scheduled workday.

If the employee cannot have the training schedule changed, he/she should submit written verification to that affect to his/her Office Head. In those instances, an effort will be made to reschedule the employee's hours to accommodate the training schedule.

If neither of the above alternatives is possible, the employee will be granted a leave of absence without pay.

With the Office Head's approval, the employee may elect to use accumulated overtime, personal sick, holiday or vacation for time off instead of leave without pay to attend the scheduled training periods or drills.

7.770 Military Leave with Pay

Los Angeles County Code Section 6.20.080 states that "an employee shall be allowed a military leave of absence **with pay** in accordance with the applicable provisions of law," including, but not limited to,

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those contained in the County Charter and the Military and Veterans Code. Office Heads may grant educational leaves without pay where workloads and other staffing standards permit such leaves, subject to approval of the appropriate Assistant Director who will also sign form DCFS 36, *Extended Leave of Absence With or Without Pay*.

Such leaves, each not to exceed one (1) academic year, may be granted to an employee who has had at least one (1) year of continuous service with the Department provided that the employee:

- Has demonstrated genuine interest and capability for the work;
- Is pursuing a course of study that will significantly add to his/her effectiveness on the job;
- Presents evidence of having been accepted by an accredited school; and
- Provides reasonable assurance that s/he will return to duty for a reasonable length of time upon expiration of the leave.

In considering requests for educational leaves of absence, Office Heads should be aware of the following procedures:

1. An employee on educational leave will continue on the active roster of the district or office granting the leave.
2. A replacement may be hired to perform the duties of the employee on leave, subject to availability of items and approval by the Budget Division.
3. Upon termination of the leave, the employee will return to the position he held when the leave was granted, or a position of equal or higher level or which he qualifies.
4. If a suitable job opening is not available upon termination of leave, the employee must return to the district or office approving the leave on the item held when the leave was granted.

A temporary or permanent employee shall be granted full County pay for the first thirty (30) days of military leave covering active duty or active duty training. The pay shall not exceed 30 days in any one fiscal year, and the employee must meet one of the following conditions:

- The employee has worked for Los Angeles County for not less than one (1) year immediately prior to the day on which the leave begins, or
- The employee has been in County service and active military service for the full year immediately preceding the first day of military leave.

No provision is made for time off with pay for pre-induction physical examinations. Any time taken for this purpose will be at the employee's own expense.

7.780 Military Leave without Pay

Military leave without pay may be granted to permanent and temporary employees who enter active duty military service or inactive duty training for a period of 180 consecutive days or less.

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7.800 Educational Leave

Educational leave without pay will be granted whenever possible in accordance with the following provisions:

- Civil Service Rule 16.02 which states, “Leaves of Absence from regular duties without pay may be granted by the appointing power for such purposes as education or training... when such leave is deemed by the appointing power to be in the best interest of the Department. When such leave is for longer than six (6) months, it must be approved by the Office of Human Resources.”
- State Welfare and Institutions Code, Section 10900, which provides authority for granting of educational leaves to ensure that the Department will have available the quality and quantity of personnel needed to carry out its services.

7.810 Educational Leave Commitments

Depending on State and/or County appropriation of funds, there sometimes are programs available under which selected employees may attend graduate school toward a Master’s Degree in Social Work. Employees who received subsidized educational leave under these programs sign an agreement with the County or with the State Department of Social Services in which an employment commitment is clearly defined. **Employees are obligated to fulfill their employment commitment.** County and/or State stipend awardees may utilize summer employment in the Department to fulfill part of the employment commitment.

An employee who fails to fulfill his/her employment commitment before completion of the agreed-upon term of employment must reimburse the County and/or State under the terms of the agreement he/she signed.

If an employee is unable to fulfill his/her commitment, the Office Head shall immediately notify the DCFS Personnel Officer, in writing, outlining the reasons. Matters involving interpretation of the contract, liaison with County Counsel, or development of a plan for reimbursement are the responsibility of the Personnel Officer. Verification of commitment dates consultation with Office Heads on procedural matters and formats for correspondence, as well as liaison with the State are the responsibility of the Staff Development Section.

The above procedures also apply if the employee dropped out of school after receiving a County or State Stipend.

7.900 Personal Leave without Pay

7.910 General Provisions

This leave may be granted, operation permitting, when deemed appropriate by the Office Head. In an organization as large as DCFS, the personal problems and outside interests of employees are many and varied. The establishment of precedents and fairness to the entire workforce must be carefully weighed when considering requests for personal, unpaid leave.

7.920 Employee in Police Custody

If an employee is in police custody and he/she is not suspended or discharged by the Department, he/she should be reported as absent without leave, unless he/she requests and is granted a leave of absence. Judgment must be exercised in granting leave in these circumstances. Civil Service Rule 16.02 states that unpaid leaves may be granted “in the best interest of the service.”

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Chapter 8.000
Employee Conduct and Responsibilities

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8.000 Introduction

It is every employee's responsibility to know applicable laws and regulations, and employees should not solely rely on this document.

Employees are expected to understand and to adhere to County and Departmental personnel policies. An employee's adherence to policies and regulations, personal appearance, and personal conduct directly affect the public's concept of County employees, this Department, and of Child Welfare. Failure to comply with these policies, regulations, and instructions could lead to disciplinary action being taken, which could include discharge.

The provisions set forth in this Chapter are unable to describe every potential circumstance. Employees must not only look to a particular wording of a provision, but also to its rationale and intent. When in doubt, it is the employee's responsibility to seek clarification from the Department, through the Office Head, as to the policy in any given circumstance.

8.010 Departmental Policy on Employee Child Abuse and Neglect

Employment in the Department must be consistent with its mission and goals. Because we are mandated by law to investigate allegations of child abuse and neglect and to service and protect minors who come under Juvenile Court jurisdiction, it is the policy of the Department to discharge any employee or decline to hire any applicant who is convicted of any crime against children, including child abuse and neglect. In addition, it is the policy of the Department to evaluate the suitability for promotion of any employee against whom charges of child abuse or neglect have been substantiated. See Section 14.103 for Departmental policy on or off-the-job. The Department conducts an administrative review of substantiated cases of child abuse and neglect in which its employees are involved. Such review may result in an administrative action which may include disciplinary action, up to and including demotion or discharge.

8.020 Child Abuse Reporting Law

Section 11166 of the Penal Code requires any "employee of a child protective agency who has knowledge of, or observes a child in his or her professional capacity, or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse, to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible, by telephone, and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident."

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In addition to any personnel disciplinary action (up to and including discharge), each employee who is a mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor and subject to imprisonment or fine. (See CANRA Procedural Guide, 0050-501.10)

8.100 General Conduct, Responsibilities, and Policies

8.110 Acceptance and Performance of Assignments

The assignment of duties is at the discretion of the Office Head. Assignments will be made to best meet the needs of the office in consideration of employee abilities and desires. Each employee has a responsibility to accept his assignment, to learn its specific duties and responsibilities promptly and to perform the required tasks competently.

8.120 Personal Appearance

Each employee shall adhere to the Los Angeles County Professional Appearance in the Workplace Policy (PP&G 512) and DCFS Dress Code Policy.

This policy is intended to clarify County Code 5.72.010. County Employees are required to wear clothing suitable to their occupations, as may be determined by their respective Department Heads. Employees shall furnish and maintain in suitable and appropriate condition such clothing and associated articles at their own expense, except as otherwise expressly provided by the Board of Supervisors. Employees should maintain a neat and professional appearance in the performance of their duties.

County departments provide a wide variety of programs and services and the professional image of our workforce is critical to fostering public confidence and providing "effective and caring service.

Employees shall be dressed and groomed in a clean and neat manner. Style of dress should be to job classification and duties and consistent with generally accepted business-like and professional standards and expectations. Social work staff and others who have contacts with the public should be especially aware and careful to visibly present themselves in a professional manner. Personal appearance creates and impresses an image that both clients and public perceive about this Department and social work as a profession.

8.130 Reporting Changes of Name, Address, and Telephone Number

Employees shall report changes of name, home addresses, and telephone numbers to their Office Head as soon as such changes occur. A change of name, address, or telephone change shall be reported by an employee by completing DCFS 271 (Rev. 5/99) and must be given to DCFS Personnel Office, and for personal records may retain one copy.

In addition, employees who are covered by any County-administered group health insurance plan should report any changes in name, address, or telephone numbers directly to the Personnel Processing Section. The Personnel Processing Section will enter the information into eHR, which will then distribute the information to the proper entities. It is not necessary to report changes for the County-paid group life insurance plan.

Updating records of employee names, addresses, and telephone numbers are necessary in the event of emergencies.

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It is recommended that Office Heads keep an updated record of whom to contact during business hours in the event of employee injury or illness. The records can be a small card index, a local form put into each employee's office personnel folder, a log book, or whatever is suitable to field office needs. The record should include the employee's home address and telephone number, and the name, address, telephone number, and relationship of at least one emergency contact person. This record shall not be shared with other employees and shall be used only in the event of an employee injury, illness or emergency.

8.140 Use or Possession of Alcoholic Beverages and Narcotics

The use or possession of alcoholic beverages, illegal drugs, or narcotics during working hours or on County premises, or reporting to work under the influence of either, is a serious breach of accepted employee conduct. When such conduct is suspected, it must be dealt with promptly and firmly.

Supervisors are expected to use good judgment in determining whether or not an employee is, in fact, under the influence of alcohol or narcotics. Close observation of the employee's behavior for a reasonable time is advisable. If there is an unmistakable indication that his/her behavior is in sharp contrast of his/her normal demeanor, he/she should immediately be relieved of his/her work assignment (refer to Los Angeles County Reasonable Suspicion Policy).

The Office Head or his/her designee should be consulted immediately. If a determination is made that the employee should leave the premises, arrangements should be made to transport the employee to his/her home. Under no circumstances should the employee be permitted to drive his/her own car. The Office Head should contact Performance Management staff immediately when such a determination is made.

8.150 Confidentiality of Records

All case records, court documents, and case information are confidential pursuant to Sections 827 and 10850 of the Welfare and Institutions Code. See DCFS Policy 0500-000, et seq.

8.160 Contacting or Living with Clients

Occasionally an employee finds that the case of a person(s) he/she is acquainted with outside DCFS is assigned to him/her. Conversely, an employee may become acquainted with a client in his/her caseload in outside circumstances outside of his/her control (i.e., he/she learns that a client is a friend or relative of a neighbor). To protect both employees and the Department, it is imperative that not even the appearance of potential wrongdoing or favoritism occur.

No employee shall visit or contact a client, or anyone on behalf of a client of this Department, outside of working hours without notifying his/her supervisor or recording the substance of the contact in the client's case record. In certain circumstances, however, and depending on the nature of the contact, it may be permissible for an employee to have contact with a client or other persons on their behalf. Such instances could include client relatives of employees, personal friends of long standing prior to employment, fellow employees who are also clients, and persons whom an employee does not know are clients. In any case, contacts for an employee's personal or monetary gain, or for any purposes detrimental to Departmental operations or its mission, are prohibited and may subject the employee to disciplinary action up to and including discharge.

Employees are discouraged from living with a client. In certain instances, however, it may be appropriate. Such instances could include client relatives, personal friends prior to employment, and persons whom an employee does not know are clients.

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The purpose of this policy is to protect employees and clients from possible conflicts of interest, possible fraud or unfavorable publicity.

If an employee is living with, or intends to live with a client of this Department, he/she shall promptly report the situation in writing to his/her Office Head for a determination as to whether or not there exists a conflict of interest. All such situations shall be reported, whether an employee believes there is or is not a conflict of interest. Failure to report within 15 days of living with a client may be cause for disciplinary action including and up to discharge.

An Office Head may refer the matter to higher management within his/her bureau for determination. An Office Head shall then promptly inform the employee in writing of the Department's finding as to whether or not a conflict of interest exists and related facts constituting the same.

If a conflict of interest is found to exist, the Office Head shall in writing request the employee to take necessary action to remove such conflict of interest. If within five (5) business days, an employee has not removed the conflict of interest, he/she will be subject to disciplinary action, which may include discharge.

Information received regarding an employee living with a client shall be kept confidential. It shall only be used for purposes to determine whether or not a conflict of interest exists, or related to an employee's refusal to act to eliminate what has been determined to be a conflict of interest.

8.170 Acceptance of Fees or Gifts

No employee of the County shall charge, request, or receive for his/her own use any fee, reward, or payment of any kind from any person, firm, or corporation other than the County of Los Angeles, for any services rendered by him/her as a County employee. No employee shall render during his/her office hours, or hours of work for the County, any service to anyone other than such service as he is employed by the County to render (Los Angeles County Code 5.44.020).

Exception: Los Angeles County Code Section 5.44.030 authorizes County employees to receive supplementary compensation from associations, non-profit corporations, or auxiliary groups, organizations, or entities of any County institute or museum, provided that the above associations, entities, etc., shall:

1. Obtain prior written approval of the Board of Supervisors to provide such compensation.
2. Disclose annually the names of compensated County employees and their amounts of compensation.
3. The giving or receipt of such above compensation must not violate any State or Federal law.

In addition to the above exception, it is DCFS policy that all employees shall report promptly to their Office Heads (through appropriate channels) any compensation or benefits received by them from non-County organizations for services performed in connection with their County duties. Such organizations could include private business organizations, individuals, volunteer groups, professional associations, educational institutions, and other governmental agencies.

The following information will need to be reported:

1. Name, classification, and location of employee.
2. Name and address of the organization providing supplemental compensation or benefits.

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3. Type of services provided by the employee to the County, and to the non-County organization.
4. Whether or not the services provided to the non-County organization are:
 - Performed on County time or the employee's time.
 - Compatible with the employee's County duties.
 - Performed in a County facility, or with use of County vehicle, equipment, or supplies.
5. Amount of supplemental compensation received.
6. Extent and nature of non-salary benefits received, which could include expense accounts, use of non-County facilities, vehicles, or equipment.

The DCFS policy on such items will be that no such remuneration will be accepted by DCFS employees unless it meets the provisions of Los Angeles County Code Section 5.44.030.

In accord with Board Order #160 of March 25, 1975, the above information will be reported to the Chief Executive Office.

Office Heads shall submit the following information to the DCFS Director, upon their receipt of any gift or donation for DCFS:

1. Name and address of the donor.
2. Itemized description of the gift or donation.
3. Any related significant information.

8.180 Borrowing Money from Clients or Subordinates

Employees shall not borrow money from their clients or subordinates.

Borrowing money from clients or subordinates compromises the position of the person who borrowed the money and discredits the integrity of the Department. Such may subject the employee to disciplinary action up to and including discharge (see Chapter 14.000).

8.190 Providing Services or Goods to Clients

Employees shall not solicit, sell, give, or otherwise provide services or goods to clients, other than those services or goods that may be appropriately provided by regulations within the performance of their assigned duties. Conversely, employees shall not deny services or goods to clients to which they are entitled.

If an employee discovers that the case of a person in one of the following categories is assigned to him/her, he/she shall promptly inform his/her supervisor for the purpose of having the person's case assigned to another employee: **relative, personal friend, tenant, outside business or personal acquaintance (i.e., customer, friend of relative or neighbor, etc.).**

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8.200 Employees who are Clients

If an employee is also a client of the Department, the employee shall not administer that case, nor shall he/she be in a position or assignment to have any influence over the administration or processing of that case. If such an employee finds him/herself in that situation, the employee shall notify his/her Supervisor or Office Head as soon as possible for further instruction.

8.210 Use of Position

No employee shall use his/her position for purposes not authorized by the Department, for the advantage of others at the expense of the Department or its clients, for personal gain beyond that which is normally associated with performance of duties, nor for any other purpose that would be detrimental to the Departmental mission, employees, or clients.

8.220 Work-Related Investigations

All DCFS employees are required to cooperate with work-related investigations including, but not limited to any investigations conducted for Affirmative Action/Civil Rights Compliance and Internal Affairs. Refusal to cooperate in such work related investigations may subject the employee to disciplinary action, up to and including discharge.

8.300 Outside Employment & Conflict of Interest

8.310 General Policy

County ordinance and Departmental policy permit employees to work up to 24 hours per week in any other employment, provided that the following conditions are met:

1. The outside employment does not constitute a conflict of interest defined by Departmental policy and County, as provided in this Chapter.
2. The outside employment does not impair the efficiency of the employee's County service.
3. The outside employment does not violate any department policy or procedure.
4. The outside employment does not violate County Code Section 5.44.050, which provides that no person shall be employed in a full-time position in the County who performs service outside of his/her working hours for the County in any gainful profession, trade, business, or occupation in excess of 24 hours per week; provided, however, that this provision shall not apply to a person holding a position in the County which is less than full-time, nor to any person in the service of the County while on leave of absence without pay.

Employees are required to report to the Department any intent to engage in outside employment when they actually start outside employment, when they change or terminate outside employment, or at other times designated by the Department or Board of Supervisors.

It is to be noted by all employees that outside employment includes self-employment, a financial interest in or management of a family business, or in its operation for the benefit of the family or employees.

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8.320 Holding More than One County Position

Los Angeles County Code Section 6.16.010, prohibits County employees, with a few exceptions, from holding more than one (1) full-time position or two (2) or more part-time positions that, in the aggregate, exceed full-time.

8.330 Specific Prohibitions Regarding Outside Employment

In addition to the provisions of Section 8.071 and rules found elsewhere related to conflict of interest and outside employment, the following examples are demonstrative:

1. Use of County Time for Outside Work

No employee shall, under any circumstances, perform any outside work, including copying and compiling records or any other data for use relative to outside work, while on duty as a County employee.

2. Solicitation in Name of the County

No employee shall solicit any non-County work in the name of the Department or any other County agency. An employee engaged in outside work or private endeavor shall make it clear in dealing with those parties connected to his/her outside employment that he/she is engaged in such practices as a private individual and not as a County employee.

3. Communication Relative to Outside Work

Employees engaged in outside work must arrange to have all personal contacts and telephone calls relative to such work made outside regular County hours of employment.

4. Use of County Facilities and Property

No employee shall use County facilities and property including telephones, office, stationery, supplies, equipment, photocopying equipment, vehicles, etc., in connection with personal gain or any outside work.

5. Confidential Information

No employee shall make use of confidential records and information relative to the clients of the Department (Welfare and Institutions Code, Chapter 5, Section 10850) in connection with outside work or business interests.

6. Contacting of Clients

No employee shall use contact with DCFS clients, or access to information about clients, in connection with outside employment.

A County employee is prohibited from engaging in, either directly or indirectly, any gainful profession, trade, business, occupation, or activity that is incompatible with or involves a conflict of interest with either his/her own County duties or with the duties, functions, or responsibility of the County Department by which he/she is employed.

As a general rule, such incompatibility or conflict of interest may be said to arise where an employee's obligation to perform his/her County duties with absolute loyalty and undivided allegiance to the best interest of the County is in any manner compromised as a result of his/her involvement in his/her

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outside private activities; where the same obligation of absolute loyalty of either the employee's Department Head or fellow employees is in any way compromised, such as by showing or granting special favoritism or treatment in the regulation or County dealings with the employee's private business activities; or where the outside private activities of the employee have in any manner resulted in personal gain or financial gain or financial benefit to him/her that would not have otherwise been received but for his/her employment as a County employee.

As a general matter, the County must prohibit and discourage any private outside business or activities, even in the absence of an actual showing of dishonesty, breach of loyalty, lack of integrity, or other impropriety, where there exists a reasonable possibility that the employee might be tempted to violate his/her personal obligation of absolute loyalty and allegiance to his/her duties; or to seek or receive special favoritism or treatment in his/her private activities from his/her employment by the County. Simply stated, the County is as much concerned with what might have happened in a given situation as with what actually happened.

An employee who has any question regarding his/her outside employment shall immediately contact his/her Office Head to discuss the matter.

Section 5.44.010 of the Los Angeles County Code permits each Department to promulgate rules governing non-County employment, enterprise, or activity that, for employees of the Department, are or may be in conflict with their County duties. This manual section contains rules governing DCFS. The code states:

Each department may submit to the conflict of interest code review panel for its approval rules governing non-County employment, enterprise or activity. An employee's non-County employment enterprise or activity may be prohibited by such rules if it: (1) involves the use for private...advantage of County time, facilities, equipment, supplies, or the badge, uniform, prestige, or influence of County employment; or (2) involves receipt or acceptance by the employee of any money or...consideration from anyone other than the County for the performance of an act which the employee could be expected to render in the regular course of County employment; or (3) involves the performance of an act in other than official capacity as a County employee, which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other County employee; or (4) involves such time demands as would render less efficient the employee's performance of assigned County duties; or is clearly inconsistent with the operation, function or responsibilities of the department.

It is the policy of the Department that employees are to take steps to avoid engaging in any conflict between their responsibilities to the Department (and the Department's mission and goals) and their outside activities.

8.340 Examples of Conflicts of Interest

Some outside activities that may involve conflict of interest are employment, including self-employment, other than with the County, volunteer work for private agencies that service abused or neglected children, and socializing with individuals who are being serviced by the Department or who have business dealings with the Department. While these and other similar situations do not necessarily constitute conflicts of interest, it is the employee's responsibility to be aware of real or potential conflict and to discuss them with his/her Office Head in order for the Department to make proper assessments.

A conflict of interest arises when an employee unlawfully exploits his/her County position for his/her private financial benefit, or when the nature of his/her private employment necessarily conflicts with his/her duty as a County employee to serve the public interest. While there may be legal subtleties in

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certain conflict of interest questions, a basic principle remains that a County employee should not have a personal, social or financial interest in the subject matter of his/her County job. Some examples are:

1. If an employee's County job involves inspecting or licensing private facilities, he/she should not work for, manage, or own an interest in the type of facility he/she inspects or licenses.
2. If an employee's County job involves referring clients for private facilities he/she should not work for, manage, or own an interest in the type of facility to which he/she refers clients. In fact, County Counsel has advised that he/she should not even be affiliated with such a facility in an unpaid capacity.
3. Employees who are engaged in outside employment as a therapist should not have as clients those families or individuals who are supervised by the Department.
4. An employee should never determine, or supervise the determination of whether his/her family member, neighbor, friends, acquaintances, tenant, or boarder is eligible for any benefit dispensed by the County.
5. A Children's Social Worker may not be employed by a private placement facility that is licensed or used by DCFS and monitored by Children's Social Workers.

8.350 Informing Employees about Outside Employment Policy

At the time a new hire, reinstatement, or transfer-in is processed at DCFS Human Resources, the new, reinstated, or transferring employee shall be presented the *Statement Concerning Outside Employment* to read and sign. The original shall be filed in his/her Central Personnel Folder, and one copy filed in his/her Office Personnel Folder. The third copy is for the employee.

If a candidate for employment refuses to sign the form, he/she shall not be hired, reinstated, or transferred into this Department. All full-time permanent employees will be required to complete the *Statement Concerning Outside Employment* on a yearly basis. Refusal to do so will be considered insubordination and may result in disciplinary action or discharge.

8.360 Employees Contemplating or Already Engaged in Outside Employment

Any employee contemplating or already engaged in paid outside employment (including self-employment) is required to timely report in writing the full details of any paid outside employment so that a management determination may be made, whether or not the employee him/herself believes that the outside employment is a conflict of interest. The employee shall report his/her contemplated or actual outside employment by completing the "*Employee Report form on Outside Employment Activities*." He/she shall forward the form through the appropriate channels to his/her Office Head for written approval or denial.

Exception: A new hire, reinstatement or transfer-in shall complete this form at time of processing at DCFS Human Resources. Written approval or denial will be the responsibility of the DCFS Personnel Officer.

No paid outside work shall be performed until the employee receives written approval. After approval or denial has been indicated on the form and returned to the Office Head, disposition of the three (3) copies is as follows: The original shall be filed in the employee's Central Personnel Folder, the second copy in his/her Office Personnel Folder, and the third copy is given to the employee.

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If the employee's actual or intended outside employment is denied, he/she must not engage in that employment. If he/she does, he/she may be discharged. Failure to report outside employment, whether or not later approved, may result in disciplinary action.

When an employee engaged in outside employment contemplates a change, or changes outside employer's hours of work, nature of duties, or terminates outside employment, he/she shall promptly report that by completing the "Employee Report form on Outside Employment Activities." He/She shall forward the form through channels to his/her Office Head for written approval or denial. No changed paid outside work shall be performed until the employee receives written approval. After approval or denial has been indicated on the form, the form is distributed as provided in this chapter.

8.370 Criteria for Approving or Denying Outside Employment

Whether or not a conflict of interest exists is a question of fact. In each situation, the Office Head ascertains the facts – as distinguished from rumor, speculation, or assumption. In each situation, the Office head should relate the facts to two (2) tests. First, do the facts involve a conflict of interest with the employee's County duties; and second, do the facts involve a conflict of interest with the duties, functions, or responsibilities of the Department?

If, after investigation, the facts reveal a conflict of interest in either or both instances, the responsible Office Head shall notify the employee in writing of the facts constituting same and instruct that the employee remove the conflict of interest. If, after a reasonable time (five (5) business days) the employee has not complied, appropriate disciplinary action shall be taken, including discharge.

8.380 Examples of Criteria for Non-Approval of Outside Employment

1. The employee has a less than "Competent" overall performance rating.
2. The outside employment by its nature, or hours, might or does impair the employee's efficiency in County service.
3. The outside employment is of more than 24 hours per week.
4. The outside employment is incompatible with the DCFS duties of the employee or with the duties of the Department, thereby impairing the confidence of the public or others in the integrity or impartiality of the employee or of DCFS.
5. The outside employment is directly related to the skills, knowledge, and information processed by the employee as a result of his/her position with DCFS.
6. The outside employer is a person or organization with which DCFS does business.
7. Employment involving a business relationship or counseling DCFS clients.
8. The employee has a business partner, or is a business associate of anyone engaged in any or the above.

8.400 Release of Information Regarding DCFS

8.410 Oral Expression

No person shall speak on behalf of DCFS without the approval of the Office Head.

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8.420 Written Expression

All written material prepared for release to the public by DCFS or any of its volunteer organizations must be forwarded for approval to the Director prior to release. Such material could include press releases, brochures, flyers, reports, or any other written material for distribution outside the Department.

No employee may use County or Department stationary, insignia or logos without the express permission of the Office Head.

8.430 Oral or Written Communication with a Legislative Body

No one is to speak for the Department in regard to the legislative matters except for the Director and his/her duly designated representatives.

8.440 Employee Attendance at Children's Commission Meetings and at Committees of the Commission

It is the policy of the Department to permit employees to appear before the Children's Services Commission and committees of the Commission under the following guidelines:

1. Employees invited by the Commission and/or committee(s) of the Commission will do so on County approved time. Employees must notify their Office Head in advance of the meeting so that adequate office coverage can be maintained.
2. Employees who wish to attend Commission or committee meetings to observe the procedures will do so on their own time, provided they obtain prior approval of the Office Head and there is adequate office coverage.

8.450 Court Appearance on County Business

Employees can only go to court if they are subpoenaed, ordered by court or prior approval of their office head.

8.460 Subpoena of Employee's Personnel Records

When a subpoena is served at the work location for an employee's employment and/or payroll records, Office Heads are not to accept the subpoena. The Office Head should refer the server to the Personnel Processing Section.

8.470 Use, Care, and Occupancy of County Premises, Equipment, and Services

Employees of the Department are entrusted with a considerable amount of County property. It is essential that all employees use each item of County property only for the purpose for which it is intended. Care must be exercised by all employees to protect and conserve all property entrusted to them. The negligent or intentional misuse or destruction of County property is a serious offense for which appropriate disciplinary measures will be imposed. (See Chapter 14.000)

8.480 Use of County Telephones, Cellular Telephones and Smart Phones

It has been the longstanding policy of the Los Angeles County Board of Supervisors that County telecommunications equipment (including, but not limited to, County telephones, cell phones and Blackberries/Smart Phones) and services are to be used for County business only. Violation of this

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policy may subject employees to progressive discipline, including discharge. (PPG No. 1040, January 6, 1999)

When no public pay phone is available, County telephones may be used for personal business only upon approval of the Office Head, and reimbursement for such calls shall be made to the County. Office Heads shall ensure that such reimbursement is made. If County telephones are used for personal business without approval and reimbursement, disciplinary action may be instituted. If reimbursement is not made, the cost of such calls may be withheld from earned salaries.

DISCIPLINARY GUIDELINES

Under most circumstances, progressive discipline (i.e., warning, reprimand, suspension, discharge) should be imposed to correct a violation of the Board's policy regarding use of County telecommunications equipment and services. Therefore, the above range of progressive discipline may be considered, based on the severity of individual violations. Where unauthorized use of equipment results in charges to the County, departments are expected to continue to seek reimbursement of such costs from the responsible employees.

However, some first-time or habitual violations may involve misconduct that is either not correctable through progressive discipline or by its very nature or scope renders an individual unsuitable for future employment.

Example: Employees who flagrantly abuse the County policy by using 900 or other numbers to access personal services such as "psychic," "phone sex," or other hotlines should be subject to immediate dismissal. In cases involving abuses such as bomb threats, grand theft, and hate crimes, severe disciplinary action, including suspension (pending investigation and/or criminal prosecution), followed by discharge, may be warranted.

8.490 Recording of Telephone Conversations

DCFS employees shall NOT record any telephone conversation without advance written approval of his/her Office Head.

8.500 Personal Mail and Stationery

County supplies are not to be used for personal correspondence between employees or for any personal correspondence. This includes not using stationery for appeals for Civil Service examinations or corresponding with or for any employee organizations. Employees shall not request that non-County mail be sent to them at their County business address, and shall not state their County business as being their address for the purpose of receiving personal mail.

8.510 Use of Public Address Systems

Public address systems are to be used for County business only. Only County business-related announcements are to be made.

Employees using the systems are responsible for ensuring that announcements made on public address systems, which will be heard by all staff and members of the public, will be necessary and for County business purposes only.

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8.520 Occupancy of Premises and Conduct Therein

Most areas of DCFS premises are open to employees; some areas are open to the public during business hours, provided they conduct themselves in an appropriate manner.

In areas prohibited to the public, their presence or activities may impede or disrupt normal functioning of the facility. The public may be excluded from a facility, or area thereof, if their presence on the facility is disruptive to business operations.

In a case of employees who refuse to vacate an area, or stop engaging in their activities, it may be appropriate to initiate disciplinary action after consulting with the Performance Management.

8.530 Soliciting or Conduction Non-County Business on County Premises

Except as provided, no soliciting or private business may be conducted on DCFS premises, and no employee, in any capacity, may give such permission to any person or group.

Employees shall not solicit among Department employees for purposes of providing professional or other services to them.

Chapter 13.16 of the Los Angeles County Code provides that it is unlawful for any person, firm, or corporation to solicit, in any manner or for any purpose, in any building or in or on any property or premises owned, leased, managed, or controlled by the County of Los Angeles.

The Code states, however, that the provisions:

- Shall not be deemed or construed as prohibiting any person having business with the County, or with any special district thereof, or any officer or employee of the County or district having authority to make any purchase for the County or district, from calling upon such officer or employee in the ordinary course of business.
- Do not prohibit the solicitation for group insurance under a policy approved by the Board of Supervisors. Any such solicitation shall be permitted only at times, places, and under conditions specified by the Board of Supervisors, if the persons eligible for such group insurance consist of:
 - County employees; or
 - The members of an organization or association for the payment of dues to which Section 1157.1 of the Government Code authorizes the Auditor-Controller to make payroll deductions from the salaries or wages of the members who have authorized such deductions.
 - Do not prohibit solicitation when such solicitation consists of the sale or display of goods in those circumstances where the proceeds of any sales made pursuant to such solicitation are used solely in furtherance of programs for the benefits of patients in the County hospital system, the handicapped, the blind, and other causes deemed meritorious by the Board of Supervisors or by any County officers or employees to whom the Board of Supervisors may delegate such authority. Any such solicitation shall be permitted only at times, places, and under conditions specified by the Board of Supervisors or by any County officers or employees to whom the Board of Supervisors may delegate such authority.

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8.540 Guidelines for Sales and Solicitations

1. Sales must have written prior approval of the Office Head. Requests for approval must be submitted ten (10) days in advance of the date of the sale.
2. The request for approval must indicate the nature of the group, the purpose of the sale, and for what the profits from the sale will be used.
3. Sales must be held in areas that will in no way interfere with service to the public.
4. No more than one group at any time may conduct sales on the premises.
5. Sales will be conducted for not more than two (2) weeks of any one (1) month period.
6. All sales will be carried out in accordance with Chapter 13.16 of the Los Angeles County Code.

8.550 Employee Use of County Premises for Other than County Business

Excluded from this discussion are the meetings of certified employee organizations whose activities are covered by the current MOU, and other employee organizations registered with the Employee Relations Commission. Employees' use of County premises, by these organizations, is discussed in Chapter 12.000 of this Personnel Manual.

County facilities not open to the public can only be used when it does not interfere with County business and is subject to the discretion of the office head.

1. Policy

DCFS employees may be authorized to use County facilities for non-County business meetings, so long as:

- A. Prior Office Head approval;
- B. The County may not participate in or encourage the activity, nor may any pressure (subtle or otherwise) be exerted upon any employee not desiring to participate or attend;
- C. The non-public area or room in the building must not be needed, at the time of any such activity, for the conduct of County business;
- D. Any such meeting or activity must not interfere with the orderly conduct of the governmental activities of the County.

2. Office Head Responsibility

Each Office Head shall ensure that this policy is carefully and objectively applied and that a log or some other record is maintained to reflect the following information on all requests:

- A. Name of the group or of the spokesperson requesting space.
- B. Date and time space is requested.
- C. Designated area or room and time period authorized.

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- D. Reason for denial, if applicable (for example, a room needed for County business during that time requested).
- E. Any authorization must be sought and granted on a daily or meeting-by-meeting basis.
- F. Any authorization must be given on a non-discriminatory first-come, first-served basis for any group.

The above log or records shall be reviewed by the Office Head at least once a month and retained for two (2) years.

8.560 Use of County Facilities as Work Experience Sites by Non-County Agencies

Non-County agencies shall not be allowed use of County facilities as work-experience sites.

8.570 Posting or Distribution of Written or Printed Material

The Department must control the posting of written materials to ensure that it does not threaten the public safety or unduly interfere with the operations of a facility, to ensure an appropriate and businesslike environment for County employees and the Department's clients.

8.580 Public Areas

Written or printed material may be distributed and posted on County premises in areas generally open to the public, such as lobbies and waiting rooms, but not areas where such activities would threaten personal safety, impede entry or exit or unduly interfere with County business, or in areas from which the public is generally excluded, such as private offices, work rooms, lunch rooms, and hallways. Only bulletin boards, if provided, may be used for posting. (See *Limitations* below)

1. Materials

Prohibited material includes that which defames private individuals or which is intended to incite others to act contrary to Department rules, local, State, or Federal law. It also includes material soliciting funds or purchases contrary to the County's anti-solicitation ordinance (see Section 8.256), and advertising that states or implies County sponsorship or endorsement of firms, products, or services.

2. Limitations

The County may reasonably regulate the manner of distribution and posting in order to ensure the safe, efficient, and orderly use of public areas for their primary purposes.

Reasonable limitations may be placed on the number of people distributing materials in order to limit disruption without unduly restricting the free dispersal of materials.

Posting may be prohibited on bulletin boards in public areas if the boards are designated, "Official County/DCFS Business Only." However, if any non-County material is allowed, the board must be open to the public. **Only official County/DCFS business material may be affixed to walls or other surfaces.** (Portions of the same bulletin board may be designated, "For DCFS/County Business Only," and, for example, "Community Use," provided the portions are clearly separated.)

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3. Administration

Each Office Head is authorized and directed to administer this policy.

4. Appeals

Any person or organization who is refused permission to post or distribute material pursuant to this policy may appeal the decision of the Office Head to the DCFS Personnel Officer, who is authorized to render a final decision for the Director.

8.590 Non-Public Areas

1. Employee Organization Bulletin Boards

Memoranda of Understanding (MOU) provisions cover distribution and posting of employee organization material in non-public areas of County Premises.

2. General Bulletin Boards

General bulletin boards shall be maintained in a non-public area of each office for the posting of general information, personal notices, and similar matters. The number and location of general bulletin boards shall be determined by the Office Head, who shall be responsible for approving, in advance, all materials posted on any general bulletin board and removing all inappropriate, outdated, or obsolete material.

3. Distribution of Written or Printed Materials

Prohibited material, as previously defined in this Chapter, may not be distributed in non-public areas. Each Office Head shall be responsible for approving, in advance, the distribution of materials within the non-public areas of the DCFS facilities that are not delivered in the ordinary course of business.

4. Use of Official Time

No employee may distribute written or printed material during working hours, except as required as a part of his/her County duties.

5. Employee Organization Distribution

Notwithstanding the foregoing, each certified employee organization may distribute written or printed materials to employees by placing copies on tables, counters, or other facilities approved by the Office Head.

8.600 Use of Furniture, Equipment, Walls, Doors, Windows, or other Surfaces for Posting Printed or Written Material or Hanging Pictures, Certificates, Diplomas, etc.

Each Office Head shall be responsible for approving, in advance, the affixing or hanging of any materials to any surface of any premises under DCFS control.

Enforcement

Employees shall not mark, drive nails, hooks or screws, or drill into the partitions, woodwork of plaster or in any way deface the premises or any part thereof without first obtaining Property Management's approval. Also, no signs, advertisements or notices shall be painted or affixed to the premises or to

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any window or door or other part of the premises. All postings to bulletin boards must be approved by the Office Head.

Each Office Head shall be responsible for approving in advance, affixing or hanging of any materials to bulletin boards under DCFS control.

Each Office Head is authorized and directed to enforce these policies and procedures and to take disciplinary action in case of violation.

8.610 Identification Badges

It is imperative that Office Heads exercise strict control over the security, issuance, and recall of ID badges within their jurisdiction. Human Resources issues ID badges when employees start working at DCFS. It is the responsibility of the Office Head to collect them if/when an employee leaves DCFS and send the badges to HR to be destroyed/shredded.

ID badges are to be issued to all DCFS employees.

The Office Head shall recall the badges from persons no longer requiring them and from employees terminating County service.

The employee is required to surrender his/her ID badge any time the Office Head requests it. The employee's refusal to comply constitutes insubordination. If an ID badge is lost, stolen, or destroyed, an employee must bring a Police Report to the Personnel Processing Section and complete a Security Incident Report (SIR) before another badge can be issued.

The 1st replacement is free and \$5.00 for any additional replacements.

8.620 Building Passes

Building passes are available for use at facilities where it may be necessary to regulate entrance and exit of visitors. Office Heads, who bear responsibility for the security of a facility within their jurisdiction, have the final authority to exercise issuance, control, and recall of all building passes.

Any office that wishes to use building passes can obtain them from the Procurement Section. When the visitor is a DCFS employee with an ID card, the card may be used in lieu of a building pass.

8.630 County Employees Prohibited from Submitting Contracts

The County shall reject any bid or proposal submitted by the following persons or entities, unless the Board of Supervisors makes an exception:

- County employees, and profit making businesses in which such employees are officers, principals, partners, or major shareholders.
- Persons who were County employees within the preceding 12 months in positions of responsibility in the area covered by the contract specifications; and profit making businesses in which such ex-employees are officers, principals, partners, or major shareholders.

The Los Angeles County Code Section 2.180.010 requires that contracts submitted to the Board of Supervisors for approval or ratification shall be accompanied by an assurance by the submitting department, district, or agency that the provisions of the Code have not been violated.

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8.640 Nepotism

Traditionally, nepotism in the workplace is favoritism shown on the basis of a family relationship.

Employees must identify to the Personnel Office any person who is a close relative employed in the same division. Close relatives shall not be employed within the same organizational unit or supervised by the same individual. Close relatives are defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, brother, sister, and other genealogical or marital relationship.

At the time a candidate applies for a position in the Department, the person must identify any relative known to be employed within the Department in order for management to make a well informed decision regarding the placement of the candidate to any position as part of the selection process for hiring or promoting.

“Relative” is defined as an employee’s spouse, registered domestic partner, child mother, father, grandparent, stepfather, stepmother, stepchild, brother, sister, stepbrother, stepsister, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, cousin, niece, or nephew, and any other genealogical or marital relationship.

Current employees are required to disclose relatives known to be employed within the Department to their Supervisor in order for management to ensure that there is no real or perceived conflict of interest, favoritism, or unfair patronage within any division.

Relatives shall not be assigned within the same organizational division with the same immediate Supervisor. Employees shall not directly or indirectly supervise any relative as an immediate Supervisor or higher level Supervisor or Manager.

If a situation arises, either because of a new hire, transfer, promotion, reorganization, domestic partnership and/or marriage, in which relatives are employed within the same division, management shall transfer or reassign one of the individuals to a comparable item in a different division in the Department, if possible.

Relatives shall not be assigned to positions of intermingling trust in the handling of negotiable documents, controlling of security systems, or accessing confidential information. Those relatives who are in positions of significant trust must ensure that they avoid any procedure or transaction in which a relative may be a participant or have a special interest. If an employee is inadvertently assigned to such a position, it is the employee’s responsibility to report it to the Supervisor immediately so as to enable management to maintain the integrity of the procedure or transaction through workflow changes or reassignment.

Employees shall be responsible for notifying management if a relationship with a Supervisor within the same chain of command changes because of marriage. If a situation occurs where the employees are Supervisor-subordinate, then the subordinate employee shall be transferred or reassigned to a comparable item in a different division in the Department. Under no circumstances shall any employee be involved in a Supervisor-subordinate work role with a spouse or other relative.

EXCEPTIONS

In any situation that is not in compliance with the provisions of this policy, the division manager may request an exception by the Director of Personnel or designee. The division manager shall submit the functional responsibilities of the related employees in writing with a detailed explanation of why the working relationship will not:

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1. Be or present an appearance of a conflict of interest or preferential treatment;
2. Impair the employees' ability to exercise fairness and sound judgment in performing duties;
3. Create an environment of low morale and/or hostility in the workplace; and/or
4. Negatively impact the County's business or reputation amongst employees and the public.

When evaluating the appropriateness of the Exception Request to the policy, the overall objectives of the policy should be weighed against the reasons for the requested exception. All requests for exceptions shall be decided on a case-by-case basis and be completed within ten (10) business days. Both employees may remain in their current assignment while awaiting the decision from the Director of Personnel or designee.

If the request for an exception is denied and both related employees are at the same level, the division Manager shall meet with both employees to discuss a voluntary reassignment based on available positions and Departmental needs. If neither employee volunteers to be reassigned, the division Manager shall consider reassignment based on seniority of the related employees within the division and/or the business needs of the division.

If the request for an exception is denied and neither related employee agrees with the decision of the Director of Personnel or Designee and Division Manager, then the employees may file a grievance. During the grievance process, the decision of the Director of Personnel or Designee and reassignment to a comparable item in a different Division in the Department by Division Manager shall stand. Exception Requests should not be granted when an employee is involved in a supervisor-subordinate work role with a spouse or other relative.

NOTIFICATION

The Department shall review this policy with each incoming employee and document the review for the personnel file. An additional review and documentation with employees shall take place during each employee's Annual Performance Evaluation.

DISCIPLINARY ACTION

Any Department employee who violates this policy is subject to prompt and appropriate disciplinary action which may include suspension, reductions, or discharge from County service. Any candidate for employment with the Department who fails to disclose relatives known to be working within the Department may be subject to disqualification from consideration for the position sought, or, if discovered after appointment, for disciplinary action, as mentioned above.

8.700 Employees Living with Departmental Clients or Foster Care Children

8.710 Placement of DCFS Foster Children in Employee's Home

Departmental policy prohibits DCFS placement of any child, other than a relative, in the home of a DCFS employee. This policy applies to all employees, regardless of function. Violation of this policy could result in disciplinary action, including suspension or discharge. Only in certain circumstances will any exceptions to this policy be considered. Such exceptions must be approved by the Director.

Example: A rare and unusual circumstance is when a court orders placement of a child in the home of an employee, who is a non-relative extended family member who has established familial or mentoring relationship with a child.

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DCFS employees are permitted to provide foster care to children to whom they are related. For purposes of this section, the foster home licensing definition of a relative is applicable, which is a current spouse, parent, step-parent, son, daughter, brother, half-brother, sister, half-sister, uncle, aunt, niece, nephew, first cousin, or any such person of the preceding generations denoted by the prefix of "grand" or "great."

DCFS employees may be licensed as foster parents, **but only for children placed by other agencies**, such as Probation or private agencies.

The material contained in this section is of a general nature, applicable to all employees. Children's Social Workers, who bear direct responsibilities for delivery of services to children, shall additionally be guided by policies and procedures applicable to their positions in meeting placement situations.

A situation might occur in which a DCFS child comes to, or is brought to, an employee's home seeking a place to stay because the child is a runaway, was abandoned, etc. The employee must immediately take steps for proper placement of the child.

Examples of steps that an employee should take are:

1. During the work day, contact the child's CSW, if known.
2. After working hours:
 - a. Contact the Child Abuse Hotline at 1-800-540-4000.
 - b. Report the situation to the local law enforcement agency.

8.720 Political Activity

This Department recognizes an employee's right to participate in, or to refrain from participation in, political activity subject to provisions of this Manual subsection, the Federal Hatch Act, and other applicable regulations. Every employee is responsible for knowing and adhering to such provisions and regulations. Nothing in this section shall be interpreted as denying an employee's right to vote, to express his/her opinion on political matters, and to otherwise participate in political activity within these limitations.

8.730 Activities Prohibited for all County Employees

A County employee who engages in any conduct or acts in violation of Chapter 9.5, Division 4, Title 1 of the California Government Code (Sections 3201-3209) or who engages in the following improper activities shall be subject to immediate disciplinary action that may include discharge:

1. Knowingly soliciting or receiving political contributions from fellow employees or persons on County Employment lists.

Exception: Soliciting funds for passage or defeat of a ballot measure affecting the pay, hours, retirement, civil service, or other working conditions of County employees is permitted. In no event may a County employee solicit contributions, signatures, or other forms of support for political candidates, parties, ballot measures, or other political purposes while on duty or during working hours, or within/upon any County buildings, facilities, or property. (California Government Code 3205, 3207, and 3209; County Ordinance 2292)

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2. Directly or indirectly using official authority or influence to interfere with any election. For example, County employees may not attempt to influence anyone's vote by such methods as promising or threatening to withhold a job, promotion, or other benefit. (California Government Code 3204)
3. Using official authority or influence, or otherwise identifying him/herself in any manner as a County employee when soliciting or receiving political funds or contributions, except as may otherwise be provided by law. (Opinion of the County Counsel, November 12, 1975)
4. Favoring or discriminating against any employee or person seeking County employment because of political opinions or affiliations. (Los Angeles County Charter, Section 41)

8.740 Use of County Facilities on County Time

1. No person shall enter or be permitted to enter County premises to solicit or to make a political contribution. (California Government Code 3207; County Ordinance 2292; County Counsel Opinion, November 12, 1975)
2. No employee may engage in any political activity whatsoever during working hours or on County premises. (California Government Code 3207; County Counsel Memorandum, August 27, 1979)

8.750 Federal Hatch Act

Certain provisions of the Federal Hatch Political Activity Act, Title 5, Chapter 15, U.S. Code, Sections 1501-1508, apply to any County employee "...if, as a normal and foreseeable incident to his/her principal job or position, he/she performs duties in connection with an activity financed in whole or in part by federal loans or grants." DCFS is partly financed by Federal funds. Political conduct or activities of employees that are found to be in violation of the restrictions imposed by the Hatch Act may be cause for disciplinary action, including discharge.

The primary restrictions on the political activities of employees governed by the provisions of the Hatch Act are contained in Section 1502 of the Act, which reads in part:

1. A State or local officer or employee may not:
 - A. Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
 - B. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes;
 - C. Be a candidate for elective office.
2. A State or local officer or employee retains the right to vote as he/she chooses, to express his/her opinions on political subjects and candidates.

8.760 Violation of Hatch Act

When a Federal agency charged with the duty of making a loan or grant of funds to the County for use or application in the programs administered by the Department of Children and Family Services has reason to believe that an officer or employee has violated Section 1502 of the Hatch Act, it shall report the matter to the U.S. Office of Special Counsel, Merit Systems Protection Board.

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Upon receipt of the report, the Special County shall investigate and present his/her findings to the Merit Systems Protection Board, which shall fix the time and place for a hearing and notify the employee and the County in writing. At the hearing the Board will determine if a violation of the Act has occurred and, if so, whether the employee should be discharged by the County. The Board may impose a lesser penalty.

If the Board issues an order of removal, the employee must be discharged within 30 days and may not be rehired by an agency in the State within the next 18 months. If the County or other agency fails to comply with the above order, the Board will require the withholdings from the agency of an amount equal to two (2) years' pay of the employee or officer found to have violated the Act. Any party aggrieved by the decision of the Board may petition for review by the nearest Federal District Court. A stay of the Board's determination may be ordered by the Court, but the employee must be suspended from his/her job during the proceedings.

8.770 Employee Responsibility Regarding the Hatch Act

It is an employee's personal responsibility to determine his/her status under the Hatch Act.

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Chapter 9.000
Health and Safety

Number	Section
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<u>Number</u>	<u>Section</u>
9.590	Civil Disturbances
9.600	Post Emergency Report
9.610	Time Card Coding Emergencies
9.620	Acts/Threats of Violence against Employees in the Workplace
9.630	Use or Possession of Weapons

9.000 Prevention of Injuries/Accidents

The prevention of occupational injuries and the maintenance of a safe and healthful work environment are the fundamental objectives of County and DCFS Safety Policies.

Accidents can be prevented. Common sense and conscious effort are vital to this concept and should be recognized as important elements of each employee's job practices. All employees have the responsibility to be alert to unsafe or unhealthful practices, equipment and conditions, and to immediately report any such unsafe or unhealthful practices, equipment and conditions to his/her immediate supervisor.

9.010 California Occupational Safety and Health Act (Cal-OSHA) – Title 8 Regulations

The California Occupational Safety and Health Act (Cal-OSHA) sets forth safety and health standards and practices that must be effectuated and maintained by employers. As a key element of this effort, it is the ongoing responsibility of all Office Heads and Supervisors to facilitate formal corrective action when a safety hazard is identified. Such actions are coordinated with the Office of Health and Safety Management's Safety Officer, and the individual facility's Safety Committee members.

As a preventative practice, all Office Heads are required to ensure the completion of periodic facility safety inspections. Cal-OSHA mandates a specific record keeping procedure incorporating the DCFS Illness and Injury Prevention Safety Inspection Checklist.

A Master File of all facility safety inspection-forms and related documents shall be maintained at the Office of Health and Safety Management. This practice however **does not** relieve Office Heads of the responsibility to comply with the Cal-OSHA mandate that safety inspection records must be maintained in every facility for a minimum of five years.

Additionally, Title 8 Regulations enacted by the State of California provide for payment of certain medical, legal, salary, and other benefits to employees disabled by an injury, illness or death arising out of and occurring in the course of employment.

9.020 Injury and Illness Prevention Program (IIPP)

The Injury and Illness Prevention Program (IIPP), required of every California employer under Title 8 of the California Code of Regulations, is a written plan containing health and safety procedures. An IIPP is established and maintained through the Office of Health and Safety Management and in each individual office, under the authority and responsibility of the designated Office Head. The IIPP can be found posted in every facility and is also available online; LAKids/Policy/Management Directives/IIPP.

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9.030 Petitioning for Worker's Compensation

An employee petitioning for workers' compensation benefits must complete the employee section of the California Division of Worker's Compensation Form (DWC-1) and submit it to his/her supervisor within 24 hours of an injury. The supervisor completes the employer section of the form and returns a copy to the employee within 24 hours of receipt. Completed forms should be given to the Office Head who shall then forward the completed forms to the Office of Health & Safety Management. Once the completed forms are received and processed by the Office of Health and Safety Management, the County Third Party Administrator for further handling of the Worker's Compensation Claim will contact the employee.

9.040 Ergonomics

The goal of the DCFS Ergonomics Program is to reduce stress and eliminate injuries and disorders associated with the overuse of muscles, bad posture, and repeated tasks. Educating workers as to proper workplace practices and equipping workstations to fit the employee's physical capabilities and limitations can accomplish this.

How to request an ergonomic assessment:

The employee should e-mail his/her request for a Workstation Ergonomic Assessment to the Health & Safety Management Section In-Box at healt@dcfs.lacounty.gov.

Note: If an employee is experiencing a medical issue, the employee should not disclose his/her medical diagnosis to the Office of Health & Safety Management. The employee may later be asked for a description of the discomfort he/she is experiencing; "Sore neck," "Sore wrists," etc., but no medical diagnosis should ever be disclosed.

The Ergonomic Assessment

The Office of Health and Safety Management will contact the employee and conduct a telephonic interview/assessment. The Ergonomic Assessor may then determine that an employee requires an onsite workstation assessment; if so, the employee will need to be present during the entire assessment process.

Sometimes an employee will need new ergonomic equipment to meet his/her ergonomic needs. In these instances the Office of Health & Safety Management will facilitate the identification and ordering of such equipment. Further, Health & Safety staff will provide follow up services by contacting the employee every two (2) weeks until such time as the new ergonomic equipment has been delivered, installed, and is functioning properly.

When scheduling onsite Workstation Ergonomic Assessments, the Office of Health & Safety Management will accommodate employee work schedules as much as possible but all Workstation Ergonomic Assessments must be completed within 30 days of the initial request.

If the employee has been unavailable for an assessment the request will be closed, the employee and supervisor will be notified of such closure via e-mail, and the employee must submit a new request via e-mail to the Office of Health and Safety Management In-Box healt@dcfs.lacounty.gov.

Replacement Ergonomic Equipment

All ergonomic equipment can fail over time due to normal wear and tear. The Office Staff Assistant or the employee's Supervisor should verify the equipment failure via email to the Office of Health &

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Safety Management In-Box at healt@dcfs.lacounty.gov. Upon receipt of such verification the employee's failed ergonomic equipment will be repaired or replaced as needed. Further, the Office of Health & Safety Management will provide follow up services as detailed above.

Missing Ergonomic Equipment

The Department considers missing ergonomic equipment to be a very serious issue. All missing ergonomic equipment must be immediately reported to the employee's Supervisor and the Office Staff Assistant. The Office Staff Assistant must then conduct a thorough facility search. Following the facility search, if the equipment has been found, the Supervisor must immediately generate a Serious Incident Report clearly identifying who conducted the facility search, the date of the search, which ergonomic equipment was recovered and the circumstances surrounding the recovery, including the names of any employees found in possession of the missing equipment.

If the missing equipment has not been found, the Supervisor must immediately generate a Serious Incident Report clearly identifying who conducted the facility search, the date of the search, which ergonomic equipment remains missing, the date of the loss and all other information that may lead to recovery of the missing ergonomic items. As well, a police report may be required depending on the value of the missing equipment and as so advised by the Office of Health and Safety Management.

All reports must be forwarded to the Office of Health & Safety Management In-Box (healt@dcfs.lacounty.gov).

Upon receipt and review of all reports, a Health & Safety Investigator will contact the employee and related office staff to discuss appropriate corrective actions that may include replacement of the missing ergonomic equipment.

Discipline: If an employee is found to be in possession of another employee's ergonomic equipment or to have deliberately misdirected an employee's ergonomic equipment to a different employee the matter will be referred to the Office of Performance Management for disciplinary review.

9.050 Americans with Disabilities Act (ADA) and Fair Employment Housing Act (FEHA) Reasonable Accommodation

(For Pre-Employment Reasonable Accommodation Procedure Refer to Chapter 2.000.)

Americans with Disabilities Act (ADA)

The ADA is a Federal law which states that no employer shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment (42 U.S.C. Section 12112 et seq.). A person is recognized as "disabled" under the ADA if he/she has a physical or mental impairment which substantially limits one or more of the person's major life activities, and/or has a record of such an impairment, and/or is regarded by the covered entity as having an impairment. The Equal Employment Opportunity Commission (EEOC) has the primary responsibility of enforcing the provisions of the ADA.

Fair Employment Housing Act (FEHA)

The FEHA is a California law administered by the Department of Fair Employment and Housing. The law states, in part, that it is an unlawful employment practice for an employer to discriminate against a person because of physical disability, mental disability, or medical condition (Government Code 12940 et seq.). Under FEHA, disability includes having a physical or mental disability that limits (i.e.,

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makes the achievement of the major life activity difficult) one or more major life activities (construed broadly to include physical, mental and social activities and working); or having a history of such an impairment known to the employer; or being incorrectly regarded or treated as having had such an impairment; or being regarded or treated as having such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.

Under ADA and FEHA, employers must engage in a timely, good faith interactive process with an employee or job applicant. The purpose of the interactive process is to explore reasonable accommodation for a known disability. The reasonable accommodation would enable the individual with a disability to perform the essential functions of the job or to receive equal benefits and privileges of employment.

Reasonable Accommodations

The duty to provide reasonable accommodation is a fundamental statutory requirement because of the nature of discrimination faced by individuals with disabilities. Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, there are workplace barriers that keep others from performing jobs that they could do with some form of accommodation. These barriers may be physical obstacles (such as inaccessible facilities or equipment), or they may be procedures or rules (such as rules concerning when breaks are taken, or how essential or marginal functions are performed). Reasonable accommodation removes workplace barriers for individuals with disabilities so they may perform essential job functions of the position.

1. Policy

Qualified individuals with disabilities are entitled to reasonable accommodation to perform the essential duties of a position and to take part in all aspects of the employment process. Reasonable accommodations must be provided regardless of whether they work part-time or full-time, or are considered "probationary." Generally, the individual with a disability must inform the employer that an accommodation is needed. Reasonable accommodations may include making existing facilities readily accessible; restructuring/modifying work schedules; reassigning to a vacant position; modifying equipment of training materials; and other similar accommodations.

2. Guidelines for Reasonable Accommodations

ADA and FEHA regulations require the employer to give primary consideration to the accommodation requested by the applicant or employee. However, if the requested accommodation is not feasible and/or unduly burdensome, and if the department determines an alternate accommodation would be more appropriate, the department has the option of choosing the alternative accommodation, providing it is reasonable and effective. There is no requirement for the employer to choose the most elaborate or expensive accommodation, but instead to choose the "most effective" accommodation, even if it is less expensive.

In determining whether an accommodation would be reasonable or impose an undue hardship on the operation of the Department's program(s), the following guidelines will be applied:

- A. Restructured job duties must be generally consistent with and appropriate to the disabled employee's job classification.
- B. Essential Job Functions. Job duties that are so fundamental to the position that an employee cannot or would not be doing the same job without performing them; whether the position exists to perform that function; whether only a limited number of employees are available to whom the job function can be distributed; or whether the function is highly

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specialized and the incumbent was hired for his or her expertise or ability to perform that particular function.

- C. The employee's capabilities must be consistent with the physical, emotional and environmental demands of the duties assigned.
- D. The restructuring of a disabled employee's job duties shall not place an undue burden, or significantly displace or otherwise create additional workload, for other employees in the work group.
- E. The accommodation shall not interfere with the overall ability of the group to accomplish its work.
- F. While an accommodation may require additional attention from a Supervisor, it shall not impair a Supervisor's ability to provide adequate supervision to all employees in the work group.
- G. Disabled employees will be expected to meet the customary attendance and punctuality standards established for the work group and type of position assigned.
- H. Disabled employees must be able to meet established performance standards for the duties assigned.
- I. Provided that reasonable accommodations have been made to the work facility, the employee shall not constitute a safety hazard to self or others in the normal performance of assigned duties or in the normal course of traveling in and around the facility.
- J. The cost of acquisition or modification of special equipment or devices will be evaluated in light of the availability of budget resources.
- K. The obligation of the employer to pursue and/or provide a reasonable accommodation does not require the removal of essential job functions, lowering production standards, or violating a uniformly administered conduct rule that is job related and consistent with business necessity.

3. Categories of Reasonable Accommodations

- A. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- B. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- C. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- D. An employer is not required to provide an accommodation that is primarily for personal use. Reasonable accommodation applies to modifications that specifically assist an individual in performing the duties of a particular job.
- E. If the requested accommodation would impose an undue hardship on the employer, the employer can deny the request on the basis of "Undue Hardship." Additionally, when

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disabled individuals pose a direct threat to the safety of themselves or to others, employers may deny the request. An "Undue Hardship" may be defined as that which would create a significant difficulty or expense.

- F. Does the accommodation enable the person to perform the essential function(s) of the job to the employer's "normal standards?"
- G. Does the accommodation appear to be reliable and capable of being provided in a timely manner?
- H. Does the accommodation enable the person with a disability to be competitively employed and to have equal advancement and promotional opportunities?

Accommodations may be identified through various methods, including, but not limited to the Return to Work process, the employee or applicant, any other individual speaking on the employee/applicant's behalf with the employee/applicants permission.

In any of the above situations, the department has been notified that physical or mental impairments(s)/restrictions(s), due to a work-related or off-duty, non-work-related injury or illness, limits the employee's/applicant's ability to perform the essential job functions of current or sought after position or to receive equal benefits and privileges of employment.

4. Requests for Reasonable Accommodations

Each County Department is responsible for ensuring Reasonable Accommodation Requests are addressed on a case-by-case basis and in a timely, good faith manner. The accommodation shall be determined by conducting a timely, good faith individual assessment and interactive discussion with the employee/applicant to determine the most effective accommodation(s). When an employee informs the employer of a connection between his/her physical or mental condition and an inability to perform a job function due to the physical or mental condition, this becomes the first notification of a potential need for reasonable accommodation. Therefore, the Department will provide the employee with a Voluntary Request for Reasonable Accommodation form found online at (*LAKids, Office of Health & Safety Management, ADA Section*); or request a form by calling the Office of Health & Safety Management, (213) 351-5727. To initiate the Interactive Process, email the completed form to the Health and Safety Management Section In-Box (health@dcs.lacounty.gov).

An Interactive Process Meeting (IPM) is a voluntary confidential meeting, in person or by telephone, between the employee and the employer. The purpose is to identify appropriate reasonable accommodations to assist employees with a known disability in returning or continuing to work. An IPM is a cooperative effort in a neutral environment arranged by the Return-to-Work Coordinator to facilitate a good faith interactive dialogue between the employee, their supervisor and manager.

A good faith interactive process is an ongoing communication (documented) in various forms. In an effort to provide an effective reasonable accommodation, some cases may require multiple IPMs.

5. Employee Responsibilities

- A. Inform the employer of the need for an adjustment or change at work for a reason related to a disability and/or medical condition.
- B. Submit appropriate medical documentation when required.

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- C. Engage in the interactive process.

9.060 Smoke-Free Workplace

Per Los Angeles County Code, Section 2.126.040, all portions of County-owned facilities and all portions of facilities leased by or from the County, which areas are not open to the sky, shall be designated as "no smoking" areas. Further, all County vehicles, unless there are no passengers or all occupants approve of smoking, shall be designated as "no smoking" vehicles. All employees are highly discouraged from utilizing electronic smoking devices such as vapors or electronic cigarettes (e-cigarettes) while in County-owned or leased facilities.

1. Definitions

"Smoking" includes the smoke of a pipe, cigar, cigarette, electronic cigarette, or any other like substances, lighting such a substance, and/or carrying a burning pipe, cigar, cigarette, or the emitting or exhaling of smoke of any kind including the smoke emitted when smoking an electronic cigarette.

2. Policy and Standards

Tobacco smoke is a hazard to the health and is banned in all County facilities. Further, all employees are prohibited from smoking within 20 feet of entrances and exits to workplace buildings so as to ensure that exits remain unobstructed and free of hazardous smoke which may impact an individual's health.

9.070 Drug and Alcohol Free Workplace

1. It is the policy of the County of Los Angeles that all employees or contract personnel are free from impairments resulting from the use of drugs and alcohol as it adversely affects health, safety, security and productivity, as well as public confidence and trust. The objective is to promote and maintain a safe, healthy, workplace free from drugs and alcohol in accordance with The Drug-Free Workplace Policy. Drug and alcohol testing is a tool which management may use to achieve that objective. Any employee, represented or non-represented, will be tested when there is *reasonable suspicion* that the employee's impaired performance is a result of drugs and/or alcohol.
2. The Employee Assistance Program (EAP) (<http://ceo.lacounty.gov/EAP/default.htm>) is a voluntary program available to all employees. EAP records relating to evaluation and treatment are confidential. County employees may use either their personal time or "County time" during their first visit to EAP. Should the employee decide to use County time for his/her first visit, he/she must notify their Supervisor prior to the appointment, and may choose not to disclose the purpose of the appointment. Services are provided at no cost to the employee.
3. An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of refusal shall constitute a rebuttal presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to testing. Failure to provide a specimen within a reasonable period of time, usually not more than four (4) hours, may constitute the fact of refusal.
4. If an employee admits to using drugs or alcohol and does nothing to remedy the problem, the Supervisor may recommend the employee to seek help through a resource such as Employee Assistance Program (EAP) Services and Rehabilitation. If the problem persists, disciplinary

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measures normally taken for unsatisfactory performance may be taken. Utilization of the EAP does not inhibit the Department's rights to utilize formal disciplinary action.

5. Any disciplinary action taken as a result of a positive drug test in conjunction with the employee's observed behavior on the job shall be subject to dispute through the same procedures that would govern any other disciplinary action.

9.100 Industrial Injury/Illness – General Information

9.110 Definition of an Industrial Injury/Illness

An "Industrial Accident" is defined as any event or circumstance(s) arising out of or occurring during the course of employment (AOE/COE), or (proximately caused) by employment.

Compensability of a Workers' Compensation claim is determined by the County's Third Party Administrator (TPA). Decisions are based on the facts of each case.

9.120 Reporting an Illness, Industrial Injury or Accident

Any alleged work-related accidents or injury must be reported. The County's Third Party Administrator (TPA) will determine whether or not the alleged condition is an industrial injury.

Employee's Responsibilities:

1. Any alleged work-related illness/injury or accident must be reported to the immediate Supervisor.
2. If medical treatment is desired, the employee must obtain from the Office Head or his/her designee the partially completed *County of Los Angeles Treatment Referral Slip* and take this form to the treating health care provider who is either listed in the *Medical Provider Network (MPN)*, which can be accessed on LAKids, Health and Safety Website or on the Chief Executive Office Website (http://Ceo.lacounty.gov/mpn/mpn_default.htm) or a health care provider pre-designated by the employee as his/her personal physician on the *County of Los Angeles Industrial Injury/Illness Personal Physician Designation*, which can be found at LAKids, Office of Health & Safety Management Website.
3. Following medical treatment, the employee shall immediately return to his/her Office Head or that person's designee with a verification of the health treatment. Such verification is to be signed and dated by the attending provider on his/her letterhead paper.
4. If, following medical treatment, the employee is absent from work for more than three (3) days, the employee shall report progress, weekly, to the immediate Supervisor.
5. If the employee reports an injury/illness on the job but declines medical services, he/she must complete the form *Declining Medical Treatment* or a written statement to that effect and submit to Supervisor and Office of Health and Safety Management.

9.130 Compensable Benefits for Industrial Injuries

The County augments the State mandated Workers' Compensation benefits in accordance with the provisions described in Los Angeles County Code 6.20.070 [D]. These provisions apply to industrial injury cases that the Chief Executive Office or the Workers' Compensation Appeals Board determined to be compensable. Benefits are for the period required by the California Workers' Compensation Laws, and cease when the awardee leaves County Service other than by disability retirement.

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9.140 Communicable Diseases

Any incidence of employee exposure to a communicable disease should be immediately reported to the Office of the Medical Director and the Office of Health and Safety Management.

If an employee contracts a communicable disease and claims this is the result of work related exposure to the disease, the "Employer's Report of Occupational Illness or Injury," form should be completed.

9.150 Medical Care Provided

All employees may pre-designate his/her personal physician on the *County of Los Angeles Industrial Injury/Illness Personal Physician Designation* form **prior** to an industrial accident. By signing the *Industrial Injury/Illness Personal Physician Designation* form, the employee's physician is agreeing to treat the employee in the event of a job related injury. If the employee pre-designates a physician, he/she will be allowed to be treated by his/her personal physician right after injury, rather than being treated by a physician in the Medical Provider Network (MPN).

If an employee has not pre-designated his/her personal physician on the *Industrial Injury/Illness Personal Physician Designation* form, the employee is referred to the nearest Initial Provider Network for treatment. The employee may then seek treatment from a physician listed on the MPN.

The list of MPNs can be obtained on LAKids or on the Chief Executive Office Web site http://ceo.lacounty.gov/mpn/mpn_default.htm.

Exception: In emergencies involving serious injuries, an ambulance should be called; the nearest doctor or medical facility may be used whether or not it is listed in the MPN or pre-designated by the employee.

9.200 Return to Work from Medical Leave of Absence

9.210 Responsibilities of Returning Employee

Employees requesting to return to work from an industrial or non-industrial injury leave of absence have the responsibility to:

1. Provide a doctor's release to full duty to the Office Head on date of return.
2. Provide a doctor's release indicating any work restrictions or limitations prior to date of return.
3. Provide in the case of a stress and strain or emotional injury claim, Release to Return-to-Work to the Office of Health and Safety Management at least one (1) week, and preferably two (2) weeks, prior to the date of return.
4. Notify both the Office of Health and Safety Management and the Payroll Section within the same day of return
5. See also Section 9.055, Americans with Disabilities Act (ADA) and Fair Employment Housing Act (FEHA) Reasonable Accommodation, section on Employee Responsibilities.

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9.220 Medical Hardship Transfers (MHT)

The medical hardship process was implemented to expedite transfers necessitated by a chronic medical condition. It is used when a worker's medical incapacity to perform one or more essential job functions in a particular program or office setting, can be mitigated by transferring the employee to another program or office. Medical hardship pertains to the employee's own medical condition, and not that of a family member.

See Management Directive #MD 09-07, Disability Management and Return to Work, effective January 6, 2011, for specific procedures.

9.230 Motor Vehicle Accidents and Damage to County Property

A reportable accident is an accident involving damage to or by a County vehicle or any on-duty accident involving a mileage permittee driver while driving on County business in the normal course of his/her duties and responsibilities.

All vehicle accidents which occur while an employee is engaged in County business must be reported, regardless of whether the employee was injured or not. An employee involved in an accident while on County business and using a County-owned vehicle, or an employee's personally owned or leased vehicle as a mileage permittee, must comply with the following sections regardless of fault or extent of damage.

All reportable accidents resulting in personal injury or death must also be reported immediately to the Office of Health and Safety Management.

9.240 Employee's Responsibility

The employee shall immediately report accidents resulting in personal injury or death to the California Highway Patrol or to the local law enforcement.

9.250 Employee's Responsibility as Driver at Scene of Accident

Unless unable to do so because of personal injury, the employee must comply with the following, regardless of fault or extent of damage:

1. At the scene of the accident, complete the "County of Los Angeles Report of Vehicle Accident or Incident" (Form 76V54A) which is to be carried in the mileage permittee's automobile. The employee should also carry the "County of Los Angeles Non-Employee Injury Report" (Form LR539). Check to be sure all information is complete. Include the names, addresses and telephone numbers of all witnesses. Copies of both forms may be obtained through the Chief Executive Office, Risk Management Branch's Website at <http://ceo.lacounty.gov/RMB/forms.htm>.
2. Exchange insurance information with the other party or parties by showing the "Notice of Insurance" that has been provided to you by the County.
3. Within 24 hours of the accident, telephone the County's claims administrator (as shown on the "Notice of Insurance Coverage") to inform that party regarding the accident. In addition, have your Supervisor contact the claims administrator and verify your eligibility as an eligible County mileage permittee.
4. Within 24 hours of the accident, submit the completed "County of Los Angeles Report of Vehicle Accident or Incident" form to your Supervisor.

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5. If possible, obtain copy of police incident report. If none taken, go to the nearest Highway Patrol Office or law enforcement, where accident occurred, and make a report.
6. Employees should never:
 - A. Admit fault or negligence or assume any liability for the accident.
 - B. Authorize any repairs to the other vehicle(s).

9.260 Employee's Liability and Auto Insurance

1. There is no personal civil liability for employees driving vehicles within the scope of their employment. The County is liable for the acts and omissions of its mileage permittees and is obligated to defend and indemnify employees against civil liability arising from accidents. This means, the County will defend and indemnify the employee for any damage to third parties so long as the employee is: 1) designated as a mileage permittee and, 2) driving in the course and scope of their County employment.
2. Eligible employees (mileage permittees) will be reimbursed for damage done to their personally owned or leased vehicles when those vehicles are damaged in the line of duty. Such employees must comply with all provisions of DCFS Management Directive #08-05 (Rev. 11/07/11), **Damage to Personal Vehicles and Third Party Liability Coverage**. Please note that the "*County of Los Angeles Report of Vehicle Accident or Incident*" (Form 76V54A) and the "*Claim for Damage to Personal Vehicle*" (Form 76C212C5 DCFS 95) must be signed by the Office Head within ten (10) business days from the date of the damage. All required original documents and attachments must be received by the Office of Health and Safety Management within 30 business days of the date of the damage.
3. The County **may** accept responsibility for defense against any action brought against the County due to actions of County employees causing injuries or damages resulting from:
 - A. Their negligence or carelessness in the performance of duties.
 - B. The dangerous or defective condition of County property.
 - C. False arrest and imprisonment.

9.270 Responsibility and Exclusions

The County is **not** obligated to defend an employee against criminal liability arising from driving, such as misdemeanors, citations, criminal negligence, or felonies, and the County will not pay punitive damages ordered by the Court.

County responsibility does **not** cover:

1. Liability which is insured under Workers' Compensation;
2. Misconduct, malice, lack of good faith, fraud or corruption;
3. Liability of employees from any contract entered into by them;
4. Any injury by one (1) employee to another employee during the course of their employment (this is covered by Workers' Compensation Insurance);

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5. Damage occurring while an employee's car is being used for other than County business.

9.280 Auto Insurance Coverage by County

The County shall demand full subrogation from the third party whenever a liability is paid.

9.290 Liability for Passengers

The County assumes liability in the event of lawsuits, which result from a client's injury or damage to the client's property, while a passenger in an employee's car, which is being used during the course of necessary County business. If an automobile accident is caused by the negligent or wrongful act of any employee acting within the scope of his/her employment, the County may be liable for damages.

1. Passengers in General

During the time a privately owned car is operated in County business, no passenger shall be carried except in the course of necessary County business and then only with approval of the employee's Supervisor. Under any other circumstances, liability in the event of personal injury or property damage is the sole responsibility of the permittee. (The carrying of other County employees on County business as approved by the immediate Supervisor is considered County business.)

Except for transportation of children in placement situations or other case-related situations, it is general policy within DCFS not to transport clients in privately owned automobiles. However, under certain circumstances exceptions can be made to this policy, with the Supervisor's approval.

2. Passengers who are Children

In addition to observing the policies and procedures on passengers discussed in Item "A" immediately above, employees who transport children on County business must comply with the passenger seat restraint requirements of the California Vehicle Code.

9.300 Driving Standards for Fleet Vehicle Drivers

The Department has implemented the DMV Pull Notice Program for all Fleet Vehicle Drivers. The information generated by DMV, including any change to a Fleet Vehicle Driver's driving record, will be sent to the Office of Health and Safety Management and shared with Office Heads for counseling and/or discipline.

1. Any fleet vehicle driver who receives a citation for a moving violation while driving on County business shall report to his/her Office Head within one (1) business day after the Court has rendered a decision on the outcome of the citation.
 - A. A copy of the violation if sustained in the court must be sent to the Office of Health and Safety Management.
 - B. Based upon the number and severity of the moving violations that result in conviction, possible discipline and a loss of Fleet Driver status may occur.

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2. Any Fleet Vehicle Driver who receives a citation and is convicted of driving on County business while under the influence of alcohol and/or drugs, prescription or non-prescription, will be removed from mileage permittee status at once.
3. If driving is required to perform the job, he/she may be subject to demotion, reassignment and/or disciplinary action.
4. Any Fleet Vehicle Driver who has his/her license suspended or revoked will be removed from mileage permittee status at once.
 - A. If driving is required to perform the job he/she may be subject to demotion, reassignment and/or disciplinary action.
 - B. To be reinstated as a Fleet Vehicle Driver, DCFS must have verification by the Department of Motor Vehicles that the employee's driver's license is current and valid.

9.310 Injuries to Non-Employees

Actual or alleged injuries or serious illness of **non-employees** occurring on County property (owned or leased) must be reported promptly.

9.320 Reporting Responsibility and Procedures

No employee shall make any statement or comment relative to the cause of the incident or the County's responsibility.

The "County of Los Angeles Non-Employee Injury Report" (Form LR539) obtained from the Chief Executive Office Risk Management Branch's Website at <http://ceo.lacounty.gov/RMB/forms.htm> should be prepared in four copies and distributed as follows:

Two copies forwarded to: Carl Warren & Co.
P.O. Box 116
Glendale, CA 91209-0116

One copy forwarded to: Los Angeles County Department of Children and Family Services
Office of Health and Safety Management
425 Shafter Place, Room 402
Los Angeles, CA 90020

One copy should be retained in the Office File.

In case of emergency or fatality, the employee having responsibility for filing the report should immediately contact Carl Warren & Co. by phone at (818) 247-2206 and the Office of Health & Safety Management.

9.400 Damage to Employee's Personal Property

9.410 Reimbursement for Damage to Employee's Personal Property – Refer to County Code, 5.80.010; 5.80.050; 5.80.060; 5.80.070; 5.80.080

Pursuant to Section 53240 of the Government Code and subject to the procedures, limitations and exceptions contained in Los Angeles County Code Chapter 5.80.010, "Damage to Employees' Property," the County will pay a portion of the cost of replacing or repairing property or prostheses of

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County employees. These items may include eyeglasses, hearing aids, dentures, watches and articles of clothing necessarily worn or carried by employees when any such items are damaged in line of duty without fault or negligence of such county employee.

Employees may be reimbursed for the amount of damage **over** \$5 to clothing or personal prostheses, necessarily carried on the job, only when the damage resulted from a sudden, unexpected event not normally required or anticipated on the job (and which was beyond the control of the employee). Damage to employees' personal property which results from accidents that could have been prevented by reasonably prudent action is not reimbursable under this program. Reimbursement will be considered only for damaged property; **claims for lost or stolen articles will not be considered.**

9.420 Eligible Property - Refer to County Code, 5.80.010; 5.80.050; 5.80.060; 5.80.070; 5.80.080

Reimbursement will be considered for damage to personal property that is worn or carried by the employee to satisfactorily perform his/her duties. In the case of most County employees, this will include clothing, watches, and personal prostheses such as eyeglasses, dentures, and hearing aids. Reimbursement for damage to other personal property such as tools, cameras, and brief cases will be considered only if the property was being used with the explicitly approval of the employee's Department Head or authorized agent. Damaged property is to be retained by the claimant until the claim is finally denied or allowed.

9.430 Eligible Employees

All employees, who meet the definition of "eligible employee" in accordance with Los Angeles County Code Chapter 5.85.020, of this Department are eligible to apply for reimbursement under this program.

9.440 Ineligible Incidents

Refer to County Code, 5.80.180.

9.450 Ineligible Property

Reimbursement will not be made for items other than those mentioned above and will specifically not be made under this program for damage to jewelry (other than watches) or to motor vehicles.

9.460 Procedures for Processing Claims

Claims for reimbursement for damage under this program are to be initiated by the claimant by submitting "Claim for Damages to Person or Property" form, which may be obtained through the Board of Supervisor's Website. Completed forms must be signed.

9.470 Preparation of Form by Claimant

The claimant is responsible for completing all sections of the, "*Claim for Damage to Personal Property*," form down to and including the section titled "Certificate of Claimant." The employee is expected to attach to the form a copy of all documents that substantiate the claim such as receipts showing actual purchase price of damaged items, estimates for repair or replacement of items, industrial injury reports, repair orders for equipment that had unexpectedly malfunctioned, and formal or informal incident reports. Presentation of the claim to the Office Head should not be delayed beyond five (5) working days after the incident.

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Presentation of the claim to the Office Head will constitute presentation of a claim to the County in accordance with these regulations.

9.480 Factualty of Claims

It is expected that claimants will present complete and factual information. Any falsification or omission of significant information or submission of fraudulent claims may result in disciplinary action.

9.500 Procedures for Handling Facility Emergencies

Disaster Response

See Management Directive #MD 92-09, DCFS Disaster Response, Emergency Preparedness Program, effective November 1, 1992, for detailed information and procedures.

A "disaster" is defined as either a massive catastrophic event affecting multi-regional areas, such as a large-scale earthquake, a major civil disturbance, or a local incident confined to a single jurisdictional area.

1. After a **major** disaster, such as a large-scale earthquake or civil unrest, all County Departments, including DCFS, transition into disaster operations organizations. Within DCFS, the Departmental Operations Center (DOC) will be activated by the Department Emergency Coordinator in conjunction with the Director. In the event that none of the above parties can be reached, any Deputy Director can activate the DOC. The primary DOC is located at DCFS Headquarters in Room 227.

Once activated, the primary function of the DCFS DOC is to coordinate and direct the Department's response to the emergency event. The DCFS DOC will interact with the County Emergency Operations Center (EOC) and DOCs of other County Departments. The initial task is to determine the Department's status by obtaining facility Damage Assessment Reports which will include information related to trapped or injured employees, clients and visitors at all DCFS facilities.

2. Should a major disaster occur, DCFS has been identified as a support department to the Department of Public Social Services (DPSS). In this support role, and in addition to its own emergency responsibilities, DCFS may be required to provide special emergency functions, such as deployment of staff to various emergency services operations in conjunction with DPSS and the American Red Cross.
3. After a **major** disaster, worker safety will be a top priority, equal in stature to that of child safety. Each DCFS employee becomes a Disaster Services Worker (see California Code 3100) and is expected to report for emergency related duties, but only after their critical personal and family emergency responsibilities have been met. DCFS employees acknowledge this disaster related management expectation by signing the County Disaster Services Worker Oath during DCFS Employee Orientation.
4. The Department Emergency Plan (DEP) identifies and defines key components of the Department's disaster response procedures. The DEP also details departmental commitments and outlines roles that will be played before and after a disaster by the DOC, the Building Emergency Coordinators, Management and staff. Each DCFS employee is provided a copy of the Department Emergency Plan, which is by reference a part of the Departmental Policy/Procedure system. Receipt is acknowledged by the employee's signature on the "DCFS Individual Employee Emergency Response Instructions Employee

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Acknowledgment." Employees are to keep current copies of CEO or other outside disaster policy documents in the DEP Handbook.

5. DCFS Disaster Preparedness Policy; see Management Directive #MD 92-09, DCS Disaster Response, Emergency Preparedness Program, effective November 1, 1992.

This detailed policy covers staff issues (e.g. staff deployment to alternate work locations, communication protocol, etc.), manager responsibilities (status of office, office closures, supplies, etc.), as well as service provisions to DCFS clients (inventory of DCFS children; follow-up, emergency response, etc.) during a disaster.

Examples of disasters are:

- A. Fires
- B. Floods
- C. Earthquakes
- D. Civil Disorders (Riots)
- E. Power Outages
- F. Bomb Threats

9.510 Security Responsibility and Coordination

Each DCFS facility will designate one (1) individual to act as Building Emergency Coordinator (BEC). The BEC will be responsible for all decisions concerning security matters in that facility.

In DCFS Offices, the BEC is the Regional Administrator (RA) or the Office Head. In DCFS facilities it should be the Office Head or their designee. In those facilities housing more than one (1) County Department, the Department which has a majority of staff will be responsible for BEC duties (unless otherwise specifically designated). The BEC in sub-offices will be the Office Head and/or designee. The Office Head will appoint an Alternate BEC and an Assistant BEC to fulfill duties outlined herein in their absence. In facilities which DCFS shares with other County Departments or with non-County tenants, one (1) person should be selected to fulfill the responsibilities of the BEC. The BEC shall work in conjunction with the Emergency Disaster Services Section to update security and emergency plans, to include:

1. Overall security coordination.
2. Annually review and update the Building Emergency Evacuation Plan (BEEP) for their facility.
3. Decisions relating to security matters, i.e., determining the advisability of evacuating a facility.
4. Insuring that all staff are aware of emergency evacuation procedures.
5. Notifying law enforcement officials, Public Health officials and DCFS offices as appropriate.
6. Preparing and submitting required documents after an emergency event impacts their facility.

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Note: Please see the Building Emergency Evacuation Plan (BEEP) for additional information. Periodic checks of DCFS BEEPs will be made to ensure the accuracy of content.

9.520 Emergency Communication Systems

The BEC shall become familiar with all emergency modes of communication which will be used during responses to emergent events as follows:

1. An outside telephone resource (Red Phone) is pre-determined and designated. A periodic check will be made for additional forms of emergency communication.
2. Two (2) employees (supervisory level or higher) shall be assigned to the alternate telephone line. One (1) employee will handle the telephone line and the other will act as a relay person.

9.530 Emergency Procedure

The BEC should be immediately informed of any emergency involving the safety of employees or the security of the premises. The BEC will in turn notify:

1. Office Head.
2. The Emergency Disaster Services Section.

On **all** acts/threats of violence, a Security Incident Report must be completed and sent to the Emergency Disaster Services Section. The policy of this Department is to inform all concerned employees that there is an emergency which may require building evacuation.

9.540 After-Hours Emergencies

The Office Head of each facility will ensure that an After-Hours Emergency Notification Form is conspicuously posted on or near the front door. The form shall include listings of the telephone numbers for the police, fire department and 24-hour County emergency switchboard (211).

IN CASE OF AFTER-HOURS EMERGENCY NOTIFY:

- POLICE - **911** or (telephone number of local police or sheriff).
- FIRE DEPARTMENT - **911** or (telephone number of local fire department).
- 24-HOUR EMERGENCY COUNTY SWITCHBOARD – **211**.

The Office Head is responsible for designating responsible individuals to be contacted in the event of an emergency arising after hours. The telephone numbers for these individuals will be listed in the BEEP specific to their facility and on the Confidential Roster under cover letter, requesting confidentiality to ensure its use only during emergency situations.

Individuals can also use the following information to contact the Office of Emergency Management Duty Officer 24 hours a day:

CEOC Duty Officer iPhone:	(323) 459-3779
CEOC Duty Officer E-mail:	dutyofficer@ceooem.lacounty.gov
CEOC Duty Officer Pager:	(213) 508-8023
CEOC Alternate Duty Officer iPhone:	(323) 895-3313

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9.550 Evacuation Plan and Procedures

The BEC is to develop, review and periodically update the BEEP specific to their facility. BECs are to ensure, through a designee, that all employees are aware of emergency procedures and that each floor and work area is promptly evacuated when necessary. Office staff must participate in evacuation drill procedures and copies of the evacuation plan should be available upon to all staff upon request.

In buildings involving multiple floors, the BEC should prevent use of elevators by all persons during an evacuation drill or actual emergency evacuation. All personnel should use the stairwells during evacuation and individuals who may have an access or functional need should complete DCFS Form 2460 (Request for a Reasonable Accommodation) to ensure an evacuation plan is established for use to assist them with exiting the facility in response to an emergent event.

The BEC must establish a primary, a secondary and a tertiary Safe Refuge Area wherein evacuated personnel are to assemble during evacuations; these areas should be at least 300 feet from the evacuated building. (Additional such areas may be required for the larger offices and in response to Bomb Threat events.)

BEC Duties:

1. Develop and maintain pre-emergency plans and emergency procedures for the building, including evacuation plans.
2. Gain approval from the local City or County Fire Department for pre-emergency plans and emergency procedures.
3. Act as liaison to the local City or County Fire Department and building occupants in implementing emergency procedures.
4. Maintain a master listing of Floor Wardens and BERT Members designated by tenant departments within the building.
5. Act as the primary training coordinator to ensure that Floor Wardens/BERT Members are adequately trained to carry out their responsibilities.
6. Consult with Floor Wardens on plan development and notify them whenever an evacuation drill is scheduled to take place.
7. Coordinate annual fire drills to include all County Departments housed within their facility.
8. Maintain the BEEP Manual in a central location for inspection by the local City or County Fire Department upon demand.
9. Coordinate distribution and upkeep of emergency contact telephone listings, a roster of BERT Members and the "BEEP".
10. Notify the local City or County Fire Department of a personnel change in the position of BEC by telephone, mail or e-mail.
11. Identify Pre-Designated Safe Refuge Areas.

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12. Sign and submit annual fire drill documentation for each floor of the building to the local City or County Fire Department, if requested.
13. Act as a liaison with fire and law enforcement agencies during emergencies.
14. Conduct monthly BERT Meetings with BERT Members.
15. Attend Quarterly BEC Meetings as scheduled.

In the event of an emergency, the BEC or his/her designee will determine if an evacuation of the facility is necessary. The following guidelines will be followed if an evacuation is deemed necessary:

1. Upon notification of an emergency, but prior to an evacuation order being given, Section Managers and BECs are responsible for maintaining calm, order and supervisory control of their employees.
2. If there is a life threatening emergency on any floor which requires immediate attention, the Floor Warden will investigate and coordinate with the BEC to determine the appropriate response. Notification will be provided to the Building Emergency Response Team (BERT) Members and Management staff.
3. Once an evacuation order has been issued by the BEC or his/her designee, building occupants will be provided with instructions regarding the evacuation via Public Address System, fire alarm, bullhorn or BERT Members.
4. Floor Wardens will proceed to the nearest fire alarm pull-station and activate the emergency alarm which signals by sound and/or strobe lights, indicating that the building is to be evacuated.
5. Upon hearing the alarm, Group Leaders will instruct their BERT Members to proceed to their designated posts and assume their responsibilities.
6. Building occupants are to calmly exit the building through the stairwells and report to their Pre-Designated Safe Refuge Areas.
7. Floor Wardens will remain in the elevator lobby area of each floor to prevent employees/visitors from using elevators and will direct employees/visitors towards stairwells until they receive reports of "All Clear" from Group Leaders.
8. Security staff/Receptionist will immediately direct employees/visitors to exit through the lobby doors and request them to assemble at their Pre-Designated Safe Refuge Areas.
9. If a problem exists and an evacuation cannot be completed in an area, the Group Leader will report or send a runner to the Floor Warden who will advise First Responders and the BEC of the situation.
10. Once all employees have been successfully evacuated from each floor, the Group Leader will report the status of their section to the Floor Warden at the elevator lobby. After Group Leaders have reported the status of their section to their Floor Warden, they will exit the building via the nearest stairwell and report to their Pre-Designated Safe Refuge Area.
11. Floor Wardens will report to their Pre-Designated Safe Refuge Area immediately after exiting the building and provide the status of their floor to include the physical condition of their areas

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and the status of any building occupant who has been injured or trapped. Notification of trapped or injured persons must be provided to First Responders immediately.

12. Section Managers will be responsible for conducting a head count of their staff and providing their report to the Safe Refuge Area Monitor (SRAM) who will in turn provide the information to the BEC. The BEC will then complete the Initial Damage Assessment Report (IDAR) and submit it to the Department Emergency Coordinator (DEC), who will in turn complete and submit an overall Departmental Status Report to the DD, Director and ISD.

Note: In the absence of the BEC, the Alternate BEC or Assistant BEC will be responsible for providing reports to the DD and DEC. In the absence of a DD, the BEC will assume the role of obtaining personnel accountability, and providing reports to DCFS Emergency Disaster Services Section (EDSS).

13. After all reports have been submitted, the DEC in consultation with the RA/DD will decide if employees will be dismissed for the day or be allowed to re-enter the building and continue working.

Note: Prior to re-entry, a thorough inspection of the facility will be conducted by First Responders (Fire, Police, Hazmat, etc.) and Facilities Management for an assessment of damages. Employees and visitors will be notified once the process has been completed. Employees must gain proper authorization from their Section Manager prior to leaving their Pre-Designated Safe Refuge Area.

Floor Wardens may be appointed by the BEC. Floor Wardens for each location and their Alternates are appointed by the BEC or Director of the County Department occupying the majority of space on a particular floor (variations may exist under the direction of the BEC) or within a facility which houses multiple Departments. There is one Floor Warden per floor. Duties and responsibilities of the position include but are not limited to the following:

1. Respond to an evacuation order given by the Section Manager, BEC or his/her designee.
2. Become thoroughly knowledgeable about the building layout, emergency procedures and evacuation guidelines.
3. Interface on a regular basis with the BEC concerning plans, training and required documentation of emergency programs.
4. Appointing and instructing an Alternate Floor Warden to perform their duties if the Floor Warden is absent during an emergency.
5. Annually reviewing the BEEP.
6. Familiarizing all personnel in the work area of evacuation procedures.
7. Updating and posting any changes of emergency contact telephone numbers.
8. Appointing member(s) of the work area to a position on the Building Emergency Response Team (BERT). This team is necessary to conduct a comprehensive and coordinated building evacuation in response to an emergent event.
9. Informing employees to remain available until they are given instructions by their supervisors regarding whether or not they will return to work or be dismissed for the day.

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10. If time permits, post signs on entry doors to prevent entry into the building during an evacuation.
11. Assist the BEC in the appointment of all BERT Members and Alternate BERT Members.
12. Coordinate initial and refresher BERT Training for all BERT Members and Alternates.
13. Coordinate emergency procedures for sub-areas of assigned floor.
14. Ensure annual fire drills are conducted and emergency instructions are provided to floor occupants.
15. Request that the Internal Services Department (ISD)/Landlord Management prepare and post emergency exit signs and floor plans in each quadrant and in every elevator lobby.
16. Additionally, install emergency exit plans in rooms leading into hallways.
17. Consult with the BEC prior to conducting any drill.
18. Maintain floor diagram(s) for the area(s) of responsibility as indicated in the BEEP.
19. Under extraordinary circumstances where immediate danger exists, the Floor Warden may order the evacuation of the floor prior to receiving the order from the BEC or their designee.
20. Floor Wardens will proceed to the nearest fire alarm pull-station and activate the emergency alarm which signals by sound and/ or strobe lights, indicating that the building is to be evacuated.
21. The Floor Warden will stay in the area of the elevator lobby to prevent employees or visitors from using of elevators and assist with evacuation efforts by directing individuals to the nearest stairwell.
22. When Group Leaders have completed the evacuation of their sections, they will report to the Floor Warden at the elevator lobby.
23. If a problem exists in an area, the Floor Warden will report the situation to the BEC. The BEC, in collaboration with the DEC, will make decisions as to which actions will be taken.
24. After a floor has been cleared, the Floor Warden and Group Leaders will exit the building via the nearest stairwell and report to their Pre-Designated Safe Refuge Area.
25. Floor Wardens will submit the Floor Warden Evacuation Report Form, which indicates the conditions of their floor and status of personnel (injuries, etc.) to the BEC at their Pre-Designated Safe Refuge Area.

9.560 Fire Procedures

Fire emergency plans should be developed with input from the local fire department. Plans must include pre-designated exit routes from the facility and must be publicized to all occupants of the facility.

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In the event of fire or smoke an employee must take the following steps:

1. If you discover a fire, evacuate the area immediately, close the doors behind you and dial 911.
2. Notify the Floor Warden of your actions, who will in turn notify the BEC. The BEC will notify the BERT to initiate a facility evacuation. The BEC will notify the local fire department and the appropriate Office Head.

If evacuation of the building is ordered, use pre-determined evacuation routes. Avoid any routes of travel affected by dense accumulations of smoke or heat. Identify WHERE stairwells and exits are located and WHICH ones have access to the roof.

Note: **NEVER USE AN ELEVATOR.** Use stairwells for exiting. Stairwells offer the safest and quickest means of exiting during an emergency.

9.570 Earthquake Procedures

In the event of an earthquake:

1. Be calm.
2. Take action to Drop, Cover and Hold On until the shaking stops.
3. BEC actions will cover an assessment of:
 - Injuries
 - Fire Damage
 - Structural Damage
 - Hazardous Conditions
 - Utility Control/Shutdown
4. An evacuation will be ordered only after an inspection of evacuation routes has taken place.
5. The BEC will complete and submit the Initial Damage Assessment Report (DAR), six (6)-Hour DAR, 12 Hour DAR and 24 Hour DAR to EDSS.

9.580 Workplace Threat Procedure (Please refer to DHR Policy 620)

Workplace threats can be communicated in various ways to include telephone, mail or in person. The recipient of the threat should notify their Office Head via telephone or in person immediately upon receiving the threat. The Office Head or his/her designee should immediately complete a Security Incident Report and contact local law enforcement.

9.590 Civil Disturbances (Riots)

1. When the situation becomes evident or upon advisement, the BEC instructs building occupants to avoid provoking or intimidating these individuals, to stay away from lower level windows and to close all blinds.

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2. Notify the local law enforcement agency immediately.
3. Avoid leaving the building.
4. Take security precautions by locking the entry doors and manually grounding all elevators (until the situation has been resolved).
5. Parking attendants will control vehicle movement.

9.600 Post Emergency Report

After an emergency incident, the BEC will prepare a written report of all pertinent information and promptly send all pertinent information to the Emergency Disaster Services Section.

9.610 Time Card Coding Emergencies

All employees are, upon the ordering of a building evacuation, to report to their Pre-Designated Safe Refuge Area which should be known by employees in advance of a facility evacuation. Immediately after an evacuation, the BEC will (utilizing administrative staff) make the situation known to employees and will inform them of the anticipated time for re-entering the facility. It is the responsibility of each employee to sign the Safe Refuge Area Accountability Form and remain at their Pre-Designated Safe Refuge Area until told otherwise by their supervisor. Each supervisor is then responsible for informing the BEC of those persons who have not returned to work after the all clear has been given. This information should be promptly reported to ensure correct time card coding for all absent employees.

The following identifies the proper time card coding procedure for emergencies:

All time cards should be coded as hours worked, if building evacuation is authorized by the BEC and employees return to work as instructed. Time cards of those persons who do not return to work as instructed by the BEC should be coded absent without pay.

9.620 Act/Threats of Violence against Employees in the Workplace

Threats of violence or violent acts against an employee in the workplace will not be tolerated. Should there be such threat or act by one employee against another employee, the employee suggesting or doing harm will be subject to disciplinary action as well as possible criminal filings.

9.630 Use or Possession of Weapons

See Management Directive # MD 95-06, Acts/Threats of Violence against Employees in the Workplace

Departmental policy precludes the unauthorized use or possession of firearms and other weapons in County buildings and does not allow for unauthorized loaded weapons in automobiles parked in lots leased or owned by the County.

"Weapons" include, but are not limited to, firearms, knives, darts, metal knuckles and nun chucks as well as liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized (i.e., mace, pepper spray).

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Chapter 10.000
Separations, Transfers, and Medical Releases

<u>Number</u>	<u>Section</u>
10.000	Separations
10.010	Resignation
10.020	Medical Release
10.030	Layoff or Demotion in Lieu of Layoff
10.040	Retirement
10.050	Departmental Transfers
10.060	Inter-Departmental Transfer Policy
10.070	Intra-Departmental Transfer Policy
10.080	Involuntary Transfer Policy
10.090	Exemptions from Involuntary Transfer
10.100	Exit Interviews
10.110	Unemployment Insurance Benefits (UIB)

10.000 Separations

Separation general means leaving a position, and includes the termination of County service or the leaving of a particular position to accept another position within the Department or the County. For the purposes of this discussion, the following are considered separations:

- Resignation
- Medical Release
- Discharge (Chapter 14.000)
- Layoff or Demotion in Lieu of Layoff
- Retirement
- Transfer
- Change of Classification (Administrative Reassignment, Chapter 4.000)
- Promotion (Chapter 2.000)
- Demotion (Chapter 2.000 and 5.000)
- Release of Temporary Employees (Chapter 2.000)

10.010 Resignation

1. General Resignation

A resignation by a permanent or temporary employee shall be in writing, directed to the Office Head. In conformance with generally accepted business practice, a notice of resignation should

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be submitted two (2) weeks before the effective date. This will enable the Office Head to arrange for the continuity of work.

A resignation should be submitted by the employee by completing the top portion of form DCFS 130, *Notice of Termination or Transfer from DCFS to another County Department*.

A resignation shall be deemed accepted on the date it is received and be effective on the designated date. If no date is designated, it shall be effective immediately at the end of the day it is received by the Office Head or his/her designee.

In the event that the employee is not able to complete DCFS 130, the manager can complete form and attach copy of employee's signed resignation letter.

2. Employee's Responsibility to Know the Effects of Resignation

It is the employee's responsibility to know the effects the resignation will have, such as:

- A. An Employee in retirement Plans A through D and G with less than five (5) years of County service must withdraw his/her retirement funds, and is ineligible for Deferred Retirement. An employee in retirement Plan E has no withdrawal or non-withdrawal option.
- B. A resigning employee who leaves DCFS service without fault or delinquency may be reinstated by DCFS within two (2) years from the date of resignation, but the following restrictions apply:

Upon Reinstatement, the employee:

- i. Is required to serve a new and full probationary period regardless of the position to which reinstated.
- ii. Is placed at the first step of the salary range of the position to which reinstated, and the employee's vacation and sick time benefits are computed from the date of reinstatement (new anniversary date).

3. Resignation Resulting from Unauthorized Absences

Section 5.12.020.A of the Los Angeles County Code provides that:

A County officer or employee who, without prior authorization, is absent or fails to discharge his/her regularly assigned duties for either three (3) consecutive working days or for two (2) consecutive regularly scheduled on-duty shifts, whichever may be applicable, shall be deemed to have resigned effective as of the end of the day of which he/she last performed any of the duties of his/her position; provided, however, an officer or employee shall not be deemed to have so resigned if he/she resumes the performance of his/her regularly assigned duties at the commencement of his/her next regular working day or on-duty shift following expiration of the aforementioned period of absence or failure to discharge duties.

A resignation resulting from an unauthorized absence is not a substitute for appropriate disciplinary action.

Example: In those cases in which good cause exists to discharge or otherwise discipline an employee (e.g. a history of recurring unauthorized absences), the usual disciplinary procedures should be followed).

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If there are any questions concerning the application of Code Section 5.12.020.A, including cases in which there is doubt concerning the appropriateness of this procedure, the Office Head or designee shall contact the appropriate Departmental Civil Service Representative.

A. Procedures Under Code 5.12.020.A

Where it is determined to be appropriate to implement the provisions of Section 5.12.020.A of the Los Angeles Code, that is, where an employee by his/her unauthorized absence or failure to discharge his duties may be deemed to have resigned his employment, the following steps should be followed:

- i. When it becomes evident that an employee's unauthorized absence will extend beyond three (3) days, the employee's Office Head contacts their Departmental Civil Service Representative. The circumstances are reviewed, and if appropriate, the Office Head will send the employee a letter notifying him/her that unless he/she returns to work by a specified time hours (a minimum of 24 normally two (2) work days but normally from mailing), he/she will be deemed to have resigned.
- ii. The letter by the Office Head shall be sent certified or registered mail, return receipt requested. Every effort will be made to assure that the letter is sent to his/her correct address and that the letter is delivered prior to the date specified as the deadline for his/her return.
- iii. County Code Section 5.12.030 provides that failure to give such notice shall not cause the resignation to be ineffective.
- iv. If the employee does report to work by the deadline specified in the Office Head's letter, he/she should be treated as not having resigned. Appropriate disciplinary action may be taken.
- v. If the employee does not contact his/her Office Head or return to work by the deadline specified in the letter, the Office Head will notify their Departmental Civil Service Representative who will prepare and send a letter to the employee. The letter will notify the employee of the effective resignation date and his/her reinstatement rights if he/she sends the Personnel Officer, PSS, a written request for reinstatement within twenty (20) days of his/her resignation and has good cause for his/her absences.

The letter by the Departmental Civil Service Representative shall also be sent by certified or registered mail, return receipt requested.

If the employee does not respond to the Departmental Civil Service Representative's letter by the deadline date, or contacts the Departmental Civil Service Representative but does not have good cause for his/her absences (determined by Personnel Officer, PSS, or his/her designee) such as bona fide illness, injury or similar circumstances beyond his/her control, the Office Head will be notified to prepare the PA 1518, Notice of Resignation, with reason given as "Section 5.12.020."

If the employee responds to the Departmental Civil Service Representative by the deadline and has good cause for his/her absences (determined by the Personnel Officer, PSS, or his/her designee) such as bona fide illness, injury or similar circumstances beyond his/her control, the employee should be reinstated as not having resigned.

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B. Reinstatement Following Resignation Under Code 5.12.020.A

When an employee has resigned in accordance with Section 5.12.020.A of the Los Angeles County Code, he/she may be reinstated provided that:

- i. He/she sends the Personnel Officer a written request for reinstatement within twenty (20) days of his/her resignation.
- ii. The appointing power finds there was good cause for the absence. In the case of a reinstatement, the absence must have been found to have been for a good cause. Also, because Code Section 5.21.020.A specifies that a reinstatement constitutes a retroactive leave of absence, the employee cannot be charged with a break in service. However, the retroactive leave may be without pay, or with pay (vacation, compensatory time off or sick leave if appropriate), or in some combination of these, at the Department's discretion.

4. Appeal Rights on Resignation

An employee who claims that a resignation was obtained by duress, fraud, or undue influence may appeal to the DHR, pursuant to Civil Service Rule 18.09. The employee must set forth in writing the facts substantiating the allegation, within ten (10) business days of the acceptance of the resignation by the appointing power. Any such appeal shall be limited to the question of fraud, duress, or undue influence.

10.020 Medical Release

The Occupational Health Programs Section (OHP) of the Chief Executive Office, Risk Management Branch determines whether or not an employee is medically and/or psychologically qualified for continuing employment in accordance with CSR 9.07.

Pursuant to CSR 9.08, if OHP has determined that the employee is partially or fully medically or psychologically incapable of performing his/her duties the Office of Health and Safety Management will explore alternative suitable options up to and including a medical release.

A written resignation may be accepted in lieu of a medical release.

10.030 Layoff or Demotion in Lieu of Layoff

An employee may be laid off or demoted for reasons of economy, lack of work, or where there are more employees than positions in any classification within the Department. See Civil Service Rule 19 for additional information.

10.040 Retirement

Employees must notify LACERA when electing to retire. Employees who are considering retirement should contact LACERA at 800-786-6464 to discuss retirement plan options and approval of retirement date. LACERA will notify employee and County Department of approved retirement date.

10.050 Departmental Transfers

A transfer is a change of office location, from one assignment to another assignment in the same classification. Voluntary transfer requirements may vary with each Memorandum of Understanding (MOU). Office Heads must therefore ensure that the applicable MOU is reviewed for each request for

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transfer. An employee's transfer may be to another office within DCFS or to another Department, and may occur because of the following change of status:

- Promotion (Chapter 2.000)
- Restoration (Chapter 2.000)
- Change of classification (Administrative Reassignment, Chapter 4.000)
- Change from one position to another of the same class (Chapter 2.000)
- Demotion (Chapter 5.000)

10.060 Inter-Departmental Transfer

An Inter-departmental transfer is a transfer to another County Department. The employee's unused vacation, sick leave, overtime, and holiday time are transferred to the new department.

When an employee's request for a transfer to another Department has been approved, the effective date of the transfer must be no less than 14 days and no more than 30 days from the date of the request, unless otherwise agreed to by the departments involved.

10.070 Intra-Departmental Transfer Policy

It is DCFS policy to honor requests for a voluntary transfer if staffing permits. Office Heads must therefore ensure that the applicable MOU is reviewed for each request for transfer.

An employee may not arrange for transfers on paid County time.

10.080 Involuntary Transfer Policy

Whenever possible, transfers between offices will be made on a voluntary basis in accordance with applicable MOU. Such transfers will be determined by management based on operational need(s).

In the event that voluntary transfers cannot be affected, involuntary transfers will be made based on inverse (CSD) seniority.

10.090 Exemptions from Involuntary Transfer

Employees who fall into any one of the following categories will be exempt from involuntary transfer:

1. Employees on probation or improvement needed status.
2. A bilingual worker, if the need for a bilingual worker does not exist in the new office.
3. Employees involuntarily transferred within the past six (6) months.
4. Management shall not transfer a steward who objects to the transfer, if there is any other employee in same classification who meets the specific qualifications of the vacancy.

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10.100 Exit Interviews

All employees are to be given the opportunity to have an exit interview. The purpose is to allow employees the opportunity to discuss with management any concerns or suggestions they may wish to share about the Department.

When the Personnel Department receives the DCFS 130, *Notice of Termination or Transfer*, it will forward an exit survey questionnaire to the released employee. The employee submits the completed exit interview questionnaire to Payroll. The questionnaires are reviewed and maintained by the Personnel Operations Manager. Employees who wish to have an interview can request to do so with the Personnel Officer or the Assistant Director of their Bureau.

10.110 Unemployment Insurance Benefits (UIB)

Effective January 1, 1979, County employees are covered by the Unemployment Insurance Benefits (UIB) program, which is administered by the State Employment Development Department (EDD).

Employees who leave or are separated from County service should apply directly at an EDD office to have the eligibility for UIB determined.

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**Chapter 11.000
Personnel Records**

Number	Section
11.000	Introduction
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11.030	Removal of Documents from the Personnel Folder
11.040	Central Personnel File
11.050	Contents of the Central Personnel File
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11.070	Termination of DCFS Service
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11.100	Access to Personnel Records
11.110	DCFS Personnel Records not for Public Inspection
11.120	Confidentiality of Employee Records
11.130	Authorized Access to Personnel and/or Payroll Files
11.140	Access to Employee Personnel and/or Payroll Files - Criminal Investigations
11.150	Employee Access to Own Personnel Records
11.160	Verification of Information

11.000 Introduction

The Department is required to maintain complete and detailed records of all performance ratings made, and to have the records, reports and other data relating to employee performance available at all times for the inspection of the Chief Executive Office. To fulfill these requirements and to maintain these and other personnel records efficiently, this Department has established the policies and procedures described in this chapter.

Human Resources should be consulted on any questions of policy or procedure relating to personnel records that are not clarified in this manual.

11.010 Responsibilities for Maintaining Personnel Records

There is a personnel folder for each employee.

Central Personnel File is maintained at the Human Resources Division Personnel Processing Section on behalf of the Chief Executive Officer. This file contains the records of the employee's total County service. If the employee transfers to another department, the file is sent to the new department.

11.020 Filing of Documents in the Personnel Folder

In accordance with current Memoranda of Understanding (MOU), the Personnel Files Article, an employee shall be advised of, and entitled to read, any written statement by the employee's Supervisor or management regarding his/her work performance or conduct if such statement is to be placed in his/her personnel folder. This includes written statements which are deemed "favorable" or "unfavorable" in reference to the employee's work performance or conduct. The employee shall acknowledge that he/she has read such material by affixing his/her signature on the copy to be filed, with the understanding that such signature signifies that he/she has read the material to be filed but does not necessarily indicate agreement with its content. If the employee refuses to sign, the

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Supervisor shall note his/her refusal on the copy to be filed along with the Supervisor's dated signature and the dated signature of a witness to the employee's refusal to sign.

Documents that would normally be filed in the Central Personnel File will not be filed until the time within which the employee may file a grievance or appeal has expired. The time is computed from the date the completed signed document is given to the employee, or if mailed to the employee, from the date of mailing. If the employee files a grievance or appeal, the PE will be filed until completion of the grievance or appeal procedure.

11.030 Removal of Documents from the Personnel Folder

The California Government Code lists the following penalties for stealing, removing, altering, or destroying official documents:

1. Every officer having custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying, removing or secreting the whole or any part of such record, map, book, paper, or proceeding, or who permits any other person to do so, is punishable by imprisonment in the State prison for not less than one (1) nor more than fourteen (14) years. (Section 6200, Government Code.)
2. Every person not an officer referred to in the above paragraph who is guilty of any of the acts as specified above is punishable by imprisonment in the State prison not exceeding one (1) year, or by a fine not exceeding one hundred dollars (\$100.00), or by both such fine and imprisonment. (Section 6201, Government Code)

On reviewing his/her personnel file, an employee may request and have any written warnings issued more than one (1) year prior placed in an envelope and sealed in his/her personnel file except as such may be a part of an official permanent record. On the face of the sealed envelope it shall read, "The contents herein shall be disclosed only upon written consent of the subject employee or by subpoena or other legal process from a public body of competent jurisdiction." The date the contents of the sealed envelope will be destroyed shall also appear on the face of envelope. That date shall be two (2) years from the date of issue of the documents in the sealed envelope.

An employee upon reviewing his/her personnel file, may request removal of any written warning(s) issued after one (1) year or written reprimand(s) issued more than two (2) years from his/her central personnel file except as such is/are part of an official permanent record.

Therefore, the following categories of documents, and only these, may be removed from the personnel folder:

Upon an employee's request, any written warnings more than one (1) year old, and any written reprimand more than two (2) years old, except those that may be part of the official permanent record.

Example: A performance evaluation that contains references to written warnings is part of the official permanent record and is considered supporting documentation and therefore, cannot be removed. However, written warnings themselves may be removed if they have not been made a part of the permanent record.

Questions on how to handle documents in the personnel folder may be referred, depending upon the nature of the documents, to the Personnel Processing Section.

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11.040 Central Personnel File

The Human Resources Manager has custody of and responsibility for keeping current a personnel folder for each employee presently employed and for each employee who went out-of-service during the past five (5) full calendar years. The Central Personnel File shall be the official record for the purposes of the Civil Service Rules.

11.050 Contents of the Central Personnel File

The Central Personnel File shall include one copy of:

1. Employee Personal Information (EPI)
2. Form I-9
3. Current Home Address and Telephone Number
4. Employment Waiver
5. Emergency Contact
6. Warrant Recipient Designation
7. Release of Information Authorization
8. Policy and Application for Official County Identification Badge
9. Records of Oaths, Permits or Licenses, as Required
10. Notice of Medical Results (Pre-Employment Physical)
11. Acknowledgment of Child Support Compliance Program
12. Child Abuse Reporting Responsibility
13. Child Welfare Information Confidentiality Statement
14. Employee Report on Outside Employment
15. Conflict of Interest
16. Dress Code Policy
17. For Your Information - Personnel Payroll Issues
18. Time Reporting Policies and Procedures
19. Report on Probationer
20. Performance Evaluations
21. Prior County Experience
22. Personal Physician Designation
23. County Policy of Equity
24. Records of Education and Training
25. Employee Acknowledgment of Emergency Response Instructions
26. Proof of Qualifications for Bonus Pay
27. Copies of Discipline Letters
28. Requests for Voluntary Demotion or Change of Classification
29. Personnel Requisitions and/or Changes of Status Forms
30. Letters of Transfer or Termination

11.060 Security of Personnel Files

Personnel files maintained by the Office Heads shall be kept in locked file cabinets, accessible only to the Office Head or his/her designated representative. The Official Personnel records shall be kept in locked file cabinets, accessible only to the Human Resources Manager or his/her designated representative.

11.070 Termination of DCFS Service

When an employee terminates DCFS employment because of retirement, resignation, discharge, lay-off, or death, the Central Personnel File shall be retained for at least five (5) years. If an employee

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transfers to another County Department the Central Personnel File will be sent to the new County Department.

If the termination is due to a transfer to another County department, DCFS Personnel Processing Section, Human Resources Division will forward the Central Personnel File to the employee's new department within ten (10) business days from the effective date of the transfer and obtain a receipt from the new department.

11.080 Destruction of Records

The Central Personnel File shall be retained for at least five (5) years after termination of employment from Los Angeles County at which time the file will be destroyed.

11.100 Access to Personnel Records

11.110 DCFS Personnel Records not for Public Inspection

There are certain parameters that records will be released. Review of employee personnel records are not subject to review under the California Public Records Act.

11.120 Confidentiality of Employee Records

Federal and State privacy laws provide that an employee's personnel, accident/medical and payroll file are confidential. The Human Resources Division, on behalf of the Department, and all Office Heads, are mandated to ensure that only authorized individuals are allowed access to these files. Because personnel records are confidential, adequate security must be maintained to ensure that they are accessible only by those authorized individuals who have a legitimate need to review the materials. Personnel and medical/accident files must be kept separate from payroll files, and payroll clerks must not have access to the other employee files without permission and direct supervision by authorized personnel. All staff who have access to employment files are required to keep all information confidential.

11.130 Authorized Access to Personnel and/or Payroll Files

By County policy, the following individuals are authorized to access personnel and payroll files:

1. The employee;
2. The employee's representative or agent and prospective employers, upon presentation of the employee's signed authorization;
3. The employee's supervisory chain of command, departmental management, and authorized personnel and/or payroll staff;
4. The Office of Affirmative Action Compliance, pursuant to its investigation of a discrimination or sexual harassment complaint;
5. Agents of the County, such as third-party administrators of liability claims against the County, Workers' Compensation, Long-Term Disability, authorized representatives of the Director of Personnel or attorneys representing the County; and
6. The Civil Service Commission or Director of Personnel as specified in Civil Service Rule 20.10.

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Persons requesting to review a personnel and/or payroll file must provide proper identification that verifies that they are authorized under one of the categories indicated above. Anyone given permission to review a personnel and/or payroll files will do so with direct supervision by authorized personnel.

11.140 Access to Employee Personnel and/or Payroll Files -- Criminal Investigations

Requests for access to employee personnel and payroll files from County of Los Angeles law enforcement agency (Los Angeles County Sheriff's Department and/or Los Angeles County District Attorney's Office) investigators, in connection with a criminal investigation, may be honored. Office Heads may request verification, from the requesting officer's superior, that the records are being examined in connection with a criminal investigation.

Requests for access to employee files from law enforcement agencies other than the Sheriff or District Attorney must be cleared through the Human Resources Division, Personnel Processing Section before access to employee personnel and/or payroll files is given. The Human Resources Division shall consult with County Counsel for advice on a case-by-case basis.

11.150 Employee Access to Own Central Personnel Records

The California Labor Code, Section 1198.5, provides that public employees may inspect their Central Personnel Files at the location where they are stored at no loss of compensation to the employee. An employee who wishes to review his/her Central Personnel File must submit a written request addressed to the Human Resource Manager or his/her designee.

Employees and former employees for whom the Department continues to maintain records shall be permitted at a reasonable time and place to view the contents of their own Central Personnel File in the presence of either the Personnel Manager or their designated representative. Employees shall be allowed to review their Central Personnel File on County time with the prior approval of the Human Resources Manager or his/her designee.

The employee may, if he/she wishes, have another individual view the contents of his/her own personnel folder with him/her. The other individual may be a lawyer or a person acting as a representative for the employee in a legal or disciplinary action. In such a situation, the Office Head may require the employee to furnish a written statement authorizing disclosure of the employee's personnel records in the accompanying person's presence.

The current MOU provides that an employee or his/her representative may inspect the employee's Central Personnel File with the exception of all material obtained from other employers and agencies at the time that the employee was hired.

Access by an employee or an authorized representative to the content of a sealed envelope marked, "To Be Opened by DCFS Designated Authority," is only with the approval of the Personnel Operations Manager.

Neither the employee nor his/her representative may remove any documents from the personnel folder. If an employee maintains that he/she has not received a copy of any form to which he/she is entitled, the Human Resources Manager or his designated representative shall remove the document and have a copy made for the employee, returning the original document to the Central Personnel File immediately thereafter. A notation shall be made on the document that a copy of it was made, the date it was given to the employee, and by whom. The Personnel Officer or designee should be consulted on any questions of policy or procedure relating to personnel records which are not clarified in this manual.

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11.160 Verification of Information

“Verification of Information” means confirming that the information already in the inquirer’s possession agrees with DCFS Records, or telling the inquirer that the information in his/her possession cannot be verified by DCFS Human Resources. Providing additional information or correcting “faulty” information is not permissible.

A request for verification of information may be in writing or verbal only when authorized by the employee. Any information already in the possession of the inquirer may be verified, except that verification shall not be made on confidential information, including that given to DCFS in trust, such as all material obtained from other employers and agencies at the time that the employee was hired, and information related to medical or police records.

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Chapter 12.000
Employee Relations

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12.140	Presentation of Grievances
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12.270	Reports
12.280	List of Representation Units, Associated Unit Members of DCFS and Certified Employees Organizations

12.000 Employee Relations under Provisions of the Los Angeles County Employee Relations Ordinance and Civil Service Commission Rules

12.010 Purposes

A successful employee relations program calls for recognition, on the part of all managerial and supervisory personnel, of the needs of employees to be appropriately recognized, communicated with, and responded to in matters of employee concern.

Administrators and supervisory personnel of the Department can make their most effective contribution to the overall success of the Department's employee relations effort by being attentive to the needs of employees and the day-to-day conditions of employment. Recognition for a job well done and attention to the suggestions, comments, and complaints of subordinates will result in improved employer/employee relations and ultimately enhance the services rendered to the clients by the Department of Children and Family Services.

The policies and procedures which follow are designed to delineate the responsibilities of DCFS administrators and supervisory personnel toward the specific employer/employee relations functions for which the Department carries responsibilities.

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12.020 Method

To accomplish the above purpose, the procedures that follow provide an orderly method for two-way communication between the Departmental administrators and supervisory personnel and DCFS employees and their representatives. These procedures are for assuring that employees and their representatives are fairly treated, that their rights are maintained, and that their requests are fairly heard, considered, and resolved. Further, these procedures are supplemented through rules established by the Los Angeles County Employee Relations Commission (ERCOM), the Civil Service Commission (CSC), and Memoranda of Understanding (MOU).

County management and the various unions certified by ERCOM to represent specific classes of employees have entered into MOU that set forth the agreement between the parties regarding matters that affect wages, hours, and other terms and conditions of employment. In addition, the MOU provides for a grievance procedure applicable to the represented bargaining unit.

12.030 Memoranda of Understanding

DCFS administrators and supervisory personnel should thoroughly familiarize themselves with the provisions of the varying MOU covering various classifications of represented DCFS personnel. Every MOU contains a listing of each covered classification in the article entitled, "Salaries." Employees are covered if they hold any listed item, whether on temporary or permanent status. Where requirements, provisions, or procedures differ from those herein described, pertinent provisions of the applicable MOU will govern.

12.100 Grievances

12.110 Intent and General Principles

It is the intent of the grievance policy and procedure to settle grievances at the lowest level possible in a fair and expeditious manner.

Consistent with this intent, the following general principles apply:

1. The grievance policy and procedure shall be fairly and uniformly applied, and all persons participating shall be treated without prejudice.
2. Minor changes in procedural steps may be effected by mutual agreement between the employee and/or his/her representative and management in order to expedite the resolution of the problem.

12.120 General Provisions

The following general provisions shall apply to the grievance procedures set forth herein.

1. This grievance procedure shall not be construed to be in conflict with any grievance or appeal procedure established by County rules and regulations or appropriate MOU. Nothing herein shall be deemed to supersede the authority or jurisdiction of the ERCOM or the CSC;
2. Any decision not pursued from one level to the next level within the time limits established in this grievance procedure, will be considered settled on the basis of the last decision and the grievance shall not be subject to further review or reconsideration;

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3. If the grievant's superiors do not reply to the written grievance within the time limits specified, the employee may automatically process his/her grievance to the next level of grievance review;
4. Any level of review or any time limits established in this procedure may be waived or extended by mutual agreement, confirmed in writing; and
5. Nothing in these procedures shall preclude management's right to meet with employees, individually or collectively, on any matter necessary for the conducting of business.

12.130 Representation

The employee may choose any person to represent him/her in a grievance unless it involves a conflict of interest on the part of either party concerned, or would be incompatible with official duties and responsibilities.

12.140 Presentation of Grievances

An employee may present his/her grievance to management on County time. A grievant may choose a Union Steward certified by the Union to represent them. Only those employees who are certified Union Stewards will be allowed reasonable County time for the preparation and presentation of such grievance; other employees must use their own time.

A grievant may select a non-steward employee to represent him/her; however, that employee must represent the grievant on his/her own time. Employees who assist in the preparation and/or presentation of a grievance on behalf of a non-represented employee (not in a certified bargaining unit) must, for this purpose, use their own time. The grievant shall notify management of the name of the person he/she has selected to represent him/her prior to any scheduled formal grievance meeting. Due consideration will be given to the duties of both the employee and management in scheduling any grievance meeting.

12.150 Grievance Procedure Policy

Employees in represented units will use the grievance procedure established in the MOU for their unit.

Those employees who are not covered by an MOU will use the Departmental grievance procedure outlined in this chapter.

Both represented and non-represented employees have the option of filing a formal grievance by using the DCFS HR Division link on the LAKids Website or by filing the *Employee Grievance Form, DCFS 185*.

Administrative Instructions for Grievance Processing – General

Upon receipt of a formal grievance, the First Level Manager shall notify DCFS Labor Relations Unit of receipt of the grievance and provide a copy to the Unit. This applies to all grievances – those processed through the Departmental grievance procedure and or those procedures in the MOU.

Distribution of Copies

The original grievance form shall be returned to the grievant after the findings have been entered thereon and the signature of the hearing officer affixed at each level of review.

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The person conducting the hearing at each level shall retain a copy for his/her records and forward a copy to DCFS Labor Relations Unit.

The Office Head retains the second copy as a record of the action taken.

In the event that additional copies are needed, they shall be duplicated from the original copy.

12.160 Departmental Grievance Procedure

The following procedure pertains to employees not covered by a MOU:

1. Informal Discussion

The employee should discuss his/her complaint informally with his/her immediate supervisor prior to filing a formal grievance.

2. Formal Grievance

Level 1: If there is no settlement on the basis of the informal discussion, within ten (10) business days from the occurrence of the matter on which the complaint is based, or within ten (10) business days from his/her knowledge of such occurrence, an employee may file a formal written grievance by using the DCFS HR Division link on the LAKids Website or by submitting an *Employee Grievance Form*, to his/her immediate Supervisor stating the nature of the grievance and the remedy he/she requests from his/her Departmental management.

Within ten (10) business days from receipt of the grievance, the Supervisor shall meet with the employee and give a written decision to the employee.

Level 2: Within ten (10) business days from his/her receipt of the Supervisor's written response, the employee may appeal in writing to the next appropriate level of management, by filing a copy of the Employee Grievance Form response received from the First Level Manager, to the next appropriate level of management, usually the Office Head or Section Head.

Within ten (10) business days from receipt of the employee's grievance, the management representative shall make a thorough review of the grievance and issue a written decision and the reasons therefore.

Level 3: Within ten (10) business days from the receipt of the decision resulting from the previous level, the employee may appeal to the Department's Labor Relations Unit by forwarding a copy of the grievance to the Unit.

The third level decision will be a written response from the third level hearing officer. A copy of the response will be provided to the following:

- The grievant.
- The Division Chief concerned.
- The Labor Relations Unit of DCFS.

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GRIEVANCE RESPONSE TIMELINES

SERVICE EMPLOYEES INTERNATIONAL UNION 721 AND NON-REPRESENTED STAFF

LEVEL	RECEIVED WITHIN	RESPONSE DUE
1 ST Level	10 Business days of Occurrence	10 Business Days
2 ND Level	10 Business Days of 1 ST Level Response	10 Business Days
3 RD Level	10 Business Days of 2 ND Level Response	10 Business Days

AMERICAN FEDERATION OF STATE, COUNTY MUNICIPAL EMPLOYEES 685

LEVEL	RECEIVED WITHIN	RESPONSE DUE
1 ST Level	5 Business days of Occurrence	5 Business Days
2 ND Level	5 Business Days of 1 ST Level Response	10 Business Days
3 RD Level	5 Business Days of 2 ND Level Response	10 Business Days

12.200 Policy and Procedure for Use of Department Facilities for Meetings of Employee Organizations

12.210 Purpose

This section outlines DCFS policies and procedures for requesting and using Departmental facilities for meetings by certified and registered employee organizations and for soliciting and sale of group insurance products sponsored by employee organizations. The policies and procedures shall remain in effect until modified or rescinded by the Department, or superseded by applicable employee relations rules adopted by the County.

12.220 Use of Departmental Facilities for Meetings of Employee Organizations

Employee organizations may be granted the use of Department facilities for bona fide meetings of the certified and registered employee organizations. Permission to use a facility for such purpose shall be limited to the use of available facilities outside of the regular working hours.

In addition, the granting of the privilege to use Department facilities for all meetings shall be contingent in part on the employee organization meeting requirements set forth in the following section.

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12.230 Submission and Content of Request

An employee organization desiring to use available Department facilities for such meeting shall make a request in writing at least 48 hours before the proposed meeting, unless shorter notice is approved by the Office head. The written request shall set forth the following information:

1. Name of the employee organization desiring to use the facility.
2. Name of Departmental employee to be in charge of the facility during the meeting.
3. Name and location of the facility in which the meeting will be held.
4. Date, time, and approximate duration of the meeting.
5. Approximate number of persons expected to attend the meeting.
6. Purpose of the meeting.

12.240 Approval of the Request

The Office Head having administrative responsibility over the requested facility may grant the request to use the facility for such a meeting of the employee organization if he/she determines that the facility will be available and that the requested use will not interfere with Department operations. In determining whether or not the requested use of the facility will interfere with Department operations, the Office Head may consider, but is not limited to, the following criteria:

1. Is the purpose of the meeting such that it might interfere with employees carrying out their duties for the balance of the work day?
2. Is the scheduled time and duration of the meeting such that employees will be unable to attend unless it involves the use of some County time?
3. Does the preparation of the facility and clean-up after the meeting involve a substantial amount of the employee's County time?
4. Will the meeting infringe on the rights of County employees or County management as provided for in Section 5.04.070 and 5.04.080 of the Los Angeles County Code on Employee Relations?

12.250 Use of Departmental Facilities for Solicitation and Sales of Group Insurance by Employee Organizations

The Board of Supervisors adopted an amendment to the County Anti-Solicitation Ordinance (County Code Chapter 13.16.020). Certified and registered employee organizations may have access to public areas of County facilities for the purpose of offering their group insurance products to County employees, provided certain conditions are met.

The amended ordinance requires that the certified and registered employee organization must sign a Hold Harmless Agreement approved by the County Risk and Insurance Management Agency (RIMA).

Certified and registered employee organizations desiring to sell insurance on DCFS premises must follow existing procedures for requesting meetings as well as for individual meetings with employees in public areas of the building.

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Office Heads are to clear any requests for use of Departmental premises to sell insurance with Human Resources Division Employee Relations Section prior to approval. Office Heads who approve a request must ensure that it is for a determinate block of time outside working hours so that employee organizations soliciting group insurance are not on the premises for an indefinite period of time.

Implementation of Amended Ordinance in Department

The Department Head has designated the Department of Human Resources Manager the authority to approve requests from certified and registered employee organizations for access to Departmental offices for the purpose of selling their insurance products. The Human Resources Division Labor Relations Section will coordinate for adherence to the Ordinance, including confirmation that Hold Harmless Agreements are on file with RIMA and the Department. When contacted by employee organizations, Employee Relations will explain Departmental policy and procedures relative to access to Departmental facilities.

Once this step is completed, Human Resources Labor Relations Section will inform the employee organization that, in accordance with current Departmental policy, they must file a written request with the Office Head of each building that they want to access prior to any solicitation.

12.260 Sick-outs (Concerted Work Absences)

A “*sick-out*” refers to that action whereby a group of employees, alleging sickness, are absent from work, and a question arises as to their actual inability to work and need to be absent.

Sick leave may be used only for legitimate sickness or injury. Employees participating in a sick-out may at any time be required to provide their Office Head with adequate medical verification of their alleged sickness and need to be absent. Abuse of sick leave may result in disciplinary action. Whenever a sick-out is suspected, immediate communication of this fact should be made by the Office Head to the Labor Relations Unit.

12.270 Reports

In order to evaluate employee relations activities and to be able to conduct uniform maintenance activities, significant employee relations activity should be reported in writing to the Labor Relations Unit of the Human Resources Division.

12.280 List of Representation Units, Associated Unit Members of DCFS and Certified Employees Organizations

DCFS Employees Covered

111	Clerical and Office Service SEIU 721
112	Supervisory Clerical and Office Services SEIU 721
121	Administrative & Technical SEIU 721
311	Public Health Nurse SEIU 721

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312	Supervising Public Health Nurse SEIU 721
701	Group Supervisors II/Transportation Workers AFSCME 685
702	Supervising Transportation Workers AFSCME 685
723	Children's Social Workers SEIU 721
731	Eligibility Workers and Human Services Aides SEIU 721
732	Eligibility Supervisors SEIU 721
777	Supervising Children's Social Workers SEIU 721

Certified Employee Organizations

Coalition of County Unions

American Federation of State, County and Municipal Employees, Council 36

American Federation of State, County and Municipal Employees Local 685, AFL-CIO

Association for Los Angeles Deputy Sheriffs

Los Angeles County Building and Construction Trades Council, AFL-CIO

California Association of Professional Employees, MEBA, AFL-CIO

Committee of Interns & Residents

International Union of Operating Engineers, Local 501, AFL-CIO

Los Angeles County Lifeguard Association

Los Angeles County Fire Fighters Association, Local 1014, IAFF, AFL-CIO

American Federation of State, County Municipal Employees, Local 1083

Union of American Physicians (Southern California Only) and Dentists, AFSCME, AFL-CIO

CERTIFIED EMPLOYEE ORGANIZATIONS NON-COALITION

Service Employees International Union

Association of Deputy District Attorneys

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Guild for Professional Pharmacists

Los Angeles County Association of Environmental Health Specialists

California Teamsters Local 911 Public, Prof., & Medical Employees Union

Peace Officers Counsel of California Association of Public Defender Invest.

Professional Peace Officers Association

Professional Manager's Association, Local 1967

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Chapter 13.000
Performance Evaluation (non MAPP employees)

Number	Section
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13.010	Performance Evaluation – General
13.020	Performance Evaluations
13.030	Time to Issue Performance Evaluation – Probationary Employees
13.040	Probationary Employees
13.050	Rating Standards for Probationary Employees
13.060	Extension of Probationary Period
13.070	Permanent Employees
13.080	DCFS “Improvement Needed” Policy
13.090	Guide for Annual Performance Evaluation Rating Periods
13.100	Last Performance Evaluation of Record
13.110	Signature Protocol for Performance Evaluation Reports
13.120	Supervisory Disputes about Performance Evaluation
13.130	Distribution of Performance Evaluation Reports

13.000 Introduction

Based on Civil Service Rule (CSR) 20, this section contains information on general performance evaluation and related DCFS policies and procedures. Each employee, especially supervisors, should be familiar with the information contained in this section. Employees may refer specific questions through channels to their Office Heads. DCFS managers and administrators may refer questions to the DCFS Human Resources Division, Performance Management Section.

The “Comments” section of each evaluation report shall reflect as accurately and completely as practicable the employee’s performance in all significant aspects of his/her assignment(s) for the rating period. Any significant variables in the employee’s performance during the rating period shall also be noted in the “Comments” section. The “Comments” should also indicate that all supervisors during that period had been consulted in the preparation of the Performance Evaluation. If a Supervisor is unavailable for consultation, it should be so noted in the “Comments” section

13.010 Performance Evaluation – General

An employee shall be evaluated in relation to standards for sufficient performance of work in accordance with CSRs. It is a continuing, day-to-day responsibility of supervision. The main purposes of performance evaluations are to improve DCFS operations by improving the work performance of individual employees and to formally let management and each employee know how that employee is doing (or has done) on the job. The Performance Evaluation should record good or weak performance and be used as a basis for appropriate administrative action.

13.020 Performance Evaluations

Performance Evaluation reports are prepared on approved forms.

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13.030 Time to Issue Performance Evaluation – Probationary Employees

It is recommended that the final Report on Probationer be prepared no later than one (1) month prior to the end of the probationary period. The Report on Probationer must be reviewed with and given to the employee prior to the end of the probationary period.

DHR performance evaluations Ratings of efficiency of performance shall be made for permanent employees at least once each year and for probationers by the end of each probationary period, and at least annually thereafter. (Civil Service Rule 20.02A)

13.040 Probationary Employees

Civil Service Rule 12 states that after each appointment from the eligible list, an employee shall serve a complete period of probation before appointment is complete. These rules also authorize the appointing power to impose a probationary period in certain instances of restoration, reinstatement, voluntary change of classification, transfer, demotion, or re-employment.

13.050 Rating Standards for Probationary Employees

The overall rating on an **interim** probationary report may be:

1. **Competent:** The probationer's performance is commensurate with his/her time, training, and experience on the job. If he/she progresses at the same rate, he/she should be able to pass probation.

When a probationer receives a "Competent" interim report, the Supervisor explains that his/her progress is satisfactory to date and outlines again the expectations for the remainder of the probationary period.

2. **Unsatisfactory:** The probationer's work performance is inadequate and below the standards of performance for the position. Factual evidence must be presented in writing to substantiate this rating, which carries with it the appointing authority's decision not to approve final and complete appointment. A draft of the "Unsatisfactory" Performance Evaluation Report shall be submitted to Performance Management Section, DCFS Human Resources, for review at least two (2) weeks prior to issuance.

13.060 Extension of Probationary Period

If the probationer is absent from duty for a prolonged period while on approved leave, and the raters do not have a reasonable opportunity to evaluate his/her performance, they may, with the approval of the Human Resources Manager, extend the probationary period commensurate with the actual time of the employee's absence. If the probationary period is to be extended, the employee must be notified in writing by the Human Resources Manager, prior to the end of the probationary period. In no case may the extension exceed the actual number of days absent or the total number of days of the probationary period.

Office Heads should request extension of the probationary period when:

1. They cannot make a fair or objective decision on the employee's competence to perform upon final appointment; and
2. The probationer has been absent from duty for a prolonged period while on approved leave. Twenty working days or more of accumulative, but not necessarily consecutive, absence is generally considered a prolonged period.

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Requests should be submitted in writing to the Head of Performance Management as soon as the Office Head determines an extension is appropriate, but not later than the end of the fifth month of probation.

The request should include:

1. Justification of the need for the extension.
2. Inclusive dates of probationary period as originally specified.
3. Inclusive dates of the probationer's absences from duty and types of leave granted. A copy of the master timecard shall be attached.

13.070 Permanent Employees

Civil Service Rule 20.04A provides five (5) categories of overall ratings and definitions for **permanent** (non-probationer employees) as follows:

1. **Outstanding:** All work performance is consistently above the standards of the position. A substantial part of the work performance exceeds supervisory and management expectations most of the time. Factual evidence **must** be presented in writing to substantiate this overall rating, including each factor that is rated better than "Competent."
2. **Very Good:** A substantial part of the work performance is well above the standards of performance required for the position, and all other parts of the performance are at least "Competent." Factual evidence **must** be presented in writing to substantiate this overall rating, including each factor that is rated better than "Competent."
3. **Competent:** Work performance is consistently up to or somewhat above the standards of performance required for the position. This is the performance that is expected of a trained and qualified employee. Factual information must be summarized by the rater in the "Comments" section to justify any factor rated better than competent.
4. **Improvement Needed:** This rating indicates that (1) a significant part of the work performance is below the standard of performance required for the position, and (2) it is reasonable to expect that the employee will bring performance up to acceptable standards. Factual evidence must be presented in writing to substantiate this rating.

When this rating is given, a new evaluation must be made within a period not to exceed six (6) months from the day on which the employee is given or mailed the "Improvement Needed" evaluation, except that the rating period may be extended by the length of any approved leave during the six (6) months.

Supervisors or Managers may rate the employee as "Unsatisfactory" at any time during the "Improvement Needed" period if the employee has not improved performance. If no follow-up rating is submitted at the end of the "Improvement Needed" period, the employee will revert to his/her immediate prior status.

5. **Unsatisfactory:** A substantial part of the work performance is inadequate and definitely inferior to the standard of performance required for the position. Factual evidence must be presented in writing to substantiate this rating. When this rating is given, it must be accompanied by a discharge or reduction in those cases in which the employee is still in service. The Supervisor re-informs the employee that an "Unsatisfactory" rating will result in

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reduction or discharge, as appropriate. The Supervisor shall explain that the employee will be given an opportunity to discuss the discharge or reduction action with his/her Office Head prior to the final filing of the report. No "Unsatisfactory" rating may be prepared until the Office Head confers with the Performance Management Section of DCFS Human Resources.

13.080 DCFS "Improvement Needed" Policy

An overall "Improvement Needed" rating requires adequate documentation to justify that rating. Part of that documentation is proof that the employee was clearly informed as to his/her deficiencies, what he/she must do to correct them, and that management made reasonable effort to assist him/her. A separate written plan for improvement is required and comments in the Performance Evaluation should include goals that are measurable.

In no case shall an overall "Improvement Needed" rating be issued until the Office Head confers with the DCFS Performance Management Section.

13.090 Guide for Annual Performance Evaluation Rating Periods

Ratings of efficiency of performance shall be made for permanent employees at least once each year and for probationers by the end of the probationary period. Annual Report of Performance Evaluations are delinquent after the end date of the rating period and shall be submitted to Personnel Processing prior to that end date. A revised rating must be submitted by the appointing power at any time (Civil Service Rule 20.02).

13.100 Last Performance Evaluation of Record

1. Probationer

A probationer who leaves his/her position before completing the probationary period should be rated according to the progress made during his/her actual length of time in the position. For example, a probationer who left his/her position after two (2) months and who was progressing satisfactorily should be rated "Competent." The report must be filed within 30 calendar days after the employee leaves.

2. Non-Probationer

When an employee terminates employment, the employee's most recent rating on file shall be the rating of record, and no additional rating need be made unless the performance has changed to "Unsatisfactory." If a new rating is to be given, the report must be mailed within 30 days of the employee's date of termination. If an out-of-service employee is to be rated "Unsatisfactory," the Office Head shall consult with the DCFS Performance Management Section before issuing the report.

13.110 Signature Protocol for Performance Evaluation Reports

The following signature protocol is to be used when completing Performance Evaluations for DCFS employees:

- If the overall rating is "Competent" or "Very Good," the Performance Evaluation shall bear the signatures of the immediate Supervisor as Rater and a Manager one level up as the Department Head. No Reviewer's signature is necessary.
- If the overall rating is "Outstanding," the Performance Evaluation shall bear the signatures of the immediate Supervisor as Rater, a Manager one level up as the

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Reviewer and the Chief Deputy Director or Senior Deputy Director, as appropriate, as Department Head.

- If the overall rating is “Improvement Needed” or “Unsatisfactory,” the Performance Evaluation shall bear the signatures of the immediate Supervisor as Rater, the Regional Administrator/Division Chief as Reviewer and the Deputy Director as Department Head.

In addition, overall ratings of “Improvement Needed” or “Unsatisfactory” must be also be reviewed and initialed by Performance Management before issuance.

All of the above signatures must be obtained prior to presenting the Performance Evaluation to the employee.

13.120 Supervisory Disputes about Performance Evaluation

If an employee has more than one (1) supervisor during a rating period and they are unable to agree on his/her performance rating for the rating period, the matter should be referred to an appropriate higher level Manager for resolution.

13.130 Distribution of Performance Evaluation Reports

The Central Personnel File is the official file maintained at the Human Resources Division on behalf of the Chief Executive Office. This file contains the records of an employee’s total County service. If he/she transfers to another department, the file is sent there.

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Chapter 14.000
Discipline

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14.000 Purpose and Intent

This section is a guideline to assist Supervisors and Managers in deciding when and how to impose discipline. It sets forth general practices and policies of the Department that should be followed in consultation with appropriate Personnel staff. It also serves to notify employees of Departmental policy and practice relating to discipline. It establishes specific procedural requirements that must be met in order to properly impose discipline. By understanding the guidelines and discipline discussed in this section, Supervisors and Managers can resolve most disciplinary problems quickly and properly.

The purpose of discipline is to ensure effective and efficient Departmental operations and employee adherence to reasonable and acceptable rules of performance and conduct. Generally, an employee is self-disciplined when he/she acts within the range of acceptable behavior and performance and is not disrupting Departmental operations.

In instances of either unacceptable conduct or performance, it becomes the responsibility of Supervisors and Managers to impose discipline. For the most part, such discipline should be corrective in nature and designed to impress upon the employee and the overall workforce the necessity for proper conduct and performance. Therefore as used in this manual, discipline is not a punitive measure. However, some misconduct is either not correctable through discipline or immediately renders the individual unsuitable for continued employment. Other steps, such as discharge, should be used.

14.010 Non-Disciplinary Actions

The purpose of non-disciplinary action is to inform the employee of the potential problems that may result in discipline if he/she continues, to help correct the problems before they become significant, and/or to advise the employee of the expected behavior. Some examples of non-disciplinary actions are conferencing, counseling the employee about work problems before they become significant, placing the employee on Certified Time status to help the employee improve poor attendance, absent without paying an employee for tardiness, or re-training to help improve the performance. Non-disciplinary actions should occur as soon as possible after the unacceptable behavior or poor performance is first noted.

14.100 Disciplinary Actions

14.110 Progressive Discipline

After the non-disciplinary approach is used without success, or in some initial instances of misconduct or poor performance, the Supervisor or Manager must impose discipline. Generally, discipline will follow a "Progressive Step Method." This method attempts to correct, resolve, or remove the employee's performance problem or misconduct at the mildest, **most effective level**. It should be imposed when the Manager can reasonably anticipate that the discipline will be effective. The formal disciplinary steps from least to most severe are:

- Warning
- Reprimand
- Suspension
- Reduction
- Discharge

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It is not necessary to impose each step of discipline. Circumstances may call either for bypassing or imposing repetitive discipline. Some factors that may alter the progression are the seriousness of the individual offense, the frequency or length of time between occurrences, or the attitude of the employee.

14.120 Non-Progressive Discipline

There are some acts of misconduct that, by their nature, are not appropriate for progressive discipline. These acts are those that the employee should have reasonably known to be unacceptable without specific notice from the Department, or that are generally socially unacceptable. In these situations, discipline may be taken based on the degree of severity appropriate to the nature of the problem and status of the employee. Such behavior includes, but is not limited to, dishonesty, theft, violent or disruptive behavior, insubordinate behavior, or behavior that is illegal or places the Department in violation of Federal law, State law, local ordinance, or court orders. Behavior of this type should be disciplined by suspension, or, if warranted, discharge on the first occurrence.

Progressive discipline is also not applicable to employees during probation. The probationary period is an extension of the examination process to determine how well an employee may be expected to conduct himself/herself and perform the duties for which he/she was hired. If circumstances warrant, the probation period may be terminated and a discharge imposed.

14.130 Unacceptable Off-the-Job Behavior

Normally, an employee cannot be disciplined for misconduct occurring outside of employment. However, there are certain circumstances where an employee's outside behavior may be related to the responsibilities and goals of the Department or County service.

When an employee's off-the-job conduct is related in such a manner that it significantly and negatively impacts upon the Department's operation or the employee's ability to perform competently, discharge or suspension may be warranted. Off-the-job conduct that is job connected (nexus) includes criminal behavior such as rape, theft, forgery, child abuse or neglect (criminal and non-criminal), and conflict of interest (see Chapter 8.000). When a Supervisor or Manager receives information that an employee has engaged in off-the-job behavior that impacts upon the Department's operations or brings into question the employee's ability to perform his/her duties, a referral to appropriate staff in Human Resources Division must be made.

Note: California Penal Code Section 1203.4 provides for the release of a defendant from further penalties for the same offense he/she was convicted of when the charge is dismissed after successful termination of court ordered probation. This means that an employee may not be automatically subject to disciplinary action based on a criminal conviction which has been dismissed per Penal Code 1203.4. In those situations, however, where the employee was convicted of serious or multiple crimes with strong job nexus as described above, appropriate disciplinary action, including suspension or discharge, may be warranted even though the conviction(s) was/were dismissed under Penal Code 1203.4.

Off-the-job conduct may also be considered for discipline when it is deleterious to the Civil Service system or County government without being specifically related to the job function or Departmental operations. For example, an employee who cheats in a Civil Service examination or falsifies Civil Service examination applications (or test entry notices) is subject to disciplinary action, up to and including discharge.

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14.140 Unacceptable On-the Job Behavior

In addition to the offenses aforementioned, Civil Service Rule 18.031 states the following as acts or behavior that are subject to discipline:

Discipline

“Failure of an employee to perform his/her assigned duties so as to meet explicitly stated or implied standards of performance may constitute adequate grounds for discharge, reduction, or suspension. Where appropriate, such grounds may include, but are not limited to, qualitative as well as quantitative elements of performance, such as failure to exercise sound judgment, failure to report information accurately and completely, failure to deal effectively with the public, and failure to make productive use of human, financial, and other assigned resources. Grounds for discharge, reduction, or suspension may also include any behavior or pattern of behavior which negatively affects an employee’s productivity or which is unbecoming a County employee; or any behavior or condition which impairs an employee’s qualifications for his or her position or for continued County employment.”

The enumerations in this Chapter and in Rule 18.031 are not exhaustive of the misconduct, areas of poor performance, or disciplinable acts.

For instance, an additional area of unacceptable conduct is excessive absences. An unreasonable number of absences over a significant period of time may result in discharge, even if those absences are due to valid reasons, such as illness or emergent situations.

14.150 Inappropriate Conduct of a Sexual Harassment Nature

DCFS, in accordance with County policy, prohibits sexual harassment. Any employee who engages in behavior that constitutes sexual harassment is subject to disciplinary action. Furthermore, the possibility of civil liability exists for both management and employees determined to be quality of sexual harassment.

Definitions

Sexual harassment is defined as unsolicited and unwelcome sexual advance, requests for sexual favors and/or other written, verbal, physical and/or visual conduct of a sexual nature. Sexual harassment constitutes sex discrimination when:

1. Submission to such conduct is made either explicitly, or implicitly a term or condition of an individual’s employment.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
3. Such conduct has the purpose, or effect, of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Complaints

Anyone who feels that he/she has been subjected to sexual harassment that falls into sex discrimination as enumerated under the “**Definitions**” section above or anyone who has knowledge of such behavior is encouraged to fill out the “Sexual Harassment Complaint” form with the Department’s Civil Right’s Coordinator.

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14.160 Steps before Imposing Discipline

Before disciplining an employee, the following steps are required or should be taken by the Supervisor or Office Head:

1. Investigate (gather the facts);
2. Evaluate whether the facts reflect employee misconduct;
3. Evaluate the significance of the misconduct, if any; and
4. Determine the proper discipline.

Discipline should be an impersonal and impartial step made with the intent of correcting the misconduct or poor performance before it becomes more severe or an incorrigible pattern. It should be imposed as soon as possible after the incident or problem occurred.

The determination of the facts usually involves an investigation. The extent of the investigation is determined by the nature and seriousness of the allegations, performance problem, or misconduct involved. The investigation can range from a conference between the supervisor and other employees to managers and Human Resources Division staff. When necessary and practicable, written statements from witnesses and participants must be obtained. These statements need not be made under oath, but must be signed by the declarant.

One step in the investigation should be the conference with the employee to obtain his/her statement and explanation, if any, regarding the matter. The employee is not necessarily entitled, however, at the time of the investigative interview to see statements of the individuals involved or to know the identity of the witnesses are, if any. Upon the explanation of the employee, it may be necessary for the Supervisor or Manager to continue the investigation to verify or clarify the employee's statement, other statements, or relevant information.

Obtaining and evaluating facts regarding an employee's misconduct should be done objectively, thoroughly, and as quickly as possible. The evidence being considered should be relevant to establishing or disproving the occurrence of misconduct and viewed in light of what reasonable people are accustomed to rely upon in the conduct of serious affairs.

The evaluation of the facts should be done to establish exactly what the employee did, the culpability of the employee, and whether the employee engaged in misconduct. Misconduct may result from violations of this manual, Civil Service Rules, Departmental or office policies or practices, public assistance regulations, Federal laws, State laws, local ordinances, or Departmental interests and operations.

Finally, the judgment of the appropriate discipline should be based upon several factors, such as:

1. Seriousness of the offense; the impact, real or potential, upon the Department or the office operations.
2. Previous discipline or conferencing.
3. The length of service and overall performance of the employee.
4. Consistency of discipline in similar situations and to other types of offenses.

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5. The needs of the Department or office.
6. The attitude and culpability of the employee.

14.200 Types of Discipline

14.210 Warning

A warning is a formal notice to an employee that further disciplinary action will be taken unless the conduct or performance improves. The warning is usually issued when the prior counseling has not corrected the performance or problem.

It is the mildest form of discipline. It may be issued by the immediate Supervisor or higher. A warning should be issued in writing; however, on occasion it may be given orally. If it is given in writing, it must be entitled, "Warning," and it should:

1. Describe or document the misconduct or poor performance and its unacceptability;
2. Identify previous counseling, if any;
3. Reference the expectations for future performance of conduct;
4. Incorporate the employee's reason for his/her actions; and
5. Identify the disciplinary consequences of repetition, continuation, or lack of improvement.

The employee must receive a copy and acknowledge receiving it by signing it. If he/she refuses to sign the warning, the Supervisor should so note on the document and have it witnessed. If the employee is absent from work, the warning should be sent by Certified Mail and First Class. A copy should be filed in the office personnel folder in accordance with the employee's applicable grievance procedures under Human Resources Manual Chapter 12.000 or Memorandum of Understanding (MOU).

Warnings should be adequately referenced in the performance evaluations covering the period during which the warnings were issued. The performance evaluation should reference the date and reason for the warning.

14.220 Reprimand

A reprimand is a more serious form of written discipline. It is normally issued when an incident negatively impacts upon office or Departmental operations, or when prior disciplinary actions have not corrected the pattern of behavior or performance. The reprimand can only be issued by the Office Head or higher level management. The reprimand must be entitled, "Reprimand," and it should:

1. Describe or document the misconduct and its unacceptability;
2. Identify previous counseling, if any;
3. Reference the expectations for future performance of conduct;
4. Incorporate the employee's reason for his or her actions; and
5. Identify the disciplinary consequences of repetition, continuation, or lack of improvement.

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The employee must receive a copy and acknowledge receiving it by signing it. If he/she refuses to sign the reprimand, the Office Head should so note on the document and have it witnessed. If the employee is absent from work, the reprimand should be sent by Certified Mail and First Class Mail. A copy should be filed in the central personnel folder, as well as the office personnel folder, subject to applicable MOU provisions or grievance procedures outlined in Chapter 12.000.

Reprimands should be adequately referenced in the performance evaluation covering the period during which the reprimands were issued. The performance evaluation should reference the date and reasons for the reprimand. The filing of a grievance should not preclude referencing the reprimand in the performance evaluation. If the final outcome of the grievance is removal of the reprimand, a revised evaluation shall be issued deleting the reference to the reprimand.

14.230 Suspension

Suspension is the next serious form of discipline. It is the temporary removal of an employee from his/her duties without pay. A suspension can only be imposed by the Director of the Department or his/her designee. The Department's Human Resources Manager or the Employee Relations Manager is the Director's designee. The DCFS Performance Management Section prepares the formal letter of suspension.

Suspensions should be imposed as discipline when the misconduct is so significant that the operations of the Department or office have been or could be seriously affected, or when previous lesser discipline has not corrected the same misconduct or performance, or when it is not reasonably expected that the lesser discipline will correct the behavior or performance. It usually represents the last disciplinary step before an employee's discharge or reduction.

Some suspensions are not disciplinary in nature. An employee may be suspended pending the results of an investigation into allegations of misconduct. The allegations may either be so serious or criminal in nature that the Departmental needs require the employee's immediate removal. The investigation should be conducted as rapidly as possible to determine if any misconduct occurred, and if so, whether a disciplinary action is justified.

All notices of suspension must be in written form. However, on occasion it may be necessary for an employee to be immediately suspended either pending investigation or because his/her continued presence on the job represents an eminent danger to the employee, to other employees, to the public, or to individuals under the care of the Department. In these cases, an employee may be immediately suspended. However, at the time of the suspension, the employee must be informed, in writing, of the basis for the suspension and his/her *Skelly* rights.

NO EMPLOYEE IS TO BE IMMEDIATELY SUSPENDED BY THE OFFICE HEAD WITHOUT CONSULTATION WITH THE DCFS HUMAN RESOURCES DIVISION PERFORMANCE MANAGEMENT STAFF.

A suspension may not exceed 30 calendar days in length. It may be used in conjunction with a reduction or discharge, especially when the discharge or reduction arises from a "*suspension pending investigation.*"

However, under Civil Service Rule 18.01, when a suspension results from a criminal complaint charge or indictment filed against the employee, the period of suspension may exceed 30 calendar days after the conviction or acquittal has become final.

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14.240 Reduction

A reduction is a lowering of an employee's rank or grade. As used in this manual, reduction and demotion are synonymous. Reduction as used in this section of the manual means involuntary reduction.

A voluntary reduction is not disciplinary action (see Chapter 10.000 regarding voluntary demotions).

Before initiating an involuntary reduction, an Office Head shall consult with DCFS Performance Management. The DCFS Performance Management prepares the formal letter of reduction.

An employee may be involuntarily reduced only for good and sufficient cause. Such reasons must be stated in writing and include specific grounds and facts upon which a reduction is based. Under appropriate circumstances, an employee may be reduced after he/she has completed a first probationary period. Compared to a discharge, a reduction would usually be more appropriate in cases involving inefficiencies that are not serious enough for discharge. The employee would be reduced if there is reason to believe that he/she might function adequately in an available lower level position.

In some cases of inefficiency, an involuntary reduction may be imposed without a formal plan of improvement. An appropriate case would be an employee who is not competently performing his or her duties and would not be reasonably expected to improve if placed on "Improvement Needed."

In some cases of unacceptable behavior, an employee may be suspended and involuntarily reduced for the same offense. This may include, but is not limited to; such conduct as abuse of Supervisor or management authority, behavior unbecoming a position of authority, or any behavior which impairs an employee's qualification for his or her position.

14.250 Discharge

A discharge means the complete and final separation from the Department and County service for cause. Discharges occur when prior discipline has not corrected the employee's unacceptable performance, or in circumstances where the misconduct has rendered the individual immediately unsuitable for further employment, or where it can be reasonably anticipated and demonstrated that a lesser disciplinary action will not correct the situation. ***In considering any discharge, including those involving temporary employees,*** an Office Head shall consult with DCFS Performance Management.

The DCFS Performance Management prepares the formal letter of discharge. If an "As Needed" employee is being terminated for disciplinary cause, the letter of termination is prepared by the Performance Management Section.

14.300 Roles in Discipline

The discipline process described in this Chapter requires the involvement of the Supervisor, Manager, or Office Head, and staff from Performance Management Section.

Discipline should not only meet the guidelines established previously, but must meet specific County rules and regulations, as well as stand up when applicable, to scrutiny of reviewing bodies such as the Civil Service Commission, the Employee Relations Commission, and the courts. Therefore, no disciplinary action above reprimand shall be imposed without the Office Head consulting with DCFS Performance Management. It is recommended that the Office Head consult with the Performance Management Section prior to issuing a reprimand and the Supervisor consult with his/her superior prior to issuing a warning.

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It is the joint responsibility of the Office Head and DCFS Performance Management Section to ensure that discipline is justified and properly imposed, meeting the due process requirements spelled out below, by Civil Service Rules, and by any applicable law or court ruling.

14.310 Supervisor's Role

The Supervisor is often the first individual to identify potential discipline or performance problems. By acting in a timely manner, the Supervisor can avert the need for discipline by using non-disciplinary steps, or lay a good foundation for discipline if and when it does become necessary.

Supervisors can maintain appropriate employee discipline by:

1. Practicing what they preach. The pattern of effective work and good conduct starts with the Supervisor. They are the model that most employees tend to follow.
2. Establishing reasonable work objectives and continually stimulating the employee's interest in reaching these objectives.
3. Fostering a favorable working atmosphere, one that encourages employees to want to do their best. Although physical surroundings are important, factors such as personal relationships add a great deal to the work environment. Employees should be encouraged to suggest improvements in the work, or to bring questions or complaints to the Supervisor. The Supervisor should be readily available to hear out these matters.
4. Consistently maintaining firm, impartial supervision. Infraction of the rules should be dealt with fairly, properly, and privately. Concrete examples of poor performance or behavior should be documented and discussed. Continuing follow-up on problem cases is essential to assure significant improvement or to recognize a need for more drastic action; the "need to improve" should be reflected in the performance evaluation(s). The employee's failure to improve may indicate a need for further disciplinary action.
5. Being aware of possible causes for employee misconduct. These causes may be personal or work related. However, these circumstances do not minimize the need to take disciplinary action, but may indicate the necessity for additional actions, such as a referral to the Health and Safety Officer or the Employee Assistance Program.
6. Determining to what extent an employee should have been aware that his/her performance or conduct was unacceptable (Departmental rules and common sense).
7. Summarizing the matter in writing.
8. Consulting with own supervisors as appropriate.

14.320 Office Head's Role

1. To act as a consultant to Supervisors and subordinate Managers on discipline matters within their groups.
2. To make a prompt, thorough, and impartial determination of the facts in cases not resolved by Supervisors, and to resolve the matter within the office if possible.
3. To identify problems that cannot be resolved within the office and to request further consultation with DCFS Performance Management and the Office Head's superior.

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4. To uphold and enforce the Department's policy in the imposition of warranted disciplinary actions.
5. To act as the decision-maker in determining the appropriate corrective action when such authority is delegated by the Department Head.

14.330 DCFS Performance Management Section Staff Role

1. To advise management in all related aspects and recommend action.
2. To ensure that these matters are conducted in accordance with Department and County rules.
3. To represent the Department before the Civil Service Commission.

14.340 Disciplinary Action Checklist for Supervisors and Office Heads

Before any potential disciplinary action is considered, the following points shall be followed:

1. Investigate and consider all sources of relevant information (facts, not opinions).
2. Verify information.
3. Give employees an opportunity to fully state their "side of the story."
4. Consult with appropriate supervisor(s) involved.
5. Analyze facts thoroughly and objectively.
6. Consider the employee's past record and length of service.
7. Summarize the matter in writing.

14.400 Due Process Requirements and Appeal Rights

Due process requirements exist to ensure fairness in the imposition of discipline. Their intent is to allow the employee a full and effective opportunity to protect vested property rights arising from permanent employment. These requirements come into play either prior to or after the imposition of discipline. The extent and time of these requirements depend upon the employment status of the individual, the type of discipline involved, and, occasionally, the nature of the charge leading to the discipline.

Any employee may request to file a response to charges of misconduct or disciplinary actions. He/she may answer or explain the assertions or facts contained in the notice of discipline (warning, reprimand, suspension, or discharge). In addition, in accordance with Memoranda of Understanding (MOU) provisions, the employee may use the Departmental grievance procedure. However, the use of the grievance procedure is not a substitute for rights provided by Civil Service Rules.

14.410 Permanent Employees

The Department must formally notify the employee in writing of the intent ("*Skelly*") to suspend, reduce, or discharge unless the employee was orally suspended. The letter of intent shall specify the reasons for the intended action and enumerate facts to support the reasons. The letter must also

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identify the employee's right to respond to the allegations and facts **prior to** the imposition of the suspension, reduction, or discharge. The intent is to allow the permanent employee who has vested property right in his/her employment the opportunity to due process.

The employee also has a right to copies of all documents, reports, and written materials that have been relied upon in determining the discipline.

The employee also has a right to representation of his/her choice in responding. The opportunity to respond allows the employee to present any material information relevant to show why the Department should not proceed with its intended action or why the Department should reduce its intended action. The response may be in writing or at a meeting through Performance Management with an impartial Management representative. The meeting is not a hearing. Employees or their representative do not have the right to examine potential witnesses or administrators. The Department need only give a reasonable time not to exceed ten (10) days for the employee to respond to the letter of intent. The time for response will not be extended indefinitely or unreasonably for the employee's benefit.

If the Department proceeds as intended following the employee's response, the employee must be notified in writing of the suspension, reduction, or discharge. The notice must be served on the employee before the effective date of the discipline. It must cite the reasons for the action and facts to support it. It must also inform the employee of his/her right to appeal and or grieve (where appropriate) the discipline as described below.

14.420 Discharge or Reduction (Permanent)

Within fifteen (15) business days from date of service of the discharge or reduction letter, the employee may appeal to the Civil Service Commission for a hearing. The employee's petition must be in writing and identify the action which is appealed. It must contain specific facts and reasons upon which the employee's case is based.

The Commission may not consider any information or charges made by the Department unless they are contained in the letter of discharge or reduction, nor any made by the employee unless the employee has previously provided them to the Department for consideration, unless such information or charges were not then known and could not reasonably have been expected to be known by the Department or the employee.

14.430 Suspension – Five (5) Days or Less

Within fifteen (15) business days from the date of service of the suspension letter, the employee may appeal to the Department of Human Resources (DHR) by requesting a review. The employee's request must be in writing and must contain specific detailed information. The employee may also grieve the action by following the grievance procedure. In grieving the action, the time limits on the appeal will be waived and a final decision will be delayed. The employee is not required to exhaust the grievance procedure before appealing. The use of a grievance does not replace or extend the original fifteen (15) business day period in which the employee may appeal to the DHR.

14.440 Suspension – More than Five (5) Days

Within fifteen (15) business days from the date of service of the suspension letter, the employee may appeal to the Civil Service Commission by petitioning for a hearing. The employee's petition must be in writing and identify the action that is being appealed. It must contain specific facts and reasons upon which the action is based. The employee is required to exhaust the grievance process prior to filing the appeal. The use of a grievance does not replace or extend the original fifteen (15) business day period in which the employee may appeal to the Commission.

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14.450 Probationary Employees

A probationary employee is an employee who has not completed a first probationary period as a County employee. A permanent County employee who is serving a subsequent probationary period is a permanent employee, except for purposes related to the position in which he/she is then serving.

A first-time probationary employee who is being discharged is not entitled to a notice of intent to discharge or opportunity to respond.

The probationer must be notified in writing of the discharge or reduction prior to the effective date of reduction or discharge and prior to midnight of the last day of the probation period (the reduction or discharge must be effective prior to midnight of the last day of probation). The letter must also inform the employee of a right to appeal as described below.

14.460 Reduction, Discharge of First Time Probationary Employees

Within ten (10) business days of notice of discharge or reduction, the probationer may file an appeal with the DHR by requesting a review. The appeal must be in writing and must contain specific, detailed information upon which the appeal is based.

14.470 Permanent Employees Serving a Second or Subsequent Probationary Period

A permanent employee serving a subsequent probationary period who is being discharged or suspended retains the same appeal rights as other permanent employees.

14.480 Appeal Rights Chart

Disciplinary Action	Appeal To	Time Limits
Discharge or reduction of permanent employees	CSC	15 working days from date notice is served
Discharge or reduction of probationary employees	DHR	10 working days from the date notice is served
Suspension, five (5) days or less	DHR	15 working days from date notice is served
Suspension, 6 – 30 days	CSC	15 working days from date notice is served

14.490 Restoration of Salary or Earned Paid Leaves of Absence as Related to Disciplinary Action

Los Angeles County Code Chapter 6.20.100 provides that:

1. In the event an employee is ordered to absent himself/herself from the job based on probable cause, and it is subsequently determined by a finding of both the department and DHR that cause did not exist for the ordered absence, the employee shall have restored to him/her any paid leaves of absence against which such absence may have been charged, and he/she shall be granted a retroactive leave of absence with pay for the time during which he/she was prohibited from performing the duties of his position, less any compensation paid to him/her by the County during such ordered absence.

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2. In the event an employee is reduced, suspended and/or discharged, and upon appeal the Civil Service Commission or a court having jurisdiction does not sustain such reduction, suspension and/or discharge, the employee shall be entitled to his/her base rate of salary, vacation and sick leave as if such sustained reduction, suspension or discharge had not been invoked. However, in no event shall an employee be entitled to any salary or credit for vacation and sick leave for any period of time covered by a suspension which is sustained or for any period of time waived by an employee as a condition to the granting of a continuance of his civil service or judicial hearing.
3. If, during an absence for which an employee is paid pursuant to this section, he/she received any compensation which he would not have received had he continued to perform the duties of his/her position, such sum shall be deducted from the salary otherwise payable to him/her pursuant to this section. (Ord. 6222 Ch. 1 Art. 11 § 245, 1953)

14.500 “As Needed” Employees

“As Needed” employees serve at the discretion of the Office Head and may be released at any time. No appeal rights exist for “As Needed” employees, except as provided in Civil Service Rule 13.05, which states that “[a]ny person who is adversely affect by any action in violation of Rule 13 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within ten (10) business days of notification of such action. Such written request for review shall name the specific act complained of and state the reasons for the complaint and the remedy requested.”

14.510 Service of Notice

For purposes of this manual section, service of notice, or date of notice, means the date the employee was handed the notice or the date the notice was mailed to the employee.

When the notice is sent by mail, the date is established when the correspondence is deposited into the United States Post Office or mailbox, sub-post office, sub-station or mail chute, or other like facility regularly maintained by the U.S. government. The correspondence must be in a sealed envelope, properly addressed to the address of record to the employee, with postage paid.

14.520 Examples of Causes for, and Nature of, Disciplinary Actions

The following list of causes for disciplinary action is representative only, and is not all-inclusive. The list of disciplinary actions is intended as a guide only, and should not be applied “automatically” in relation to actual infractions. It is impractical to establish a set of disciplinary actions that can cover every offense and every employee. All the circumstances surrounding a particular offense must necessarily be considered.

Some degree of flexibility is available in determining the severity of a disciplinary action. This may result in an action more or less severe than those listed in these guidelines. As with all matters relating to discipline, good judgment is imperative.

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
A. Fraud, Falsification, Dishonesty			
1. Falsification of application or omission of information for employment when it materially affects acceptance or rejection for employment or promotion.	Applicant: Do not hire Employee: Discharge	Reduction or discharge	
2. Refusal to subscribe to or take any oath or affirmation required by law or ordinance.	Applicant: Do not hire Employee: Discharge		
3. Refusal to take a medical examination as required by Civil Service Rules or County Ordinance.	Applicant: Do not hire Employee: Discharge		
4. Refusal to be fingerprinted or live-scanned.	Applicant: Do not hire Employee: Discharge		
5. Any form of cheating in a County Civil Service examination; including but not limited to unauthorized possession or use, or distribution of examination material, participating in an examination for another person.	Applicant: Do not hire Employee: 30 days suspension; Discharge	Discharge	
6. Submission of false time or financial records (travel, mileage, cashier reports, trust fund payments, etc.).	15-30 days suspension to discharge	30-Day suspension; Discharge	Discharge
7. Falsification or submission of false time cards for self or other employees.	1-10 days suspension to discharge	15-30 Day suspension; Discharge	Discharge
8. Misuse or falsification of time; falsification and/or abuse of sick time; abuse of sick leave, submission of falsified altered medical statement.	30 days suspension to discharge	Discharge	

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
9. In connection with performance of duties, soliciting, accepting, or offering bribes, gifts or gratuities from the public, fellow employees, superiors, subordinates, or dependents of the County in connection with performance of duties as an employee for personal gain.	Discharge		
10. Failing to report outside employment.	Warning to 5 days suspension	10- 30 days suspension; Discharge	30 Day suspension; Discharge
11. Engaging in and failing to report employment activity constituting a conflict of interest.	5-30 days suspension; Discharge	30 day suspension; Discharge	Discharge
12. Failing to report living with a client.	10 days suspension; Discharge	Discharge	
13. Falsifying, concealing, removing, mutilating, or destroying reports or documents.	10-30 days suspension; reduction; or Discharge	30 day suspension; Discharge	Discharge
14. Withholding information from superiors, fellow employees, subordinates, public, clients, or dependents of the County that could or does result in loss, injury, or damage to those individuals or the County.	15-30 days suspension; Discharge	Discharge	
15. Making false statements or misrepresenting information to superiors about possession of a valid California driver's license.	1-30 days suspension; Discharge	Discharge	
16. Failure to properly exercise reporting responsibilities of suspected child abuse.	10-30 days suspension to discharge	Discharge	
17. Falsification or omission of required information from the employee information sheet and/or employment application form when it does not materially affect acceptance or rejection for employment or promotion.	Applicant Do Not Hire; Permanent Employee: 1-30 Days Suspension; Discharge	Reduction; Discharge	

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
18. Working for another employee or self-employed while on an approved leave of absence when such work has not been authorized by the Department.	1-30 days suspension; Discharge	Discharge	

B. Refusal, Failure to Comply

1. Insubordination or refusal to obey written instructions from, or act as directed by Supervisor or higher ranking agency personnel, including behavior demonstrating a willful disregard of expressed directions of Supervisor or higher ranking agency personnel.	1-15 Days suspension; reduction; Discharge	30 day suspension; reduction; Discharge	Discharge
2. Refusal to perform duties or use skills of which the employee was hired.	Discharge		
3. Failure to follow instructions.	Warning to 5 days suspension	5-30 days suspension	Discharge
4. Failure to follow established rules and regulations or adhere to security policies.	Warning to 10 days suspension	15-30 days suspension; Discharge	Reduction; Discharge
5. Refusal or failure to cooperate with Supervisor.	Warning to 5 days suspension	5-30 days suspension to discharge	Discharge
6. Failure to cooperate during an administrative or Internal Affairs Investigation.	Discharge		
7. Providing inaccurate, false or misleading information-during an administrative or Internal Affairs Investigation.	1-15 Days suspension; Reduction; Discharge	30 day suspension; Reduction; Discharge	Discharge

C. Attendance and Absenteeism

1. Unauthorized absences.	Warning to 10 day suspension; 30 day suspension; Discharge	15-30 days suspension	Discharge
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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
2. Excessive absences or patterned absences.	Warning to 10 days suspension; 30 day suspension; Discharge	15-30 days suspension	Discharge
3. Excessive tardiness.	Warning to 5 days suspension	10-30 days suspension	30 day suspension; Discharge
4. Failure to notify Supervisor regarding absence within policy time limits.	Warning to 5 days suspension	10-30 days suspension	30 day suspension; Discharge
5. Absence from duty without leave after having been denied permission to take leave.	3-15 days suspension	20-30 day suspension	Discharge
6. Asleep on duty.	Warning to 10 days suspension	15-30 days suspension	Discharge
7. Frequent unscheduled absences.	Warning to 10 days suspension; 30 day suspension; Discharge	15-30 days suspension; Discharge	Discharge

D. Misconduct and Inappropriate Conduct

1. Fighting, striking, or using unnecessary force on the public, fellow employees, superiors, clients, or County dependents; attempting to cause injury to any of those individuals.	15-30 day suspension; Discharge	Discharge	
2. Threatening bodily harm in person or by other means (e.g. telephone, fax, written note/correspondence. etc.) to public, clients, fellow employees, superiors, or dependents of the County. Includes threats of a County facility.	15-30 days suspension; Discharge	Discharge	
3. Endangering self, fellow employees, public, superiors, clients, or dependents of the County by violation of safety rules, laws, or ordinances.	Warning to 15 days suspension; Discharge	15-30 day suspension to discharge	Discharge

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
4. Misappropriation or unlawful taking of County equipment, property, or supplies, or property of public, fellow employees, superiors, clients, or County dependents.	15-30 day suspension; Discharge	Discharge	
5. Causing willful or negligent destruction of County property, equipment, or supplies, or of personal property of public, fellow employees, superiors, clients, or County dependents.	5-30 days suspension; Discharge	30 day suspension; Discharge	Discharge
6. Unauthorized use of County postage, telephone, and photocopy machines for personal use.	Warning to 15 days suspension; Discharge	15-30 day suspension; Discharge	Discharge
7. Unauthorized use of, or operating, using, or possessing equipment, machines or tools to which the employee has not been assigned; or performing other than assigned duties.	Warning to 30 days suspension; Discharge	15-30 day suspension; Discharge	Discharge
8. Driving a motor vehicle on County business without a valid California driver's license (includes un-renewed, expired, suspended, or revoked license).	1-30 days suspension; Discharge	Discharge	
9. Criminal, dishonest, or immoral conduct while performing duties on County premises, during work hours, or when such conduct is related to the employee's duties or interests of the Department or County.	30 days suspension; Discharge	Discharge	
10. Discourtesy to supervisors, including making false, vicious, or malicious statements.	5-15 days suspension	30 days suspension to Discharge	
11. Discourtesy to or failing to work harmoniously with fellow employees. Includes making false, vicious, or malicious statements about any employee.	Warning to 10 days suspension; Discharge	15-30 days suspension; Discharge	Discharge
12. Discourtesy to the public or clients.	5-15 days suspension; Discharge	30 days suspension; Discharge	Discharge

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
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13. Borrowing money from:			
a. Clients	a. Discharge		
b. Subordinates	b. 15-30 days suspension to discharge	b. Discharge	
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14. Making derogatory, racial, ethnic, or sexist remarks.	Warning to 1-15 days suspension	30 days suspension to discharge	Discharge
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15. Inappropriate conduct of a sexual harassment nature of any fellow employee, superior or subordinate			
a. Verbal harassment for sexual favors.	a. 30 days suspension	a. Discharge	
b. Physically accosting any Departmental employee or displaying lewd behavior. Includes, but not limited to, any inappropriate physical contact with another employee.	b. 30 days suspension	b. Discharge	
c. Visual harassment.	c. 5-30 days suspension	c. Discharge	
d. Written harassment.	d. 30 days suspension	d. Discharge	
e. Threats verbal demands and/or verbal harassment to submit to sexual request(s) in order to keep employment, or obtain favorable job evaluation, or avoid some other loss; and offers of job benefits in return of sexual favors.	e. Discharge		
f. Retaliation for having reported harassment.	f. Discharge		
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16. Engaging in or attempt to engage in inappropriate or illicit sexual or social relationships with minors, clients, or persons for whom the Department provides services.	Discharge		
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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
17. Failure to maintain appropriate personal appearance and/or personal hygiene.	Warning	Reprimand	15-30 days suspension to discharge
18. Taking minor(s) or client(s) to employee's home, or home of friends or relatives, without Department approval.	5-15 day suspension to discharge	Discharge	
19. Using intimidation and/or retaliation against employees who file grievance or complaint regarding the administration of the Smoking Policy.	5-15 day suspension	15-30 days suspension to discharge	Discharge
20. Failure to report known or suspected child or elder abuse immediately, or as soon as practically possible.	30 days suspension to discharge	Discharge	
21. Failure to answer County telephones promptly, courteously and with a business-like identification of the person answering the telephone.	Warning to 5 days suspension	10-20 day suspension	30 days suspension; Discharge
22. Making derogatory racial, ethnic, or sexist remarks.	Reprimand to 30 days suspension	30 days suspension to discharge	Discharge
23. Conviction of serious crimes, such as a sale of narcotics or dangerous drugs, forgery, rape, sexual battery, crimes against children, blackmail, welfare fraud, embezzlement, falsification of public records, murder, even if dismissed or expunged per Penal code 1203.4. (Also refer to Sections 2.003, 2.004, 14.103 for DCFS hiring policy for same or additional crimes/convictions DCFS employees should be free of having committed.)	Applicant: Do Not Hire Employee: 30 day suspension; Discharge	Discharge	
24. Making unauthorized home calls on Departmental clients.	10-30 days suspension to discharge	Discharge	
25. Failure to comply with Departmental policy and procedures relative to care and maintenance of computer equipment, computer data, misuse of fax machine and/or unauthorized or improper use or access of the internet.	Warning to 15 days suspension; Discharge	15-30 days suspension; Discharge	Discharge

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
26. Abuse of Supervisor or management authority, or conduct unbecoming position of authority.	Reprimand to 15 days suspension; Reduction; Discharge	20-30 days suspension; Reduction; Discharge	Discharge

E. Use of Alcohol, Narcotics, Firearms, and Gambling

1. Consuming or being under the influence of alcohol while on duty or possession of alcohol on County property.	10-30 days Suspension; Reduction; Discharge	Reduction; Discharge	
2. Under the influence of or possessing illegal drugs or narcotics on duty and/or while on County property.	15-30 days suspension; Reduction; Discharge	Discharge	
3. Operating County vehicles, equipment, or employee's own vehicle for County business, while under the influence of alcohol, drugs or narcotics.	20-30 day suspension; reduction; Discharge	Discharge	
4. Participating in gambling on duty or on County property.	Warning to 5 days suspension	5-30 days suspension	Discharge
5. Conducting or organizing gambling on the job.	1-5 days suspension	5-30 days suspension to discharge	Discharge
6. Unauthorized possession or use of dangerous weapons, such as firearms, knives, tear gas, or any other unauthorized chemical agent, while on County property or while performing the duties of a County employee.	5-30 days suspension to discharge	Discharge	
7. Operating or driving County vehicles, equipment, or employee's own vehicle for County business in reckless/unsafe manner as to place the Department/County in a position of potential liability or harm to others.	30 days suspension to discharge	Discharge	

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
F. Job Performance			
1. Violation of the recognized code of ethics of the professional group of the offender.	5-15 days suspension; Discharge	Discharge	
2. Consistently failing to meet requirements, carelessness or negligence of duties resulting in improper service being rendered to clients or dependents of the County resulting in impairment of a County function. For example, failure to comply with mandated home call requirements, timely submission of court reports and CSW/CMS documentation.	Warning to 15 days suspension; Reduction; Discharge	20-30 days suspension; Reduction; Discharge	Reduction; Discharge
3. Failure to maintain prescribed records that results in loss to Department or loss or injury to persons or property.	Warning to 15 days suspension; Reduction; Discharge	20-30 days suspension, Reduction; Discharge	Discharge
4. Excessive socializing during working hours.	Warning to 5 days suspension	10-20 days suspension	30 days suspension
5. Shirking work, wasting time, failing to perform a full day's work.	Warning to 5 days suspension	10-20 days suspension	30 days suspension
6. Failure to carry out supervisory duties and responsibilities adequately and promptly.	Reprimand to 10 days suspension; Reduction	15-30 days suspension; Reduction	Reduction; Discharge
7. Carrying on personal business during working hours.	Warning to 10 day suspension	15-30 days suspension	Discharge
8. Improper disclosure of confidential information to others or improper use of such information for benefit of self or others. This includes careless or improper use of any computer use terminals visual screen and related security rules.	Reprimand-15 days suspension; Discharge	15-30 days suspension; Discharge	Discharge

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	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
9. Failing to use necessary and prescribed authority in discharge of duties.	Warning to 10 days suspension; Reduction	15-30 days suspension; Reduction	Reduction; Discharge
10. Failure to exercise sound judgment, which results in loss of or injury or damage to persons or property of the County or of County service.	Reprimand to 15 days suspension; Reduction; Discharge	20-30 days suspension, Reduction; Discharge	Discharge
11. Failure to hire or promote eligibles because of race, sex, national origin, age, sexual preference, disability, or union affiliations.	30 day suspension; Discharge	Discharge	

14.600 Education-Based Discipline

Education-Based Discipline (EBD) is an alternative to traditional discipline where traditional discipline results in unpaid suspension days. The intent of the EBD program is to develop an individualized remedial plan with employee involvement that emphasizes education, training, and other instructional interventions that promote successful outcomes. A non-punitive alternative, EBD re-invests in staff with the goal of increased compliance and commitment to workplace excellence and efficiency.

14.610 Education-Based Discipline is an Option

Education-Based Discipline (EBD) shall be offered to staff facing suspension of 1-15 days resulting from violation of Departmental policies and procedures. After an initial offering, acceptance and participation in the EBD alternative, further opportunities to participate in the program are at the discretion of the Decision Maker (DM).

The alternative shall **not** be offered in discipline cases involving reprimand, demotion, termination, or where there is evidence that staff has exhibited defiant and/or non-compliant behavior. In discipline cases involving progressive discipline, EBD may be offered at the discretion of Performance Management (PM) and/or the DM.

In the event EBD has not been offered, an employee facing suspension may formally request consideration by way of written request to PM within ten (10) business days of receipt of the Letter of Intent. A response will be issued to the employee within ten (10) business days of receipt of the request.

14.620 Role of Decision Maker

The DM, in consultation with PM, the Training section and the employee's Supervisor, shall develop an EBD remedial plan by utilizing the program's course menu to identify and approve the alternatives (classes or Independent Study) in lieu of suspension.

Suspensions of fifteen (15) days or less qualify for EBD. Once the DM agrees on the alternative, PM shall issue a Letter of Intent supplemented by a Settlement Agreement stipulating the conditions of

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EBD. Employees have ten (10) business days from receipt of the Letter of Intent to elect to participate in EBD by returning the signed and dated Settlement Agreement to PM. Employees have one hundred twenty (120) days from the date they signed the Settlement Agreement to complete the program.

14.630 Skelly Rights, the Grievance Process and Performance Evaluations

Employees who decline EDB or fail to accept EBD within the prescribed timeframe shall be imposed with their initial suspension period and shall be scheduled a *Skelly* meeting, as applicable. Employees who invoke their rights via the *Skelly* process are not eligible to elect EBD at the conclusion of *Skelly* unless the process results in reducing the initial suspension intent.

Skelly meetings are not required for suspensions of five (5) days or less. Employees may exercise a non-*Skelly* due process right by filing a grievance or appealing the action to the Department of Human Resources (DHR) Appeals Unit. Employees who choose to grieve the Letter of Suspension (5 days or less), forfeit his/her right to participate in EBD unless the outcome of the grievance results in reduction of the original days of suspension or otherwise recommended by the grievance hearing officer.

Participation in EBD does not preclude reference to suspension in the participant's performance evaluation nor shall participation in EBD cause removal of the record of suspension in the employee's official personnel folder.

14.640 Application of Credits and Options for Independent Study

Each suspension requires the completion of *at least* two EBD credits. Each three (3) hours of training equals one EBD credit. There are ten categories that provide recommended EBD classes and Independent Study options:

- A. Critical Thinking & Decision Making/Problem Solving
- B. Time Management
- C. Managing Personal & Professional Stress
- D. Relationship Management/ Boundary Recognition
- E. Cultural Awareness
- F. Character Reinforcement
- G. Customer Service
- H. Substance Misuse/Abuse Awareness
- I. Ethics
- J. Skill Enhancement

The Interactive Accountability-based Critical Thinking (I-ACT) decision-making class is the foundational course for EBD. All employees who accept an EBD agreement, regardless of the number of suspension days, must complete the six (6) hour course.

Credit for Independent Study shall correlate with the time required for completion. Employees are awarded one (1) credit for every three (3) hours spent on completing Independent Study.

Example: If an employee is required to spend nine (9) hours completing an Independent Study project, the employee should be given three (3) hours EBD credit; therefore, a suspension of five (5) days warrants at least 15 hours of Independent Study (five (5) EBD credits), should the DM select this option.

Policy violations are unique and vary in degree, each requiring independent review in formulating individualized remedial plans as determined as suitable by the DM.

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14.650 Employee Role

Employees shall complete all classes prescribed to satisfy the Settlement Agreement. If an employee fails to complete all classes, Performance Management shall consider the program and incomplete and proceed with the initial suspension.

14.660 Affect on Progressive Discipline

The option of EBD in the course of progressive discipline is at the discretion of the DM and PM. Employees may **not** participate in EBD for an identical violation of policy, nor may employees participate in EBD more than once every eighteen (18) months.

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Chapter 15.000
Civil Rights – County Policy of Equity

Number	Section
15.000	County Policy of Equity (CPOE)
15.010	Purpose
15.020	Prohibited Conduct
15.030	Examples of Conduct that May Violate this Policy
15.040	Scope of Coverage
15.050	Procedures for Reporting Violations of the Policy
15.060	Duties of Supervisors and Managers
15.070	Jurisdictional vs. Non-Jurisdictional Complaints
15.080	Employees' Duty to Cooperate in the Administrative Investigation Process
15.090	Due Process, Grievance and Appeal Rights
15.100	Appeals to Civil Service Commission
15.110	Misuse/Abuse of CPOE Process

15.000 County Policy of Equity

County Policy of Equity, May 31, 2011, Chief Executive Office and Executive Office, Board of Supervisors: Approval of County Policy of Equity; Department of Human Resources, Policies, Procedures and Guidelines Number 910, Employees' Cooperation in the Administrative Investigations Process; Los Angeles County Code Chapter 5.09 Policy of Equity; County Intake Specialist Unit's Misuse-Abuse of County Policy of Equity Process Guidelines

15.010 Purpose

The County Policy of Equity (CPOE) is intended to preserve the dignity and professionalism of the workplace as well as protect the right of employees to be free from discrimination, sexual harassment, unlawful harassment (other than sexual), retaliation and inappropriate conduct toward others based on a protected status. Discrimination, sexual harassment, unlawful harassment (other than sexual), retaliation and inappropriate conduct toward others based on a protected status are contrary to the values of the County. The County will not tolerate unlawful discrimination on the basis of sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other protected characteristic protected by State or Federal employment law, nor will it tolerate unlawful harassment or retaliation. As a preventive measure, the County also will not tolerate inappropriate conduct toward others based on a protected status even if the conduct does not meet the legal definition of discrimination or unlawful harassment. All County employees are responsible for conducting themselves in accordance with this Policy and its associated procedures. Violation of the Policy and/or procedures will lead to prompt and appropriate administrative action including, but not limited to, counseling, training, written warning, written reprimand, suspension, or discharge.

All DCFS employees are required to conduct themselves in accordance with the entirety of the CPOE (the Policy), and all applicable local, State, and Federal laws.

15.020 Prohibited Conduct

All DCFS employees are responsible for understanding and abiding by the following definitions of prohibited conduct, which are also outlined in the Department of Human Resources' (DHR) Policies,

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Procedures and Guidelines (PPG) Number 812, County Policy of Equity. These definitions may impact any administrative process or proceeding for potential violations of the Policy and/or associated procedures.

1. Discrimination

Discrimination is the disparate or adverse treatment of an individual based on or because of that individual's sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other characteristic protected by state or federal employment law.

2. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature that meets any one of the following three criteria:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with the individual's employment or creating an intimidating, hostile, offensive, or abusive working environment.

3. Unlawful Harassment (Other than Sexual)

Unlawful harassment of an individual because of the individual's race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other characteristic protected by State or Federal employment law is also discrimination and prohibited. Unlawful harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

4. Third-Person Harassment

Third person unlawful harassment is indirect harassment of a bystander, even if the person engaging in the conduct is unaware of the presence of the bystander. When an individual engages in harassing behavior, he/she assumes the risk that someone may pass by or otherwise witness the behavior. The County considers this to be the same as directing the harassment toward that individual.

5. Inappropriate Conduct toward Others

Inappropriate conduct toward others is any physical, verbal, or visual conduct based on or because of sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other characteristic protected by State or Federal employment law when such conduct reasonably would be considered inappropriate for the workplace.

This provision is intended to stop inappropriate conduct based on a protected status before it becomes discrimination or unlawful harassment. As such, the conduct need not meet legally

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actionable State and/or Federal standards of severe or pervasive to violate this policy. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc. may constitute conduct that violates this policy and is grounds for discipline. Similarly, the conduct need not be unwelcome to the party against whom it is directed; if the County would reasonably consider the conduct inappropriate for the workplace, it may violate this policy.

6. Retaliation

Retaliation, for the purpose of this policy, is an adverse employment action against another for reporting a protected incident or filing a complaint in regards to conduct that violates this policy or the law or participating in an investigation, administrative proceeding or otherwise exercising one's rights or performing one's duties under this policy or the law.

It should be noted that this policy absolutely prohibits retaliation. No DCFS employee will be subjected to an adverse employment action for making a complaint of conduct that potentially violates this policy or cooperating in any administrative investigation or otherwise preventing prohibited practices under this policy. The Department will take corrective administrative action to prevent retaliation, including the imposition of appropriate discipline to any DCFS employee who engages in retaliation.

15.030 Examples of Conduct that May Violate this Policy

Following are examples of conduct that may violate the CPOE, depending on the facts and circumstances of the incident(s):

- Posting, sending, forwarding, soliciting or displaying in the workplace any materials, documents or images that are sexually suggestive, racist, "hate-site" related in the form of notes, invitations, cartoons, posters, facsimiles, electronic mail or web links;
- Whistling and making cat calls, using or making lewd or derogatory noises or making graphic comments about another's body, or participating in explicit discussions about sexual experiences and/or desires;
- Using sexually, racially or ethnically degrading words or names, or using or making racial or ethnic epithets, slurs, or jokes;
- Commenting or gesturing about a person's physical appearance in a manner that has a racial, sexual, disability-related, religious, age or ethnic connotation or making derogatory comments about religious differences or practices;
- Touching, pinching, massaging, hugging, kissing, rubbing the body or making sexual gestures;
- Staring, leering, displaying or circulating sexually suggestive objects, pictures, posters, photographs, cartoons, calendars, drawings, magazines, computer images or graphics;
- Making sexual advances or propositions, including repeated requests for a date;
- Taking adverse employment actions like discharging and/or demoting an employee for rejecting such conduct, reporting a protected incident or filing a complaint in regards to conduct that potentially violates the CPOE.

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15.040 Scope of Coverage

The scope of coverage of this policy includes the following:

1. County Workforce

County workforce includes, but is not limited to, County employees, applicants for employment, volunteers, contract employees, and outside vendors.

2. Location

This policy prohibits discrimination, unlawful harassment, retaliation, and inappropriate conduct toward others based on a protected status in the workplace or in other work-related settings, such as off-site work-related events (e.g. retirement party) with a nexus to the workplace.

3. Communication System/Equipment

Any communication system or equipment in the workplace is covered in this policy. This includes, but is not limited to, the use of electronic mail, Internet, Intranet, telephone lines, computers, facsimile machines, voicemail, cell phones, blackberries, smart phones and mobile digital terminals. Employees may be disciplined in accordance with this policy for using any communication system or equipment to deliver, display, store, forward, publish, circulate, or solicit material in violation of this policy.

15.050 Procedures for Reporting Violations of the Policy

Any DCFS employee who believes he/she has been subjected to conduct that potentially violates this policy is strongly encouraged to report the matter to the County Intake Specialist Unit (CISU) or any DCFS supervisor or manager who will report the matter to the CISU on the employee's behalf. The CISU may be reached by phone 1-855-999-CEOP (2367) or Website: <https://CEOP.bos.lacounty.gov> and is located at Kenneth Hahn Hall of Administration, 500 West Temple Street, Room #B-26; Los Angeles, CA 90012.

Any non-supervisory DCFS employee who has knowledge of conduct that potentially violates this policy is also strongly encouraged to report the matter.

Supervisors and Managers have an affirmative duty to report potential violations of the policy to the CISU.

The Department of Human Resources will promptly assess all reports/complaints received and fully and fairly investigate those that are jurisdictional and perceived to potentially violate the CPOE.

Employees may also contact the California Department of Fair Employment and Housing (DFEH) by calling (800) 884-1684 or visiting the DFEH Website at www.dfeh.ca.gov, and/or employees may contact the Federal Equal Employment Opportunity Commission (EEOC) by calling (213) 894-1000 or (800) 669-4000 or visiting the EEOC Website at www.eeoc.gov.

15.060 Duties of Supervisors and Managers

For the purposes of this policy, Supervisors and Managers include any employee, regardless of job description or title, having authority, in the interest of the employee, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in connection with the

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foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

As mentioned above, Supervisors and Managers have an affirmative duty to report potential violations of the CPOE to the CISU. They are required to report potential violations even when a complaining or reporting party requests that they take no action. The Supervisor or Manager shall immediately report the incident(s) or complaint to the CISU on the employee's behalf by calling 1-855-999-CEOP (2367) or visiting the CISU Website at: <https://CEOP.bos.lacounty.gov> and completing the report form himself/herself.

Supervisors and Managers are also responsible for:

- Being aware of, abiding by and understanding the Policy and procedures, as well as any modifications that may be made to them in the future;
- Actively monitoring the work environment to ensure that CPOE discrimination, unlawful harassment, retaliation and/or inappropriate conduct toward others based on a protected status is not occurring;
- Informing DCFS employees under their supervision of the types of behavior prohibited and the County's procedures for reporting and resolving complaints arising under the Policy;
- Stopping conduct that potentially violates the Policy and taking immediate and appropriate administrative action whether or not the involved DCFS employees are within their line of supervision; and
- If a situation requires separation of the involved parties, taking particular care to avoid actions that appear to punish the complaining party; and
- Submitting accurate and complete identifying information (i.e., employee numbers, job titles, name of department, spelling of names) when filing a CPOE complaint.

FAILURE OF ANY SUPERVISOR OR MANAGER TO CARRY OUT THESE DUTIES MAY BE CAUSE FOR CORRECTIVE ACTION OR DISCIPLINE.

15.070 Jurisdictional vs. Non-Jurisdictional Complaints

The potential violations of the CPOE that Supervisors and Managers have an "affirmative duty" to report are known to the CISU as jurisdictional complaints. Pursuant to the CPOE Process Training Guide distributed in the Countywide Departmental Human Resources Meeting on May 5, 2014, jurisdictional CPOE complaints have the following two (2) elements: 1) an "equity allegation" and 2) a "protected basis." The "equity allegation" will often include, although not always, a trigger word, such as discrimination, harassment, retaliation, hostile work environment, singled out, differential treatment, disparate treatment, or failure to accommodate. When a Supervisor or Manager hears one of these words or phrases from an employee or reads it in an email, he/she should consider filing a CPOE complaint. However, this information alone is not sufficient to actually file a complaint. The Supervisor or Manager should ask if the alleged conduct is occurring because the employee belongs to or asserts a "protected basis." In other words, is the action occurring because of the employee's race, color, ancestry, national origin, sex, gender, sexual orientation, marital status, age (40 and over), medical condition, disability, or retaliation for filing or participating in an equity complaint or any of the other protected categories?

To ensure that complaints filed with the CISU are jurisdictional to the CPOE, the Board of Supervisors' online filing system asks the Reporting Party, under "Section E," three (3) questions

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called the “Nature of the Complaint”; the three questions include: 1) what is the date/time of the potential violation, 2) provide a detailed summary of the alleged potential violation, and 3) why does the Complainant believe the treatment is occurring? Question number three (3) is there to ascertain/clarify if the complainant believes the treatment is occurring because of his/her belonging to a “protected basis.”

If a Supervisor or Manager tries to clarify or determine if a protected basis is alleged and is unsure (even after consulting with DCFS Human Resources), he/she should go ahead and file the complaint anyway and let the CISU investigator make that determination. However, if it is clear that the alleged conduct is not occurring because of a “protected basis,” then the complaint is non-jurisdictional to the CPOE and the Supervisor or Manager shall not file a CPOE complaint on the employee’s behalf.

Following are examples of non-jurisdictional complaints:

1. Complainant indicates that he/she has been “discriminated” against because he/she was not offered a cheeseburger at a unit farewell party while his/her co-workers were offered cheeseburgers. (There is no protected basis mentioned.)
2. Employee feels harassed and feels his/her Supervisor is disrespecting him/her by the way the Supervisor’s tone of voice is when he/she asks him/her to provide a 158 for being late for work or returning late from lunch. (There is no protected basis mentioned.)

15.080 Duty to Cooperate in Administrative Investigations

Pursuant to the DHR’s PPG 910, Employees’ Cooperation in the Administrative Investigation Process, all DCFS employees are responsible for cooperating fully in any administrative investigation related to the CPOE.

15.090 Due Process, Grievances and Appeal Rights

All applicable County employee due process, grievance and appeal rights remain intact under this policy. Represented DCFS employees may grieve disciplinary actions according to the terms of applicable Memorandum of Understanding (MOU) negotiated by the Department and the union representing said members. As such, these MOUs may require separate or additional procedures according to their respective terms.

15.100 Appeals to Civil Service Commission

Employees may also appeal final determinations of discipline to the Civil Service Commission in accordance with the Civil Service Rules. The Department shall notify the Executive Director of the County’s Equity Oversight Panel of a settled Civil Service Commission case.

15.110 Misuse-Abuse of County Policy of Equity Process

As indicated in the Policy, the County encourages employees to file complaints concerning potential violations of the CPOE. However, pursuant to the CISU’s Misuse-Abuse of County Policy of Equity Process Guideline, CEOP_100_001, any DCFS employee who engages in conduct that satisfies one or more of the following criteria (1-4 below) may fall within the scope of misusing-abusing the CPOE process and may, therefore, be assigned Misuse-Abuse Complainant Status (“MAC Status”):

1. A pattern of misuse-abuse of the CPOE process may include:
 - A. Evidence of multiple CPOE complaint filings; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
HUMAN RESOURCES MANUAL

- B. Allegations in such filings that are similar or identical, lack specificity, involve matters already set forth in prior complaints, involve matters that have already been investigated and resolved or involve matters that should have been set forth in a single complaint instead of multiple complaints.

OR

- C. Use of the County's CPOE process in a manner to frustrate its purpose.
 - 2. A County employee who in the immediately preceding five (5)-year period has filed individually or has had filed on their behalf five (5) or more CPOE complaints that have been investigated and resolved adversely to them as the complainant (i.e., resulted in unsubstantiated dispositions).
 - 3. A County employee, who, after an unsubstantiated disposition, has been reached on a CPOE complaint they filed or that was filed on their behalf, submits a new CPOE complaint containing substantially similar or identical allegations to those in the previously unsubstantiated CPOE complaint.
 - 4. A County employee who, after an unsubstantiated disposition has been reached on a complaint they filed or had filed on their behalf, continues to rebut or challenge the disposition by submitting the same CPOE complaint or engaging in other tactics (such as numerous phone calls or letters) that appear frivolous or intended to harass, cause unnecessary delay or frustrate the operations of the CPOE process.

The determination of MAC status shall be made by the Executive Director of the County Equity Oversight Panel (EDCEOP) who will consult, as necessary, with the Department, the Department of Human Resources, and County Counsel. The EDCEOP will provide written notice of the MAC designation to the employee (complaining party), DHR, and the employee's department. The written notice will also inform the employee about the impact their MAC status will have on their pending complaints, the process available to them for filing further CPOE complaints and their ability to seek removal or modification of their MAC designation, at the discretion of the EDCEOP. Additionally, the employee will be informed that the MAC status does not limit or affect their ability to file complaints with the DFEH, EEOC, court or other entity.

For more information on the process to file CEOP complaints for employees with MAC status, see the Policy, CEOP_100_001.

Note: The Misuse-Abuse policy is not meant to discourage employees from reporting potential violations of the CPOE and it exempts from coverage those complaints filed by Supervisors who have an "affirmative duty" to report. It is to prevent the consumption of limited resources to the detriment of other County employees and the delay of investigations due to the filing of repetitive, duplicative or compound/voluminous complaints with the CISU.

GRIEVANCE REVIEW HEARING REQUEST

IDENTIFYING INFORMATION (Provide the following information)

Complainant's name: _____	
foster parent; legal parent/guardian, relative/non-relative extended family member	
Address: _____	Phone: _____
	Email: _____
Child's Name: _____	Child's Date of Birth: _____
CSW's Name: _____	CSW's Phone: _____
CSW's Office Address: _____	

GRIEVANCE (Describe your concerns. Attach additional pages, if necessary)

REQUESTED ACTION (Describe how you would like the situation to be resolved)

SIGNATURE _____

DATE _____

An explanation of the Grievance Review procedure and instructions are on the reverse of this form. If you need assistance completing this form or have questions about the Grievance Review procedure, contact the DCFS Grievance Review Information Line, (833) 782-0173 or by fax at (213) 387-4678, or by e-mail: GRRRequest@dcfs.lacounty.gov

DCFS GRIEVANCE REVIEW PROCEDURES

California Department of Social Services' (CDSS) Manual of Policies and Procedures (MPP) Division 31, Section 020 requires a grievance process to review complaints from foster parents (which includes approved relative and non-relative extended family members caregivers), legal parents, legal guardians and children regarding the placement or removal/replacement of a child or non-minor dependent from a foster home. CDSS also requires that DCFS provide you with a copy of the grievance procedure regulations. The DCFS 4161-I, California Department of Social Services Grievance Procedure Regulations form contains the exact text of the State of California regulations.

All issues will be resolved in the best interest of the child.

If your grievance is regarding the pending **removal of a foster child or non-minor dependent from your home**, contact the child's Children's Social Worker (CSW) to discuss your concerns. You may request a Grievance Review Hearing by submitting a completed DCFS 4161, Grievance Review Hearing Request form, to the Grievance Review Hearing Section within **10 calendar days** from the date you became aware of the action under complaint. In cases of removal not exempted from review, you must submit the DCFS 4161 to the Grievance Review Hearing Section at least **2 calendar days** prior to the expected date of removal of the child from your home.

If your grievance is regarding the **placement of a foster child or non-minor dependent in your home**, contact the child's Children's Social Worker (CSW) to discuss and attempt to resolve your concerns. You may request a Grievance Review Hearing by submitting a completed DCFS 4161, Grievance Review Hearing Request form to the Grievance Review Hearing Section. The Grievance Review Hearing Section must receive the DCFS 4161 within **10 calendar days** from the date you became aware of the action which is under complaint.

IF YOU WOULD LIKE TO SUBMIT THE DCFS 4161 VIA EMAIL OR FAX, PLEASE SEND TO
GRRequest@dcfs.lacounty.gov or (213) 427-6154.

IF YOU WOULD ALTERNATIVELY LIKE TO SUBMIT THE DCFS 4161 BY MAIL OR IN PERSON, PLEASE MAIL OR DELIVER THE FORM IN PERSON DURING NORMAL BUSINESS HOURS MONDAY THROUGH FRIDAY TO THE FOLLOWING ADDRESS:

GRIEVANCE REVIEW HEARING SECTION
510 S. Vermont Avenue, 10th Floor
Los Angeles, CA 90020

REGARDLESS OF THE MANNER BY WHICH YOU CHOOSE TO SUBMIT THE DCFS 4161, YOU ARE STRONGLY ADVISED TO MAKE A COPY FOR YOUR RECORDS.

You will receive written notification of the Grievance Review Hearing via certified mail, within five (5) calendar days prior to the Grievance Review Hearing via the DCFS 4161-N, Grievance Review: Notice of Hearing form. The Notice will advise you of the date, time, and place of the hearing. You may bring a representative with you to the hearing. If you wish to authorize the release of information to your representative, you must complete the DCFS 4161-R, Grievance Review: Representative Agreement form, and submit it to the child's CSW. At the hearing, the Review Agent will require your representative to sign a DCFS 4161-C, Grievance Review: Representative Statement of Confidentiality form and, if not already on file, the DCFS 4161-R.

You may obtain additional forms from the child's CSW or you may request them from the DCFS Grievance Review Hearing Section by e-mail: GRRequest@dcfs.lacounty.gov

List of relevant forms:

DCFS 4161, Grievance Review Hearing Request

DCFS 4161-I, California Department of Social Services (CDSS) Grievance Procedure Regulations

DCFS 4161-R, Grievance Review: Representative Agreement

If you need assistance completing this form or have questions about the Grievance Review procedure, contact: the DCFS Grievance Review Information Line, (833) 782-0173, or by fax at (213) 427-6154, or by e-mail: GRRequest@dcfs.lacounty.gov

“PARENT-CHILD SUITABILITY SUMMARY” GRIEVANCE REVIEW HEARING REQUEST

IDENTIFYING INFORMATION (Provide the following information)

Adoption Applicant's name: _____	
Relationship to Child (e.g., foster parent; legal guardian, relative/non-relative extended family member): _____	
Address: _____	
Phone: _____	Email: _____
Child's Name: _____	Child's Date of Birth: _____
Adoption CSW's Name: _____	Adoption CSW's Phone: _____
Adoption CSW's Office Address: _____	

GRIEVANCE (State specifically the facts surrounding the action complained of in the Suitability Summary. Attach additional pages, if necessary)

REQUESTED ACTION (Describe how you would like the situation to be resolved)

SIGNATURE _____

DATE _____
Date rec'd _____

An explanation of the PCSS Grievance Review procedure and instructions are on the reverse of this form. If you need assistance completing this form or have questions about the Grievance Review procedure, contact the DCFS Grievance Review Information Line, (833) 782-0173 or by fax at (213) 427-6154, or by e-mail: GRRequest@dcfs.lacounty.gov

DCFS PARENT-CHILD SUITABILITY SUMMARY GRIEVANCE REVIEW PROCEDURES

When the Adoption Children's Social Worker (ACSW) completes the Parent-Child Suitability Summary (PCSS), and the PCSS indicates that the adoption applicant is NOT recommended to adopt the child, a notification letter, with the PCSS enclosed, is sent by the ACSW to the applicant within 10 business days of completing the PCSS. If the applicant disagrees with the recommendation, the applicant can request a grievance review hearing. The applicant must submit the request in writing, stating specifically the facts supporting the applicant's disagreement with PCSS recommendation, within 30 days of the date of the PCSS recommendation not recommending adoption, and must be signed by the grievant or the grievant's authorized representative. The request must be submitted to the Grievance Review Hearing Section as follows:

**IF YOU WOULD LIKE TO SUBMIT THE DCFS PCSS GRH 4161 FORM VIA EMAIL OR FAX,
PLEASE EMAIL TO GRRequest@dcfs.lacounty.gov. OR FAX to (213) 427-6154**

IF YOU PREFER TO SUBMIT THE DCFS PCSS GRH 4161 FORM BY MAIL, PLEASE MAIL THE FORM TO:

**Grievance Review Hearing Section
510 S. Vermont Avenue, 10th floor
Los Angeles, CA 90020**

REGARDLESS OF THE OPTION CHOSEN TO SUBMIT THE DCFS PCSS GRH 4161 FORM, THE APPLICANT IS STRONGLY ADVISED TO MAKE A COPY FOR THEIR RECORDS.

NOTE: If the 'Not Recommended' finding is a result of a court order, or if the request for a hearing is based solely on a question regarding the validity of a statute or regulation, or an issue related to a state hearing that falls under WIC 10950, the request for a hearing shall not be granted.

The Grievance Review Hearing section will schedule the requested hearing. The Grievance Review Hearing Section will schedule the hearing to be held within 10 working days from the date it received the request. The Grievance Review Hearing Section will find a date and time when both parties, meaning, the applicant /grievant and the DCFS representative(s) (such as, the ACSW), are available to attend the hearing.

In advance of the hearing date, the applicant/grievant may provide supporting documents to the Grievance Review Hearing Section, or submit necessary forms to have an attorney or other representative be present during the hearing. The grievant may also have witnesses provide testimony at the hearing. The witness list should be sent to GRRequest@dcfslacounty.gov at least 24 hours before the scheduled hearing.

After the hearing, the Grievance Review Agent (i.e., the hearing officer) will make a written recommendation to the Department Head. The Department Head, or designee, will then make the final decision in writing. The final written decision will be sent to the applicant/grievant and the responsible ACSW.

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
GRIEVANCE PROCEDURE REGULATIONS****31-020 GRIEVANCE PROCEDURES 31-020**

- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
 - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
 - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
 - .23 Removal of a child for direct placement into an adoptive home.
 - .24 Any complaint regarding only the validity of a law or of a statewide regulation.
 - .25 Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
 - .31 The county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
 - .311 A legal parent/guardian at the time the child is placed.
 - .312 A foster parent at the time of licensing.
 - .313 Any complainant at the time a complaint is filed.
 - .32 A review request shall be filed in the form of a written statement signed by the complainant.
 - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the county action.
 - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
 - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 and in Sections 31-440.21 through .25, the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
 - .35 The county shall assist in preparation of the complaint if assistance is requested or necessary.
- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
 - .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.
- .5 The review shall be conducted as follows:
 - .51 The review agent shall be:
 - .511 A staff or other person not involved in the complaint.
 - .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the county.
 - .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
 - .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
 - .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.

- .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
- .55 All testimony shall be given under oath or affirmation.
- .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
 - .61 The review agent shall render a written recommended decision, and the county director shall issue a final written decision, within five calendar days after review completion.
 - .62 The decision shall be based upon the evidence presented at the hearing.
 - .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
 - .64 A copy of the decision shall be sent to the following:
 - .641 Each party to the review.
 - .642 Every representative of each party.
 - .643 The California Department of Social Services.
- .7 Unless the child is in immediate danger, he/she shall remain with the foster parent(s), pending decision of the county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

31-440 FOSTER PARENT(S) NOTIFICATION REQUIREMENTS 31-440

- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
 - .11 The county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 in the written placement agreement with the foster parent(s).
 - .111 Waivers shall not exceed six months from the date of placement.
 - .112 Waivers shall be considered exceptions used solely to meet unusual individual needs.
- .2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist:
 - .21 The child is in immediate danger.
 - .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
 - .23 A court has ordered the child's removal.
 - .24 Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.
 - .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.
 - .26 The child is removed from an emergency placement.
- .3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
 - .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.
- .4 A relative or nonrelative extended family member whose home has been deemed not to meet the approval standards shall be given notice that their home does not meet approval standards and that they have access to the grievance procedures set forth in MPP Section 31-020, provided they appeal the agency's decision in writing within 5 working days of their receipt of the notice.

DISCRIMINATION COMPLAINT

If you think you have been discriminated against you may file a complaint. Where you file your complaint depends on what type of complaint you have.

For all programs your county agency

administers: Ask your county office for the name, address and phone number of their Civil Rights Coordinator. The county agency, not the state agency, will independently investigate your complaint.

For Covered California:

Civil Rights Coordinator Covered California
PO Box 989725
West Sacramento, CA 95789
(916) 228-8764
CivilRights@covered.ca.gov

For Medi-Cal & Medi-Cal Dental Program:

You may contact the county's Civil Rights Coordinator, the state Department of Health Care Services or the federal Health and Human Services.

Department of Health Care Services
Office of Civil Rights
PO Box 997413, MS 0009
Sacramento, CA 95899-7413
(916) 440-7370 or 711 (Calif. Relay Service)
CivilRights@dhcs.ca.gov

For all other state programs covered by this pamphlet:

Civil Rights Unit
California Department of Social Services
PO Box 944243, MS 9-7-41
Sacramento, CA 94244-2430
(866) 741-6241 (toll free)
(916) 651-0602 (fax)
crb@dss.ca.gov

To file a CalFresh complaint with the federal agency:

United States Department of Agriculture
Director, Office of Adjudication
1400 Independence Avenue, SW
Washington, DC 20250-9410
(866) 632-9992 (toll free) or (202) 260-1026
(800) 877-8339 (hearing impaired)
program_intake@usda.gov

To file a complaint with a federal agency:

Only for discrimination based on Race, Color, National Origin, Disability, Age, or Sex:

Centralized Case Management Operations
United States Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, DC 20201

File a complaint online at:

[US Health & Human Services Civil Rights Complaint Portal](#)

(800) 368-1019 (toll-free)
(800) 537-7697 (hearing/speech impaired)

Time Limits for A Discrimination Complaint

You must file a discrimination complaint within 180 days of the date you were discriminated against.

If the discrimination also affected the level of your benefits and services, ask for a hearing.

Judges cannot make decisions about discrimination complaints at a hearing.

A discrimination investigation cannot change your benefit or service levels. Only a state hearing can do that. Agencies are not allowed to retaliate against you if you request a hearing or file a discrimination complaint.

PROGRAMS COVERED BY THIS PAMPHLET

- Adoption Assistance Program (AAP)
- Alcohol and Drug Program
- CA Food Assistance Program (CFAP)
- CalWORKS
- Cash Assistance Program for Immigrants (CAPI)
- CalFresh (Food Stamps)
- Children's Health Insurance Program (CHIP)
- Covered California Eligibility
- Foster Care/Child Welfare Services
- Housing Programs through County Social Service Departments
- In-Home Supportive Services
- Kinship Guardianship Assistance (KinGAP)
- Medi-Cal – Medi-Cal Dental Program
- Refugee Cash Assistance
- Resource Family Approvals (RFA)
- Approved Relative Caregiver Funding Option Program (ARC)
- Service Animal Allowance



State of California
Health & Human Services Agency
Department of Social Services

This pamphlet is available from your local County Welfare office and on the [CDSS website](#) in the following languages:

- Arabic
- Armenian
- Cambodian
- Chinese
- Farsi
- Hmong
- Japanese
- Korean
- Lao
- Mien
- Portuguese
- Punjabi
- Russian
- Spanish
- Tagalog
- Ukranian
- Vietnamese

Also available for free in large print, Braille, and audio formats.

This publication explains your rights to equal benefits and services, how to ask for language assistance or a reasonable accommodation for a disability, and how to file a discrimination complaint.

PUB 13 (5/22)

YOUR RIGHTS

UNDER CALIFORNIA PUBLIC BENEFITS PROGRAMS



..... for people applying for or receiving public aid in California



Tell us if you need help because of a disability.



Ask for a free interpreter

Public benefit agencies comply with federal and state law, and may not discriminate, exclude, or provide you aid, benefits or other services that is different from what is provided to others

YOUR RIGHTS

All people and organizations providing public assistance must respect your rights. They can help you understand and apply for benefits and services.

You have the right to an interpreter free of charge.

- بحق لك الحصول على مترجم فوري مجانًا
- Դուք անվճար թարգմանիչի իրավունք ունեք:
- អ្នកមានសិទ្ធិទទួលបានបកប្រែភាសាដោយឥតគិត
- 您有權免費獲得口譯員
- شما حق دسترسی به یک مترجم (ترجمان) رایگان را دارید.
- Koj muaj txoj cai kom tus neeg txhais lus tsis raug them nqi
- あなたには無料の通訳をもらう権利があります
- 귀하는 통역사를 무료로 이용할 권리가 있습니다
- ທ່ານມີສິດໄດ້ຮັບບາງພາສາໄດ້ອໍບໍ່ຄ່າອຳນວດ
- mula sa nakasulat na ingles hanggang sa nakasulat
- Você tem direito a um intérprete, gratuitamente
- ਤੁਹਾਡੇ ਕੋਲ ਦੁਬਾਰੀਏ ਦਾ ਅਧਿਕਾਰ ਹੈ, ਮੁਫਤ
- Вы имеете право на бесплатные услуги переводчика
- Tiene derecho a servicios gratuitos de un intérprete
- May karapatan ka sa isang tagasalin, nang walang bayad
- Ви маєте право на перекладача безкоштовно
- Quý vị có quyền có được một thông dịch viên miễn phí.

Ask the agency responsible for your benefits or services for language assistance.

YOU HAVE THE RIGHT TO:

1. Understand what is happening with your application or benefits.
2. Get written and oral explanations about your application or benefits. You have a right to a free interpreter for this information. Ask the agency responsible for your benefits/services for language assistance.
3. If the state agency has the written explanation in non-English languages, you have a right to get this information in those languages.

4. Get a receipt for hand-delivered documents.
5. See your case record
6. See laws and regulations about your program.
7. Ask a judge to review any agency action or inaction about your eligibility, benefits, or services.
8. Not face discrimination in applying for or receiving program benefits or services.
9. File a complaint about discrimination.
10. Get a "reasonable accommodation" if you have a disability. This is specific help for you to access or participate in the program.
11. Have your information kept confidential.
12. Be treated with courtesy and respect.

IF YOU ARE HAVING PROBLEMS WITH YOUR BENEFITS OR SERVICES:

Keep records of all your information, documents, and contacts with the agency.

Get a receipt when you turn anything in.

Bring someone with you to meetings.

Complain. There are 4 ways to do this:

1. **Informal**: Ask to speak to a supervisor to talk about problems with a worker or to review the rules and the proposed action on your benefits or services.
2. **State Hearing**: Ask for a state hearing if you disagree with an agency's action or inaction on your benefits or services. You must ask for a hearing within 90 days of the date of agency's notice about your benefits or services. If you ask for a hearing after 90 days, a judge will decide if you have a good reason for asking late, like illness or a disability.
3. **Discrimination complaint**: See the Discrimination Complaint section. You may have different rights to file a complaint with state or federal agencies.
4. **Grievance**: You can file a complaint with the agency if it has a grievance procedure. **This does not protect your benefits in the way that asking for a state hearing does.**

STATE HEARINGS

You can also ask for a state hearing if the agency is not giving you benefits or services you think you should get. See [PUB 412](#) for State Hearing information.

Note: If your problem is with General Assistance or General Relief, you must ask the county for a county hearing.

If your problem is with Social Security benefits, you must contact the Social Security Administration for a hearing.

ASKING FOR A STATE HEARING

You can ask for a state hearing online, by phone, by fax, by email, or by mail.

Online: [ACMS.dss.ca.gov](https://www.acms.dss.ca.gov) - you can create an account to get all your appeal information online, or submit an online request without an account

Phone: 1-800-743-8525

Email: SHDCSU@dss.ca.gov

Fax number: 833-281-0905

Mail: State Hearings Division
PO Box 944243, MS 21-37
Sacramento, CA 94244-2430

EXPEDITED HEARINGS

If you have an urgent problem, you can ask for an "expedited" hearing to have the hearing held sooner. For Medi-Cal, this is when regular hearing scheduling could seriously jeopardize the enrollee's life or physical or mental health. State Hearings will decide and let you know if your case can be expedited.

PROHIBITED DISCRIMINATION

State law prohibits agencies from denying benefits or services or providing you aid that is different from aid provided to others based on:

Race, Color, Ancestry, National Origin (including language), Ethnic Group Identification, Age, Physical or Mental Disability, Medical Condition, Religion, Sex, Gender, Gender Identity or Expression, Sexual Orientation, Marital Status, Domestic Partnership, Political Affiliation, Citizenship, Immigration Status, and Genetic Information.

Federal laws also prohibit discrimination on several, although not all, of the bases listed above. Federal Law also prohibits:

Delaying or denying the placement of a child for adoption or into foster care based on the race, color, or national origin of the adoptive or foster parents, or the child;

Denying any individual the opportunity to become a foster or adoptive parent based on the race, color, or national origin of the individual or child involved.

EXAMPLES OF DISCRIMINATION

The agency does not give you a free interpreter.

A worker tells a certain ethnic group about more programs and services than people of other ethnicities.

The agency will not provide you large print or Braille versions of written information that you need because of a disability.

A worker treats you differently after learning of your religion or sexual orientation.

You cannot get to appointments because the building does not have an elevator and you have a disability limiting your use of stairs.

You cannot get your wheelchair into examination and interview rooms or restrooms.

A worker refuses to use your correct name and pronouns.

REASONABLE ACCOMMODATIONS: SPECIAL HELP FOR PEOPLE WITH DISABILITIES

Persons with physical or mental disabilities have the right to request reasonable accommodations from government agencies to help them access and participate in programs and services. If you have a disability and need extra help, you should inform the agency responsible for your application or benefits/services. The agency must work with you to determine what help you need. If the agency is denying your request, it must give you written notice stating the reason for the denial. The notice must list your appeal rights.