



COUNTY OF IMPERIAL SUPERVISOR'S HANDBOOK JUNE 2021

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SUPERVISOR'S HANDBOOK

Contents

Introduction	4
Performance Management	4
Work Assignments	4
Probationary Periods.....	4
Performance Evaluations	5
Performance Improvement Plans	6
Disciplinary Actions.....	7
Suspensions, Demotions, and Terminations.....	9
Union Representation	11
Grievances	11
Right to Representative	11
Protected Leaves	12
Pregnancy Disability Leave (PDL)	12
Family Medical Leave Act/California Family Rights Act (FMLA/CFRA).....	13
Industrial Injury/Workers' Comp Leave	13
Sick Leave	14
Non-Medical Leaves.....	14
Parental Leave	14
Victims of Crime	14
Rights of Victims of Domestic Abuse	15
Military Leave	15
Voting Time	15
Personal Leave	15
In-Service Evaluations.....	16
Americans with Disabilities Act (ADA)and Fair Employment and Housing Act (FEHA) .	17
Equal Employment Opportunity	17
Discrimination and Harassment Policies.....	17
Religion in the Workplace	18

Training Requirements	19
Privacy in the Workplace	19
Drug & Alcohol Policy.....	20
Reasonable Suspicion in the Workplace	20
On-the-Job Injuries	20
On-the-Job Injury-Process.....	21
On-the-Job Injury-Time Off	22
On-the-Job Injury-OSHA Notification	22
Injury & Illness Prevention Program (IIPP)	23
Accident Investigation.....	23
Hazard Assessment and Correction Record.....	23
Vehicle Accident/Damage Report.....	23
OSHA Visit / Complaints (how to deal with them)	24
CONCLUSION.....	25

Introduction

The County is pleased to welcome you to your role as a Supervisor or Manager. You are an important and valuable part of the County's organization and play an important role in the success of your employees. Whether you are a new supervisor or have been in this role for years, it is important that you understand the different resources available to you as a supervisor, as well as, the additional responsibilities that come with serving in this capacity.

This Supervisor's Handbook is provided so that you may become familiar with the County's policies, procedures, and personnel guidelines. It contains a summary of our disciplinary process, as well as, a guide on employee rights. The information in this handbook was derived from various sources, including the County's Codified Ordinances, various policies and procedures, and labor contracts with employee organizations. You are encouraged to become familiar with all these policies and procedures. Most, if not all, are available through the Human Resources webpage.

This handbook and the contents herein are to be used as a tool to assist in the performance of the County's Management Rights in supervision, enforcing performance standards, and determining discipline.

Finally, we hope that you will take satisfaction in being a member of our organization, and that your experience as a supervisor, although challenging, will be enjoyable, and rewarding.

Performance Management

Work Assignments

Each employee within the County has been hired under a specific class title and job description.

The job description outlines both specific and generic job responsibilities that fall under a person's job duties. Review these duties carefully to ensure that any new job duties assigned to your employee fall within the general scope of their job description.

Probationary Periods

Probationary periods are one of your most important tools as a supervisor. Honest and constant communication regarding performance standards, expectations, and overall work performance is expected from you as the supervisor.

Additionally, you should use the probationary period to objectively assess the employee's abilities, skills, performance, and general conduct. At a minimum, County ordinances require that you complete a performance appraisal at the end of the fifth (5th) and tenth (10th) month of employment. The tenth (10th) month performance appraisal may be used when granting a merit increase.

You should contact Human Resources as soon as you encounter performance issues during a probationary period to discuss your options. Do not wait until the last month of the probationary period to contact Human Resources, as a thorough review must occur before authorizing a release on probation.

Performance Evaluations

➤ Performance evaluations are a method to measure and record the productivity and job performance of your employees. It is also a tool to assist your employee in improving their performance or to confirm if they are meeting expectations. Use performance appraisals to address and document both positive and negative performance. In addition, a well-written performance appraisal may support disciplinary actions and help defend against grievances, and other legal claims.

➤ Consider performance evaluations as an ongoing process rather than an annual assignment. Therefore, it is necessary that you document substantive or significant conversations with a note, memo, or an email to clarify and memorialize the employee's performance issue(s), your expectations and any follow-up that needs to be done. Your notes will facilitate the completion of this critical supervisory task.

According to County Ordinance 3.08.350, you are required to complete a performance evaluation on probationary and regular employees as follows:

- Probationary and promotional-probationary employees shall be evaluated during the fifth (5th) month and tenth (10th) month of the probationary period. For law enforcement employees, the evaluation shall be provided a minimum of once during the fifth (5th) month, once during the tenth (10th) month, and once during the sixteenth (16th) month of the probationary period. During the evaluation period, the supervisor should determine whether the employee is fully qualified for the position, eligible to pass probation, and eligible to receive a merit increase.
- For employees that are not on probation, a formal employee-performance evaluation shall be provided at least once a year. After a satisfactory annual performance, regular employees that have not reached Step "F" may be granted a merit increase. The evaluation should be completed and submitted to the Director of Human Resources two (2) pay periods before an employee's annual salary increase eligibility date.

Because a performance appraisal will often lead to the granting of a merit increase for eligible employees, it is important to remember that failure to complete a performance appraisal on a timely basis may financially impact your employee. In addition, merit increases that are past due will impact your department's budget as any retroactive pay may result in an increase over what was budgeted for salaries in the current fiscal year.

An effective performance appraisal contains the following elements:

- Provides objective and descriptive comments and ratings

- Provides specific examples of positive and negative performance
- Outlines expectations for the next performance period
- Does not use generalities or conclusions
- Includes direct statements regarding skills/behaviors that need improvement
- Identifies the names of all supervisors that provided feedback
- Lists any disciplinary action (whether verbal or written) that occurred during the evaluation period
- Lists any awards or achievements that occurred during the evaluation period
- If applicable, states whether the employee will be granted a merit increase

As stated above, performance appraisals may support disciplinary actions, denial of grievances or other legal claims. However, a performance appraisal that is done incorrectly can negatively impact the County. Therefore, please keep in mind the following items that should not be considered when evaluating an employee:

- Information regarding protected leaves of absence: FMLA, CFRA, ADA, military leave, Workers' Compensation, or other leaves provided by state or federal statute. Also remember that even the use of regular sick leave may fall under a protected leave. Please contact Human Resources if you have any questions regarding references to an employee's leaves of absence within a performance appraisal.
- Information regarding work limitations or physical restrictions due to an employee's injury, illness, or disability.
- Information regarding reasonable accommodations provided to an employee because of a disability or other circumstance.
- Information concerning an employee's protected status, such as age, race, ethnicity, national origin, gender, sexual orientation, religion, disability, marital status, etc.

Depending on the contents of the evaluation, your employee may not be willing to sign the document. If this is the case, document it with a statement "refused to sign" and provide the copy to the employee.

When you review the evaluation with the employee, have a copy ready for him/her to take home. Upon reviewing the evaluation with your employee, they will be given an opportunity to respond in writing within ten (10) working days. The ten (10) working days begin once the employee has received his/her copy of the evaluation.

Performance Improvement Plans

Performance improvement plans, also known as a PIP, is a tool you can use to give an employee with performance deficiencies the opportunity to improve. It is more effective when addressing several deficiencies that have not improved over time. A few examples of areas that can be addressed through a PIP include:

- Accuracy of reports
- Failure to meet deadlines
- Not meeting performance measures

When issuing a PIP, you must specifically outline the areas where improvement is required, the tools you will provide the employee to facilitate their success, and a timeframe for making such improvements. You are also expected to meet with the employee at least every one (1) or two (2) weeks to discuss progress.

Typically, you will provide your employee between 2-3 months to make improvements. If improvement is not shown, discipline is considered. (Attachment A).

As with other performance issues, contact Human Resources in advance for further guidance if you are considering issuing a PIP.

Disciplinary Actions

As a supervisor, it is your responsibility to address employee's conduct that does not meet your department's standards, violates County policy or ordinance, or conduct that is detrimental to County service. Depending on the seriousness of the conduct or offense, you may be required to implement discipline, up to and including dismissal.

NOTE: With regards to peace officers and firefighters, no "adverse comments" may be entered into a personnel file or any other file used for any personnel purposes without the employee having first read and signed the document containing the adverse comments. Accordingly, peace officers and firefighters should sign the counseling memo to indicate that they are aware of such comments prior to the memo being placed in a personnel file.

Additionally, please ensure that you meet all of POBR and FBOR provisions, including any applicable administrative review processes throughout the disciplinary process.

County Ordinance 3.32.030 lists several causes of action that justify disciplinary actions. These are general guidelines that include insubordination, unprofessional conduct, dishonesty, falsifying information, or incompetence. Section 3.32.030 is not an exhaustive list of all the types of conduct that can lead to disciplinary action.

Additionally, County Ordinance 3.32.020 provides you, as a supervisor, detailed disciplinary actions that, with sufficient cause, you can implement.

1. *Verbal Warning: A private interview between the department head or his or her designee, and an employee for the purpose of informing the employee of his or her failure to meet prescribed standards of performance.*

A verbal warning is not considered formal discipline, but rather a notice to the employee that a specific deficiency exists and to advise the employee of the desired improvement. It is recommended that you follow up with an email to the employee to document that the discussion has taken place. The warning, as well as information regarding whether the employee corrected the deficiency, should be referenced in the employee's next performance evaluation.

2. *Counseling Memo: A written warning signed by the supervisor and served upon the employee.*

Similar to a verbal warning, a counseling memo is not considered formal discipline. The counseling memo provides the employee with an opportunity to make necessary improvements before formal disciplinary action takes place. The counseling memo is kept in your supervisory file for future reference. (Attachment B) The counseling memo, as well as information regarding whether the employee corrected the deficiency, should be referenced in the employee's next performance evaluation.

3. *Written Reprimand: A formal letter signed by the department head (or designee) and served upon the employee.*

A written reprimand is considered formal discipline and is used to document the employee's conduct or performance standards that the employee has failed to meet. A written reprimand should include a summary of what occurred, including date and time of the event that gave rise to the reprimand. It should also specify the specific rule or policy that the employee failed to follow and a specific directive from the supervisor regarding the behavior that must be corrected. The employee should also be put on notice of the consequences for not correcting the behavior (additional discipline). (Attachment C)

Written reprimands must be served upon the employee personally or sent via certified mail. If the employee refuses to sign, document it with a statement "refused to sign".

Written reprimands become part of the employee's personnel file and must be forwarded to Human Resources along with any rebuttal that the employee submits. Unless otherwise specified in the written reprimand, employees have five (5) business days to submit a rebuttal.

In order to successfully address performance issues, you must keep in mind the following guidelines:

1. Base your discipline on a violation of established policies and procedures to ensure that an actual violation has occurred.
2. Ensure that all employees have been put on notice or been informed of any relied upon policies or procedures before disciplining them for violating such policies or procedures. It is recommended that you have employees sign receipt of policies or procedures to confirm that the employee has received a copy.

3. Corroborate the violation in some way, such as through an investigation and/or confirming the facts before issuing the discipline. Confer with Human Resources or a Manager prior to initiating an investigation.
4. Apply performance standards consistently among all your employees.
5. Document all communications between you and your employees when addressing performance deficiencies.
6. Contact Human Resources or County Counsel if an employee raises issues associated with a disability, discrimination, harassment, or retaliation when you are discussing discipline.

As set forth below, additional disciplinary actions include demotions, suspensions and dismissal. These particular actions may require formal notices and an opportunity for your employee to respond, as well as a thorough review by County Counsel and Human Resources before they can be implemented. After being imposed, the employees may be entitled to appeal the discipline depending upon whether the employee has due process rights.

Suspensions, Demotions, and Terminations

This section shall apply to employees who have a due process right to their employment. If you have any questions whether an employee has due process rights, please contact Human Resources.

To initiate the process of imposing a suspension, demotion, or termination, you must first complete a Notice of Intent to Discipline (NOI). County Counsel will provide a sample NOI by submitting an Action Request. Within the NOI, you must document the nature of the proposed discipline, the factual basis for the discipline (this should be a detailed summary of what occurred), the date the discipline is intended to become effective, and a summary of the employee's rights to respond to the proposed discipline. It must also specify the rule or policy that the employee failed to follow and the impacts of such actions on the department's ability to serve the public. Once your department approves the draft, you must then submit the draft of the NOI to County Counsel and Human Resources for review. It cannot be served on the employee until it has been reviewed and approved by these departments.

Note: If the department is recommending termination, the employee must be placed on paid administrative leave at the same time that the NOI is served on the employee.

As stated above, the employee must be given information in the NOI regarding their right to respond to the proposed discipline in writing or in a Pre-Disciplinary Skelly Hearing. Unless otherwise specified in the NOI, employees have five (5) days to submit a written response or request a Skelly Hearing.

The purpose of the Skelly meeting is to provide your employee with an opportunity to respond verbally prior to the imposition of discipline against him/ or her. If your employee requests a Skelly meeting within the allowed time, he or she will meet with the department's designated Skelly Officer for a Pre-Discipline Skelly Meeting.

Your department designates the Skelly officer based on the following requirements:

1. Skelly Officer must be on the same level, or higher in the chain of command than the author of the NOI; and
2. Skelly Officer must be "reasonably" impartial.

Typically, the Skelly Officer is the department head, but only if they meet the above requirements.

The Pre-Discipline Skelly meeting is a meeting where the employee has the opportunity to present his or her side of the story. It is the County's practice to have Skelly meetings recorded by management. During the meeting, your employee may choose to explain what happened, why it happened, or what extenuating circumstances exist. Your employee is entitled to be accompanied at the meeting by a representative. If your employee is represented by an attorney, County Counsel will send an attorney to sit through the Skelly meeting with the Skelly Officer.

The Skelly Officer's role at the meeting is to listen and take notes. The Skelly Officer is only there to consider the employee's side of the story before determining whether to finalize the proposed discipline. The Skelly Officer may ask questions, but is not there to be questioned by the employee or the employee's representative, nor to justify the proposed discipline.

The Skelly Officer will hear and decide the following:

1. Whether there is a reasonable basis to believe the employee engaged in the misconduct charged; and
2. Whether the proposed disciplinary action is reasonable.

After the Skelly hearing, the Skelly Officer will consider the employee's statements and decide whether to impose the proposed disciplinary action, a lesser penalty, or no action at all. Once that has been decided, your department will draft the Notice of Final Discipline, which is normally very similar to the Notice of Intent to Discipline, except that the Notice of Final Discipline will usually also include a summary of what occurred in the pre-discipline Skelly meeting. A sample format for the Final Notice of Intent is also provided by County Counsel. As with the NOI, once your department has approved the draft, it must submit the draft of the Notice of Final Discipline to County Counsel and Human Resources for review.

Your department may serve the Notice of Final Discipline to the employee once your department has received approval to proceed by County Counsel and Human Resources. Within the Notice of Final Discipline, the employee will be given information regarding the opportunity for a *Post-Discipline Appeal*.

Once the employee is served with the Notice of Final Discipline, you must work with payroll and Human Resources to ensure that the suspension, demotion, or termination is implemented. A copy of all documents must be forwarded to Human Resources to be placed in the employee's personnel file.

Union Representation

The County has over 15 associations that represent our employees. It is important to know that although management has the full and exclusive control to supervise all operations and the right to set and enforce performance standards, employees also have rights and resources. You are encouraged to contact Human Resources when you have any questions or doubts about your or your employee's rights.

Grievances

A grievance is defined as a dispute over the application of a specific term or provision of a Memorandum of Understanding (MOU) by an employee adversely affected thereby. Not all MOUs have a grievance process; please review your employee's MOU before responding to any grievance. The grievance form and instructions for completing the grievance are available through the Human Resources Office website.

The purpose of the grievance procedure is to provide an early opportunity to resolve disputes over the application of a term or provision of an MOU.

Whether you are the first line supervisor, a manager or a director, your actions and responses to a grievance may impact other areas of the workforce. It is therefore recommended that you inform management when a grievance is received. This will also give you an opportunity to review whether or not the specific issue falls under the definition of a grievance. Discipline and the exercise of management rights, such as setting performance standards, promotions, transfers, and staffing patterns cannot be grieved.

When discussing a grievance with an employee, it is recommended that you listen, take notes, and get as many details as possible. A timely response is also important as each step of the grievance process has deadlines that must be followed.

Right to Representative

Employees have the right to a union representative when a discussion could reasonably lead to disciplinary action or when an employee is presenting a grievance. This right does not extend to meetings where you are reviewing performance appraisal, issuing the discipline, or when direction is being given on work assignments.

Additionally, employees also have the right to request representation during accommodation meetings or if there is a need for the employee to be physically searched. Please refer to sections below for specific guidance on these two topics.

Contact Human Resources if you have any questions about whether an employee is entitled to have a union representative present.

Protected Leaves

As a supervisor, it is important to be informed about protected leaves of absence and that you stay up to date regarding changes to the Federal and State regulations that govern such leaves.

The leaves listed below are protected by law, therefore, employers are prohibited from taking any punitive action against an employee for exercising their rights to take a protected leave. This includes not only discipline, but also discrimination or retaliation of any sort. As an example, an employee's legitimate use of protected leave cannot be used as the basis for discipline. You should also refrain from making any derogatory comments about an employee's request for, or use of, a protected leave of absence.

Additionally, the medical information surrounding a leave of absence is protected by privacy laws (HIPAA and California's Confidentiality of Medical Information Act). This means that you, as a supervisor, should not disclose an employee's medical information, except in certain limited situations to upper management and Human Resources. It should never be disclosed to your subordinates.

Although we have prepared a summary of the current protected leaves of absence, these regulations change over time and it is important that you do not deny any type of medical leave at the department level as it is Human Resources who makes a determination if your employee qualifies for a leave. This does not include requests for vacation, as this type of leave is approved or denied at the discretion of the department head.

The County has established one general form for employees to request a leave of absence. Once the employee completes the form and the required medical certification, forward it to Human Resources for review and processing.

Pregnancy Disability Leave (PDL)

Any employee who becomes disabled due to pregnancy, or a pregnancy-related condition, is entitled to PDL. Employees can use PDL for prenatal care, severe morning sickness, pregnancy-related disability, childbirth, recovery of childbirth, or any other pregnancy-related medical condition. Employees are entitled to this leave regardless of their length of service with the County.

Employees can use the leave intermittently or consecutively depending on the recommendation of the medical provider. Employees are eligible for up to four (4) months or seventeen and one-third (17 1/3) weeks of unpaid leave. Employees should give at least thirty (30) days advance notice. If thirty (30) days' notice is not possible, the employee must notify their supervisor as soon as practicable.

The County allows employees the option to use their sick leave, vacation, or any other compensatory time accrued to their account, or the employee may take the leave without pay.

Additionally, once PDL is exhausted, the employee may take an additional twelve (12) weeks of California Family Rights Act (CFRA) leave for bonding time with the newborn. For CFRA bonding, the employee may use vacation (not sick leave), or any other compensatory time off accrued to their account or may take leave without pay. Employees should give a thirty (30) day advance notice. If thirty (30) days' notice is not possible, the employee must notify their supervisor as soon as practicable. Employees are to complete a Request for Leave of Absence form and include the required medical certification form.

[Family Medical Leave Act/California Family Rights Act \(FMLA/CFRA\)](#)

Eligible employees may be entitled to up to twelve (12) weeks of consecutive or intermittent unpaid leave within a twelve (12) month period due to their own serious health condition or to care for a spouse or registered domestic partner, child, parent (parent-in-law not included) who has a serious health condition. Additionally, effective January 1, 2021, CFRA (not FMLA) is expanded to cover adult children, grandparents, grandchildren and siblings who have a serious health condition.

Eligible employees may also be entitled to up to twenty six (26) weeks of leave during a single twelve (12) month period to care for a family member, or "next of kin," service member who incurs a serious injury or illness while on active duty, or aggravates an existing or preexisting injury by service in the line of duty.

To be eligible for FMLA/CFRA leave, employees must have been employed with the County for at least 12 months and have worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. For the purpose of this leave, the 12 months of County employment does not need to be consecutive and full-time in nature. Employees that previously worked with the County may qualify for this leave as long as they have met the 1,250 hour requirement. This also applies to previous extra-help employment. Employees should give thirty (30) days advance notice for foreseeable leave. If thirty (30) days' notice is not possible, the employee must notify their supervisor as soon as practicable.

Employees taking leave due to their own serious medical condition have the option to use their sick leave, vacation, or any other compensatory time accrued to their account. For employees using CFRA for bonding, please refer to the section above regarding the use of sick leave. Employees may always choose to take the leave without pay.

[Industrial Injury/Workers' Comp Leave](#)

All employees who incur an injury or illness throughout the course of their job may be entitled to take leave for treatment of such injury. Labor Code 132(a) makes it illegal to fire, threaten to fire, or discriminate in any manner against an employee because they have or intend to file a workers' compensation claim. Additional guidance regarding the workers' compensation process is found later in this handbook

Sick Leave

The following are Protected Sick Leave provisions. Employees are entitled to:

- Up to six (6) working days of accumulated sick leave (one-half of the employee's accrued and available annual sick leave) within one (1) calendar year for diagnosis, care, or treatment of an existing health condition of, or preventive care for himself/herself.
- Up to six (6) working days of accumulated sick leave (one-half of the employee's accrued and available annual sick leave) within one (1) calendar year for diagnosis, care, or treatment of an existing health condition of, or preventive care for the employee's child, spouse, registered domestic partner, parent, legal guardian, stepparent, foster parent, legal guardian, a person that stood in loco parentis, grandparent, grandchild, sibling, and/or parent-in-law.
- Up to six (6) working days of accumulated sick leave (one-half of the employee's accrued and available annual sick leave) within one (1) calendar year an employee is a victim of domestic violence, sexual assault, or stalking, to seek relief, such as a temporary restraining order, or other assistance to help safeguard the health, safety, or welfare of the employee or his or her child.

Non-Medical Leaves

Parental Leave

All employees may take up to forty (40) hours per school year, but not to exceed eight (8) hours per month, to participate in school activities of their children or grandchildren who are enrolled in a K-12 school or in a licensed day care center; to find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. Behavioral or discipline problems are included in the definition of school emergency. This benefit is also available for employees who are stepparents, foster parents, guardians, or who stand in loco parentis. Employees should give reasonable advance notice. Time off may be with pay utilizing vacation accruals or leave without pay.

Victims of Crime

All employees who have been a victim of a serious or violent felony may take time off to participate in court proceedings. Employees may also take leave to attend court proceedings if an immediate family member has been a victim of such crimes. Employees should give reasonable advance notice, or if unforeseen may provide certification regarding the absence. Time off may be with pay utilizing vacation accruals or sick leave, or leave without pay. For the purpose of this leave, an immediate family member is considered a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather.

Similarly, all employees who have been a victim of a crime listed in Labor Code section 230.5(a)(2) may take time off to participate in court proceedings. Employees may also

take leave to attend court proceedings if they are the spouse, parent, child, sibling, or guardian of the victim. Employees should give reasonable advance notice, or if unforeseen may provide certification regarding the absence. Time off may be with pay utilizing vacation accruals (not sick leave), or leave without pay.

Rights of Victims of Domestic Abuse

Employees who have been the victim of domestic violence, sexual assault, or stalking, have the right to job-protected time off to ensure the safety and welfare for themselves and their children or to obtain services. An employee requesting leave must give reasonable advance notice, or if unforeseen may provide certification regarding the absence after they return. An employee may be eligible to use up to six (6) working days of accumulated sick leave within one (1) year for purposes described in Labor Code section 230(c) and Labor Code section 230.1(a). As an alternative, employees may utilize vacation, or any other compensatory time accrued to the account of the employee, or may take the leave without pay.

Military Leave

Military leave will be granted in accordance with state and federal law. Employees should contact Human Resources to discuss their eligibility for paid leave and/or wage replacement (stipend). Employees are to give as much advance notice as possible and complete a leave of absence form with the corresponding service orders. (County Ordinance 3.08.260)

Voting Time

Any employee who does not have sufficient time outside of working hours to participate in statewide or local elections may take up to two (2) hours of paid leave at either the beginning or end of their shift. A two (2) day advance notice is required.

Personal Leave

An employee may request a personal leave of absence not to exceed fifteen (15) calendar days by submitting a Request for Leave of Absence form. A thirty (30) day advance notice is required. Time off may be with pay utilizing vacation, or any other compensatory time accrued to the employee's account or may be leave without pay. A personal leave of absence is granted at the discretion of the department and is not considered a protected leave. (County Ordinance 3.08.270 (a))

Below is a summary of all leaves:

Type of Leave	Amount of Leave Available	Kronos Pay Code
Family Medical Leave Act (FMLA)	Up to 480 hours or 12 weeks within a 12 month period (or 26 weeks to care for a covered service member)	FMLA

California Family Rights Act (CFRA)	Up to 12 weeks run concurrently with FMLA except for PDL	CFRA
Pregnancy Disability Leave (PDL)	Up to 693 hours or 17 1/3 weeks	PDL
Leave qualifying under ADA/FEHA	As approved as a reasonable accommodation	Supervisor's comment - ADA/FEHA
On-the-Job Injury	As approved by Workers' Compensation	OI LOA - (OI Doctor places off work 3 days only) Labor Code 4850 (Safety) For Medical Apt. – Supervisor's Note: OI Medical Apt.
Military leave	As per USERRA guidelines	Military (first 30 days only)
Parental Leave	Up to 40 hours within a school year - not to exceed 8 hours in a calendar month	Supervisor's comment - Parental LOA
Kin Care	Up to ½ of employee's annual allotment of sick leave (48 hours per FY)	Sick Relative
Victims of Crime for Criminal Court Proceedings	Allow unpaid time off	Supervisor's comment - VC
Victims of Domestic Violence, Sexual Assault or Stalking	Allow unpaid time off	Supervisor's comment - DV
Jury Duty	Allow paid time off if requested	Jury Duty
Time off to Vote	Allow up to 2 hours to vote at the Beginning/End of shift	Voting

In-Service Evaluations

At some point in your supervisory career, you may encounter a situation where you believe that your employee is having difficulty performing his/her job duties because of a physical or mental condition. You may also feel concerned about whether your employee can safely perform his/her job duties.

County Ordinance 3.24.180 provides the County with the ability to perform an in-service medical examination. The use of this resource is intended to ensure that your employee can safely perform the job duties, without endangering themselves or others, and to avoid the imminent and substantial risk of injury or illness.

Human Resources will review the facts surrounding your particular employee and consult with the Medical Director to determine if an in-service evaluation is the best approach. Supervisors should not make any decision to send an employee for an in-service evaluation without conferring with Human Resources first.

Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA)

As a supervisor, it is your responsibility to comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability. Either as a direct supervisor or a manager of a certain section, you will be called upon to make reasonable accommodations for known or perceived physical or mental limitations of an otherwise qualified employee.

Human Resources facilitates discussions between employees and supervisors when determining if a requested accommodation is reasonable in nature. Therefore, if your employee indicates to you that he/she requires a reasonable accommodation, or advises that he/she has limitations or restrictions with regards to work duties, the County may have an obligation to engage (interactive process) with the employee. Contact Human Resources regarding any situation which you believe an employee needs an accommodation, or has limitations or restrictions that prevent him/her from performing their job duties.

The interactive process is a good faith dialogue between the employee and your department to determine all feasible potential reasonable accommodations.

Employees will be asked to submit to Human Resources information from a licensed physician or any other medical provider that specifies their job restrictions. The County does not require, and you should therefore never request, information regarding the name of the disability or diagnosis of the employee.

Equal Employment Opportunity

Discrimination and Harassment Policies

One of the most important duties as a supervisor is to ensure that your staff works in an environment free of harassment, discrimination and retaliation. You should monitor the work environment, take all necessary steps to prevent discrimination, harassment, and retaliation from occurring and/or respond immediately to allegations.

Additionally, you have a responsibility to treat all employees without discrimination, harassment, or retaliation. In the event your employee believes in good faith that a work situation constitutes discrimination, harassment, and/or retaliation, you should refer them to the County's EEO Officer, California Department of Fair Employment and Housing or the US Equal Employment Opportunity Commission. With that in mind, we have gathered some brief recommendations to always keep in mind:

Do take complaints seriously.

Do report inappropriate conduct immediately.

- Supervisors must notify the department head of any observed conduct or complaint that could violate the County's harassment policy.
- The department head is responsible for verbally notifying the Equal Employment Opportunity Office immediately upon receipt of a harassment allegation, and submitting a written incident report within five (5) days of receipt of said complaint.

Do document everything.

Do thank the employee for bringing the matter to your attention and follow-up with the employee after you addressed the issue (if addressed internally).

Do contact Human Resources regarding all requests for accommodation.

Do select employees for hire or promotion based on their experience, education and qualifications (not based on protected characteristics).

Do inform employees that they may contact the County EEO Office, US Equal Employment Opportunity Commission or Department of Fair Employment and Housing.

~~Do ensure everyone has information on the County's policies on ADA, discrimination, harassment and retaliation issues (including training).~~

Do ensure that you attend all mandatory trainings.

Do monitor your work environment for possible problems, or problem behaviors, including but not limited to unlawful sexual innuendo or intimidation.

Do not retaliate if someone complains.

Do not ask employees when they plan to retire.

Do not ask employees/co-workers why they park in a disabled parking space if they, for instance, "look okay."

Never state that you are short-staffed because employees are on any type of protected leave (i.e. maternity leave, FMLA).

Religion in the Workplace

The County of Imperial enforces the rights of employees to exercise and enjoy freedom of religion and religious association and strictly prohibits discrimination and/or harassment based on religious creed.

Nonetheless, where the public has access to the County workplace, all County employees must be sensitive to the requirement that their expression does not create the reasonable impression that the County is sponsoring, endorsing, or inhibiting religion generally or favoring or disfavoring a particular religion.

Employees should be permitted to engage in private religious expressions in personal work areas not regularly open to the public to the same extent that they may engage in non-religious private expressions, subject to reasonable content and viewpoint-neutral standards and restrictions: such religious expression must be permitted so long as it does not interfere with the department carrying out of its official responsibilities.

County employees may have religious displays in personal work areas not regularly open to or viewed by the public. The County shall bear no cost for said displays or for shielding the employee's work area from public view.

If you receive a request from an employee for an accommodation due to religious beliefs, please contact Human Resources for further guidance.

Training Requirements

Supervisors are required to undergo at least two (2) hours of harassment prevention training every two (2) years.

All non-supervisory employees are required to take the 1-hour Sexual Harassment Prevention Training. This requirement is also for non-supervisory part time staff, extra help, seasonal employees, volunteers, student interns, and any other person representing the County.

Privacy in the Workplace

As a supervisor, you may have access to private information regarding your employees. You should not disclose or discuss the following information to co-workers or your staff:

- Reasons behind a request for a leave of absence (such as sick leave, FMLA)
- Details regarding your employee's health condition, including medication she/he may be taking
- Details regarding a discipline that you are imposing or considering

The above list only includes a few examples of information that should not be disclosed. You should use caution when discussing any details regarding your employee's personal life that is outside his/her work duties.

As stated above, employees have the right for their personal information to be kept private. However, as a supervisor, you do have the right to access your employee's emails, computer usage and their overall work area when a business related reason makes it necessary to do so (exceptions apply for public safety). This does not include the employee's personal belongings, such as their purse or backpack, and therefore, you cannot access or search those areas without the employee's permission.

You must notify management and Human Resources before you conduct the search if there is a situation that requires that you access these records/areas.

Drug & Alcohol Policy

The County has established a policy prohibiting, in part, the use, possession, sale and trade of alcohol, illegal drugs, or "legal" substances marketed or designed to change mood, or having any detectable amount of illegal drugs or alcohol at or above .01%BAC within an employee's bodily system during compensable work time or while in any County workplace.

As a supervisor, you are responsible to:

- Attend County-sponsored training on drug and alcohol awareness.
- Ensure employees are made aware of the County's Drug and Alcohol policy statement.
- Contact your Department Head (or designee) and Human Resources immediately after identifying a critical incident or if reasonable suspicion exists that an employee is under the influence of an illegal drug or alcohol.

The County's Drug & Alcohol policy is available through the Human Resources website.

Reasonable Suspicion in the Workplace

As it relates to the County's Drug and Alcohol policy, reasonable suspicion means a reasonable belief, based on articulated facts and reasonable inferences drawn from those facts, that an employee may be impaired by the suspected use of drugs and/or alcohol or has violated the applicable directives with the policy. Reasonable suspicion may be based upon, among other things:

1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or physical symptoms of being under the influence of drugs or alcohol.
2. A pattern of abnormal conduct or erratic behavior.
3. Conviction for drug-related or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or distribution, while on compensable work time.
4. Information provided either by a reliable and credible source or independently corroborated by other sources, to include self-admission of drug/alcohol use.
5. Newly discovered evidence that the employee tampered with a previous drug test.

On-the-Job Injuries

As a Supervisor, there are items to remember if an employee is reporting a work-related injury or illness. On many occasions, it may be easy to identify when an employee is claiming an on-the-job injury, such as a fall or a car accident. However, there are occasions when employee may make statements such as "my neck hurts when I use the phone" or "all this work stress is making me sick". These statements may trigger an obligation to provide an employee a Worker's Compensation Claim Form (DWC-1). Be advised that an employee has *365 days from the date of injury* to submit a Workers' Compensation claim.

You, as a supervisor, are not being asked to make a determination if an injury/illness is work-related, only to provide the required forms. A final determination regarding coverage is made by applicable State laws.

On-the-Job Injury-Process

Below is a checklist of what you must do when informed of a work-related injury or illness.

Once you are notified:

1. In an emergency, call 911 or take the injured employee to the nearest emergency room.
2. Advise employee of calling Company Nurse at 877-545-9157 to triage minor injuries and provide them a copy of the *Company Nurse Injury Hotline flyer*.
 - a. You should call Company Nurse on behalf of employee if he/she is unable to make the call.
 - b. Company Nurse gathers information over the phone and either recommends first aid or refers employee to appropriate medical treatment at a designated facility or pre-designated physician.
3. Provide employee with the Workers Compensation Prescription Information. This form allows the employee to fill the first prescription given by the physician.
4. Provide the employee a *Workers' Compensation Claim Form (DWC-1)* ; by providing this form the supervisor is not admitting that an injury is work-related.
 - a. Employees will need to personally complete line items 1-9 on the DWC-1 form; Supervisors will complete lines 12 and 13 of the DWC-1 form and line 14 only if the employee completes, signs, and submits the claim form for initiation.
5. Complete the *Supervisor's Accident Investigation Report* and provide a thorough investigation of the incident ensuring all fields are completed. Submit the report to Risk Management.

The doctor will give the employee a doctor's note, noting whether the employee can return to work without restrictions, return to work with restrictions, or take time off to recuperate. If an employee returns to work with "work restrictions", it is important that you confirm with Human Resources that the restrictions can be reasonably accommodated before allowing the employee to return to the worksite. Please refer to ADA section for more information regarding this topic.

For employees that are placed off work, they may be required to submit to a return-to-work physical before they return to work depending on the amount of time off. You will be notified of this requirement by the Risk Management Department. (County Ordinance 3.24.200)

On-the-Job Injury-Time Off

If there is an on-the-job injury or illness caused by work, employees are entitled to workers' compensation benefits. These benefits are provided at the County's expense.

- If a licensed physician restricts an employee from working during the onset of the job related injury/illness (OJI), the employee will receive full compensation for the scheduled work days falling within the first three (3) work days of such absence (free OJI).
 - The free OJI must be used in full-day increments, even if the first day of such absence is partial.
- Thereafter, the employee may elect to apply prorated accrued sick leave, earned vacation, or compensatory time credits for such absence to supplement any benefits they may be eligible for under the Workers' Compensation Act.
- As the supervisor, you are required to properly document a work-related leave by using the following OJI Pay Codes:
 - OI (without pay)
 - OI Sick
 - OI Free Reg
 - OI Vacation
 - OI Admin
 - OI Comp

Time off for doctor's appointments is not considered a benefit under the Workers' Compensation Act, therefore, employees must either schedule the appointments on their days off, use their accruals, or take the time off without pay.

On-the-Job Injury-OSHA Notification

In the event that you are notified of a fatality or serious injury/illness, you are required to notify OSHA within eight (8) hours of the incident.

A serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment which requires:

- inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or
- an employee suffers a loss of any member of the body through amputation, or
- an employee loses an eye.

Procedure for reporting serious injury or illness:

- You must report via telephone any serious injury or illness, or fatality of an employee occurring in a place of employment or in connection with employment to the nearest Cal/OSHA district office at 619-767-2280.
- The call should be placed as soon as practically possible, but in no way shall exceed an eight (8) hour period from the time of knowledge.
- After reporting the injury to Cal/OSHA, the supervisor should contact Risk Management to notify that a serious injury has occurred and Cal/OSHA has been notified.

Injury & Illness Prevention Program (IIPP)

As a supervisor, you have a responsibility to ensure the health & safety of your employees. The County has developed an IIPP program to assist you in this duty. There are various topics discussed within the IIPP relating to safety and health policies and procedures.

Accident Investigation

To ensure that all accidents are properly investigated, the County has developed an Accident Investigation Procedure.

Procedures for investigating workplace accidents and hazardous substance exposures include:

- Visiting the accident scene as soon as possible;
- Interviewing injured workers and witnesses;
- Determining the cause of the accident/exposure;
- Taking corrective action to prevent the accident/exposure from reoccurring; and
- Recording the findings and corrective actions taken.

The County has developed a Supervisor's Accident Investigation Report form to facilitate this process. The form can be found under Risk Management Forms in the County's website.

Hazard Assessment and Correction Record

As a supervisor, it is your responsibility to timely address unsafe or unhealthy work conditions, practices, or procedures. Hazards shall be corrected according to the following procedures

- When observed or discovered;
- When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, remove all exposed workers from the area except those necessary to correct the existing condition. Workers necessary to correct the hazardous condition shall be provided with the necessary protection; and
- All such actions taken and dates they were completed shall be documented on the appropriate forms.

The County has developed a Hazard Assessment and Correction Record form to facilitate this process. The form can be found under Risk Management Forms in the County's website.

Vehicle Accident/Damage Report

If your employees drive a vehicle during the course and scope of their employment, it is important that you become familiar with handling vehicle accidents. All employees involved in a vehicle accident while operating a motor vehicle during working hours are required to report such accident to you, their supervisor. Once you have been put

on notice, you must complete the "Supervisor's Investigation" segment within Vehicle Accident/Damage Report *within 48 hours* following the date of the accident and submit it to Risk Management and County Fleet Services via autoclaims@co.imperial.ca.us.

Note: If the driver requires immediate medical assistance following an accident, they should not delay seeking the necessary medical attention.

OSHA Visit / Complaints (how to deal with them)

Although not very common, OSHA will at times conduct onsite visits. In most instances, OSHA will arrive to inspect your facility unexpectedly or when a major disruptive event, such as a fatality, catastrophe, or serious employee injury, has recently occurred. Risk Management is available to do a walk-through with OSHA so it is important that you contact them as soon as the OSHA representative arrives.

If OSHA is investigating a complaint, your agency has the right to see the complaint, although OSHA will redact the name of the person who initiated the complaint.

At the opening conference, you should ask the Compliance Officer to:

- Identify the type of inspection to be conducted (e.g., complaint inspection), and state the reason for the inspection and the scope of the inspection.
- Consent should be limited to the area of concern.
- The Cal/OSHA inspector then conducts a "walk-around" inspection. You should limit the walk-around to the area of concern.
- After an inspection, Cal/OSHA will hold a closing conference and if they believe that your agency has violated any standards or regulations, the agency issues a citation.
 - a. Citations describe the alleged violations, list any proposed penalties (fines), and give a deadline for correcting the hazards.
 - b. There are several categories of violations: serious, willful, repeat, failure to abate, or other-than-serious.
 - c. Penalties are based on the category as well as the severity and extent of the violation.
- If your department receives a citation you may appeal to the Occupational Safety and Health Appeals Board to try to change the violations cited, the penalties proposed, the deadline for correcting hazards, or the solutions required.
 - a. The appeal must be made in writing within fifteen (15) working days of receiving the citation. Unions and/or affected workers can apply to have "party status" during the employer's appeal.

CONCLUSION

Please contact Human Resources for any questions pertaining to the contents of this handbook. The most updated forms referenced in this handbook can be found in our website at www.co.imperial.ca.us or by contacting our office at (442) 265-1148.

Again, welcome to your new role as a supervisor.

ATTACHMENT A (PIP)

(Place on department letterhead)

PERSONAL & CONFIDENTIAL

BY PERSONAL DELIVERY

Date:

To:

From:

Re: Performance Improvement Plan

As noted on your annual evaluation and as we have discussed, special focus is needed to bring your performance up to acceptable standards in the following areas:

(List areas of concern)

This memorandum lists these three overall objectives as well as action steps that you can take to reach the overall objective. You are directed to prepare an email to me each _____ (day and time) regarding your assessment of your progress as to each overall objective. Your email should contain examples for each overall objective. I will meet with you every _____ to discuss your progress toward these objectives. Failure to achieve these objectives in _____ (months), or failure to prepare your weekly email to me will result in disciplinary action up to and including termination.

(List the objectives for the PIP, including details on deadlines that must be met by the employee)

Supervisor Assistance and Guidance

To assist you in meeting the expectations listed above:

- You will be provided a copy of the County Policies.
- You and I will have weekly meetings for the first month and biweekly meetings thereafter to discuss your conduct/performance and communicate regarding improving your performance. Our check-in

sessions will occur every _____ at _____ [set a specific date and time for the check-ins and be sure to follow through on each meeting.]

- E.g., "you will be signed up for training on _____" and/or "you will be assigned [employee] as a mentor to assist you in the performance of your duties."
- [Any other useful assistance.]

Time Frame and Consequences:

This Performance Improvement Program (PIP) will commence on [date], and will be in place for three months. At the completion of the PIP, I will create a report discussing the results. Upon successful completion of the PIP, counseling sessions will only occur should a problem arise. Failure to successfully complete this PIP may lead to discipline up to and including termination.

I understand each of the objectives above and will work toward achieving them. I understand the requirement that I am to send _____ [manager] an email each week to assess my performance toward these objectives.

I acknowledge receipt of the above Performance Improvement Plan and have received an opportunity to review it with my supervisor.

Date: _____ Employee's Signature: _____

CC: Human Resources

ATTACHMENT B-COUNSELING MEMO

[Place on Department Letterhead]

Employee Name:

Date:

Department:

Classification:

This notice is being issued to you for the following reason(s).

[List details regarding the incident, including dates and actions the employee took that requires the issuance of the counseling memo]

Please be advised that you are expected to follow the following directives:

[List the department's expectations moving forward]

You are given this counseling memo in order that you have an opportunity to make the necessary improvements in the performance of your duties. In case improvement is not shown, suspension, reduction, or discharge may follow.

Department Head Signature (or authorized representative)

I have received a copy of the above counseling memo. Having read the counseling memo and been given a chance to discuss it with my supervisor, I acknowledge that I know the rules and requirements involved.

My comments (if any) are attached.

Date:_____ Employee's Signature:_____

ATTACHMENT C (WRITTEN REPRIMAND)

[Place on department letterhead]

PERSONAL & CONFIDENTIAL

BY PERSONAL DELIVERY

Date:

To:

From:

Re: Letter of Reprimand

Dear [employee name],

This is a formal letter of reprimand as a result of your actions on [insert date or dates], when you [briefly describe acts for which you are disciplining].

I. Violations of County Ordinances and Department Policy

This letter of reprimand is a result of your violation of the following causes of discipline specified in the county of Imperial Codified Ordinance Section 3.32.030 (Exhibit "A") as follows:

[The following is an example; please include the violations from the ordinance you believe belong below]

- A. Immoral or unprofessional conduct
- C. Dishonesty
- G. Violation of or refusal to obey reasonable regulations prescribed by the Board of Supervisors or by the Department Head
- J. Insubordination

Further, you violated the following Department policies (Exhibit "B"), namely:

[Insert Department policies the employee violated below]

II. Factual Basis for Letter of Reprimand

[Insert narrative regarding your investigation and the conclusion]

III. Past Discipline

[Insert past disciplines, likely counseling memorandums]

IV. Expectations

[Outline how you expect your employee to conduct himself or herself moving forward. Clear direction regarding what is and is not allowed is helpful]

Failure to comply with these expectations may result in further disciplinary action, up to and including dismissal.

Sincerely,

[Name of author]

[Title]

THIS DOCUMENT WILL BE PLACED IN YOUR OFFICIAL PERSONNEL FILE WITHIN FIVE (5) WORKING DAYS OF THE DATE THAT YOU RECEIVE THIS MEMORANDUM. PRIOR TO THE EXPIRATION OF THE ABOVE PERIOD, YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT WHICH WILL BE ATTACHED TO THIS DOCUMENT AND PLACED IN YOUR PERSONNEL FILE.

I have received a copy of the above letter of reprimand. Having read the letter and been given a chance to discuss it with my manager/deputy director, I acknowledge that I know the rules and requirements involved.

Date: _____ Employee's Signature: _____

CC: Human Resources

EXHIBITS: