



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT
 Business | Action

March 1, 2021

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Holly O. Whatley, Commission Counsel
 Priscilla Allen, Local Government Analyst I

SUBJECT: Proposed Addition to Personnel Rules | Employee Telecommuting

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving an addition to the Commission’s Rule No. 6 and its provisions outlining personnel policies to address employee teleworking. The proposed addition expands and formalizes recent practices and authorizes the Executive Officer to extend telework privileges to eligible employees on a regular or situational basis. It is recommended the Commission approve the proposed policy addition with any identified changes as well as make related changes to supporting definitions involving professional and support employees.

BACKGROUND

Exiting Personnel Policies

San Diego LAFCO’s Rule No. 6 codifies a series of personnel policies adopted by the Commission beginning in 1975. The personnel policies are generally premised on providing salaries, benefits, and other forms of employee compensation consistent with the County of San Diego and based on comparable positions. The personnel policies also divide employees into two categories: professional (Executive Officer, Assistant Executive Officer, and Analysts) and support (Administrative Aides and Assistants).

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DISCUSSION

This item is for San Diego LAFCO to consider approving a proposed addition to its personnel policies in Rule No. 6 to formally accommodate employee telecommuting. The proposed addition incorporates best practices learned to date in the makeshift telework measures enacted due to COVID-19 and intended to serve as a permanent and flexible tool in managing employee resources. Related changes to supporting definitions involving professional and support employees are also forwarded to align with current job titles/classifications.

A summary of key provisions included in the proposed policy to permanently accommodate telecommuting follows and further detailed as part of Attachment One.

Guidelines and Principles

- Telecommuting is a voluntary arrangement between the Executive Officer and employee. It is considered a privilege and not a right of employment with LAFCO.
- While it is an earned privilege, LAFCO encourages eligible employees to consider a telecommuting schedule and its intrinsic benefits.
- Eligibility is based on employee position and work performance at LAFCO with the former (position) determined by policy and the latter (performance) determined by the Executive Officer.
- Telecommuting may be authorized on a regular or situational basis.
- Under normal conditions the percent of telecommuting hours for any authorized employee shall not exceed 50% of their total workhours during the fiscal year.
- All employees shall automatically revert to 100% telecommuting for the duration of any declared emergency by the County Health Officer unless otherwise required by the Executive Officer to ensure essential services continue.

Baseline Standards

- Employees authorized to telecommute shall maintain regular work schedules agreed to by the Executive Officer and specified in signed agreements.
- Telecommuting employees shall be accessible to the Executive Officer and LAFCO co-workers by telephone, text, or email during their regular work schedules.
- Telecommuting employees shall be accountable for securing information by taking reasonable measures to safeguard information on a routine basis.

Eligibility

- All professional employee positions as defined in Rule No. 6 are eligible to request telecommuting privileges on a regular or situational basis.
- All support employee positions as defined in Rule No. 6 are eligible to request telecommuting privileges on a situational basis.
- Only employees with satisfactory or above job performance reviews from the Executive Officer are eligible to request and/or retain telecommuting privileges.

Equipment

- The need for telecommuting equipment shall be determined on a case by case basis by the Executive Officer in consultation with the employee.
- When appropriate, the Executive Officer may provide equipment to the employee to accommodate authorized telecommuting. Any equipment provided (borrowed, purchased, etc.) to the employee shall remain the property of LAFCO .

Implementation

- The Executive Officer is responsible for ensuring all authorized telecommuting employees remain productive in performing their assigned duties and tasks.
- The Executive Officer may unilaterally terminate telecommuting privileges for an employee at any time should he/she determine it is best for LAFCO.

ANALYSIS

The proposed policy addition to San Diego LAFCO's Rule No. 6 affirmatively addresses telecommuting as a resource benefiting both the Commission and employees. The proposed policy draws and improves on recent and otherwise makeshift practices necessitated by COVID-19 and marks an appropriate modernizing of the Commission's policies. This includes providing the Commission a tool to improve employee retention and recruitment while also giving employees added flexibility in their work-life integration. It also – pertinently – prescribes clear parameters on the extent of telecommuting permissible to equal no more than 50% of an employee's total workhours during a fiscal year as well as distinguishing allowances between professional and support personnel; the latter category being more restricted given the positions' tasks are more tied to office settings. Related revisions to existing definitions in policy to match current job titles are also timely.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed update to Rule No. 6 as presented with any desired changes. This recommendation is consistent with Alternative Action One in the proceedings section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

- (a) Approve the proposed update to the Rule No. 6 as provided as Attachment One with any desired changes.
- (b) Authorize the effective date of the proposed update March 1, 2021.

Alternative Two:

Continue consideration to a future meeting and provide direction as needed.

Alternative Three:

Take no action.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda for action as part of the business calendar. The following procedures, accordingly, apply:

- 1) Receive verbal presentation from staff unless waived.
- 2) Initial questions or clarifications from the Commission.
- 3) Invite comments from the public.
- 4) Consider the staff recommendation or alternatives.

On behalf of staff,



Priscilla Allen
Local Government Analyst I

Attachments:

- 1) Draft Update to Rule No. 6 (track-changes)
- 2) Draft Telecommuting Agreement

**RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION**

**ARTICLE VI
PERSONNEL RULES**

- 6.1 Application
- 6.2 Definitions
- 6.3 Rest Periods
- 6.4 Holidays
- 6.5 Classification
- 6.6 Compensation
- 6.7 Performance Reports
- 6.8 Eligibility for Step Adjustments
- 6.9 Overtime
- 6.10 Leave
- 6.11 Vacation
- 6.12 Dismissal or Suspension
- 6.13 Temporary Appointment to a Higher Class
- 6.14 Employees Previously Employed by a County
- 6.15 Benefits
- 6.16 Compensation Plan
- 6.17 Recruitment
- 6.18 Suspension of Personnel Rules
- 6.19 Effective Dates
- 6.20 Executive Officer Compensation Plan
- 6.21 Telecommuting

6.1 APPLICATION -

Unless otherwise provided in the employment contract between the Commission and the Executive Officer, the foregoing personnel rules and the attached compensation / benefits summary shall apply to all employees who have been:

1. Appointed and serve at the pleasure of the Commission; or
2. Appointed by the Executive Officer.

6.2 DEFINITIONS -

1. "Biweekly Pay Period" means the 14-day period commencing on August 16, 1974 and ending at midnight of the second Thursday thereafter and each subsequent 14-day period.

2. "Commission" means the San Diego Local Agency Formation Commission.
3. "County" means the County of San Diego.
4. "Discipline" means an action or actions taken by the Executive Officer or Commission to reprimand, dismiss, demote or suspend an employee of LAFCO.
5. "Executive Officer" means the Executive Officer appointed by the Commission pursuant to Government Code Section 56038.
6. "Immediate Family" means husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, any person serving or who has served as parent or any other person living in the same household as the employee.
7. "Overtime" means authorized or ordered work required of an employee which is in excess of the work week as set by the Executive Officer for that employee.
8. "Part-time Employee" means an employee whose biweekly work week is less than 80 hours.
9. "Professional Employee" means the Executive Officer, Assistant Executive Officer, Chief of Policy Research, Chief of Governmental Services, [Geographic Information Systems \(GIS\) Analyst](#), and Local Governmental Analysts I, II, and III for the purpose of these personnel rules only.
10. "Rate of Compensation" means the specific amount of compensation established for a specific period of work.
11. "Reprimand" means a written or verbal expression of disapproval related to the activities of an employee of LAFCO.
12. "Rules" mean the Rules of the Commission.
13. "Support Employee" means Administrative Assistant, Administrative Aide, [Commission Clerk, Executive Assistant](#), Records Clerk, and [Geographic Information Systems \(GIS\) Analyst](#) for the purpose of these personnel rules only.
14. "Temporary Employee" means an employee hired by the Commission for a period not to exceed six calendar months.
15. "Work week" means the number of hours authorized in a biweekly pay period by the Executive Officer for each employee.

6.3 REST PERIODS -

Each employee may take a 15-minute rest period at midmorning and at mid-afternoon.

6.4 HOLIDAYS -

Full-time, permanent employees shall be entitled to the same holidays on full pay as authorized for the employees of the County of comparable classes unless otherwise specified by the Commission. Part-time, permanent employees' pay for holidays shall be equivalent to one-tenth (1/10) the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

6.5 CLASSIFICATION -

The Commission, through the adoption of these Rules, shall provide for the classification of its employees per the position specifications included in Article VI of the Rules (Exhibit A).

6.6 COMPENSATION -

The compensation for each position shall be according to a schedule fixed by the Commission. To the extent each position is comparable to a similar position in the County of San Diego, compensation shall approximate that for the comparable county position. Wage and benefit adjustments given by the County to its employees will be applicable to the comparable Commission positions. The rate of compensation set forth in the pay schedule shall represent the total compensation in every form except for overtime compensation, health insurance benefits, compensation plans, retirement benefits and reimbursement for actual and necessary expenses for traveling subsistence and general expenses authorized and incurred incident to employment. With commission budgetary approval, the Executive Officer is authorized to implement the employee performance incentive program. The program is based on recognizing exemplary performance through providing bonuses and/or cash awards. The Executive Officer may provide a one-time annual exemplary performance bonus to qualified Commission staff, not to exceed 5% of the annual salary for employees deemed eligible by the Executive Officer. The annual cycle is based on the fiscal year. Commission employees may receive exemplary performance pay and/or recognition pay in one lump sum cash award or in incremental cash awards.

In addition to performance bonuses up to 5% of an employee's annual salary, the Executive Officer may also provide recognition pay to Commission staff not to exceed \$1,000 per award. The criteria for the award will be based on cost-savings, service improvement, or other tangible benefits to LAFCO operations directly attributable to an individual member of the LAFCO staff. Multiple awards may be granted to Commission staff as long as the aggregate monetary total of the awards do not exceed \$1,000 for each member of the staff during the fiscal year. The Executive Officer is also authorized to establish an office-wide

performance recognition program and is authorized to allocate up to \$1,250 annually to support this program.

Non-executive Commission employees with a minimum of 15 years of continuous LAFCO/County of San Diego employment are eligible for a 1-2% annual salary band increase, contingent on exemplary performance subject to a determination by the Executive Officer.

Further information about the wages and benefits are included in the Benefits / Compensation Summary attached to the Rules.

6.7 PERFORMANCE REPORTS -

For the purpose of determining the step adjustment to which each employee of the Commission may be entitled, the Executive Officer shall provide for a system of reporting the performance and progress of employees. Performance reports for each employee shall be prepared prior to the six-month anniversary appointment and at least once a year thereafter. Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard performance reports of employees. The Executive Officer shall, upon completion of the performance report, review same with the affected employee. Employees who do not concur with the Executive Officer's performance report may, within 15 days following the review of the performance rating, file a written request for reconsideration with the Executive Officer, unless that person reports to the Executive Officer. Employees who report to the Executive Officer may, within 15 days following the review of the performance rating, file a written request for reconsideration to the Personnel Committee.

6.8 ELIGIBILITY FOR STEP ADJUSTMENTS -

Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard employee performance evaluations. On the first day of the pay period immediately following the twelve month anniversary of the appointment of an employee to a position and after completion of each additional year of service in the same position, an employee may be eligible to receive step adjustments. Step adjustments are awarded upon the approval of the Executive Officer.

6.9 OVERTIME -

Any authorized time worked in excess of the employee's weekly work schedule as established by the Executive Officer (see Section 6.2) shall be considered overtime.

Cash payment in lieu of compensatory time-off shall be considered when, in the judgment of the Executive Officer, granting compensatory time-off would detrimentally affect the operations of the office. Overtime shall be recorded in units of hours and tenths of hours on a biweekly basis. All hourly (non-exempt) employees are allowed compensatory time-off on an hour and a half-for-hour basis. Employees' hourly (non-exempt) positions may receive

cash payments for overtime worked in any work week only at the discretion of the Executive Officer.

Compensatory time-off to which employees are entitled shall be allowed and taken no later than the last day of the fiscal year following the end of the fiscal year in which the overtime was worked. In authorizing compensatory time-off, the Executive Officer shall give consideration to the desires of the employee as to the date of such time-off and to the needs of the office.

6.10 LEAVE -

Any employee returning from an approved leave shall return to the same position, at the same pay-step, and with the same rights, privileges and obligations as other employees of the same position.

1. Leave With Pay

- (a) Sick leave - Sick leave is paid time off that may be used when an employee is absent from duty for the reasons outlined below. Employees shall accrue sick leave at a rate of .05 x hours worked or of paid leave of absence (4 hours per 80-hour pay period) during each biweekly pay period. Unused sick leave may be accumulated from year to year. An employee may be authorized to use a maximum of eighty (80) hours of paid accrued sick leave in a twelve-month period for the purpose of caring for a member of the immediate family who is ill or injured. In addition, if the employee requests paid sick leave in excess of eighty (80) hours in order to care, or arrange care, for a member of the immediate family who is critically or terminally ill, additional accrued sick leave may be available to the employee when granted by the Executive Officer upon receipt of satisfactory verification from a physician.

Sick leave is paid time off that may be used because of the employee's:

- (1) illness, injury, or exposure to contagious disease which incapacitates the employee for work;
- (2) receipt of medical or dental care or consultation, including prenatal and postnatal care, which is not available except during working hours;
- (3) requirements to care for an ill or injured immediate family member;
- (4) necessity to be present because of a critical or terminal illness of an immediate family member; or
- (5) need to discharge the required obligations that arise from the death of an immediate family member.

Upon termination of employment, employees hired prior to March 3, 1980 shall be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave shall apply so long as an employee has unbroken service even though the employee may change classification as a Commission employee. Employees in all LAFCO classes may upon retirement, deferred retirement, disability retirement, or death, convert all or a portion of accrued sick leave balance into retirement service credits subject to the rules and regulations of the of the San Diego County Employees Retirement Association, provided: (a) the employee has completed five (5) or more years of continuous service during that employee's present employment; and (b) the employee's sick leave balance totals one hundred (100) hours or more. In addition, upon retirement or termination of service with the Commission, employees within benefit designation 01 (Executive Officer) may also elect to receive cash payment for all or a portion of unused sick leave credits equal to 50% of its value. One hundred (100%) of all sick leave credits that are paid to the employee in cash at 50% will be removed from the employee's sick leave balance.

- (b) Bereavement Leave - Employees shall be allowed up to five working days of leave with pay upon approval of the Executive Officer due to death in the immediate family.
- (c) Military Leave - Military leave may be allowed an employee in the same manner and under the same conditions as granted by the Civil Service Rules of the County of San Diego.
- (d) Disability Leave - Disability leave may be allowed an employee in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.
- (e) Absence due to Required Attendance in Court - Absence due to required attendance in court may be allowed an employee upon approval by the Executive Officer and in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.
- (f) Administration of Leave With Pay - The Executive Officer shall maintain records of leave with pay and shall require of the employee a statement of reasons for absence by the employee; sick leave taken for more than three consecutive work days shall be verified by the attending physician or dentist. If, after investigation, the Executive Officer is convinced that the employee is not entitled to paid sick leave, the Executive Officer shall notify the employee accordingly.
- (g) Computation of Leaves With Pay - Authorized leaves with pay shall be recorded in units of one hour; pay shall be allowed at the rate the employee would be paid for working during the same period.

2. Leave Without Pay

An employee may be allowed up to one year of leave without pay upon approval by the Executive Officer when such leave is in the best interests of the Local Agency Formation Commission. Any such request shall be in writing, shall state the reason for requesting leave and shall specify the dates requested. Reasons for requesting leave without pay shall include, but are not limited to, military service, extended illness or maternity.

- (a) Leaves of Absence on Account of Illness or Injury -Leaves of absence without pay on account of illness or injury, which are not job incurred, may be granted for a maximum period of 26 full biweekly pay periods. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.
- (b) Leaves of Absence for Personal Reasons - Leaves of absence without pay for personal reasons may be granted for a maximum of 13 full biweekly pay periods. Such leaves shall only be granted after all accrued vacation, and holiday credits have been used.
- (c) Family/Medical Leave (FML) - Family/Medical Leave shall be allowed in accordance with the provisions of the Moore-Brown-Roberti California Family Rights Act of 1993 (Government Code Sections 12945.1-12945.2, and relevant provisions within Section 4.3.12 of the County Compensation Ordinance notwithstanding minimum employee limits contained in the CFRA. Employees may use accrued sick and vacation leave balances during this time.
- (d) The Executive Officer shall maintain records of such leave without pay. Any determination by the Executive Officer of a request for leave without pay shall be in writing. Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.

6.11 VACATION -

- 1. All permanent professional employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, professional employees shall be allowed 15 working days per calendar year of vacation time to be accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees shall be allowed 25 working

days of vacation time per calendar year to be accumulated at a rate of 7.6 hours per biweekly pay period.

2. All permanent support employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first three years of continuous service, support employees shall be allowed 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of three years of continuous service, support employees shall be allowed 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of nine years of continuous service, support employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.
3. All permanent professional and support employees hired on or after January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, employees shall be allowed 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of five years of continuous service, employees shall be allowed 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of 10 years of continuous service, employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. A summary of the vacation accrual rates applicable to LAFCO employees hired on or after January 1, 2013 follows:

0 to 5 years =	10 days/year*
5+ to 10 years =	15 days/year
10+ years =	20 days/year

**Vacation time credit shall accrue and may be taken during the first twelve calendar months of employment; however, 10 days of vacation time credit will take twelve calendar months to accrue.*

4. Vacation time for part-time professional or support employees shall be computed on the basis of the number of hours in the normal work week as established for that part-time employee by the Executive Officer.
5. No employee will be allowed to accumulate vacation time credits exceeding twice the amount allowed during any one calendar year. Employees who have reached 80% of their maximum balance of vacation leave (annual leave) will receive notification from the Commission payroll administrator about the excess leave balances. Employees whose vacation accruals reach the maximum accumulation limit shall cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit. Vacation time credit shall be accrued and may be taken during the first twelve calendar months of employment. The

time at which each employee shall be granted vacation leave shall be at the discretion of the Executive Officer.

6. Upon termination of employment, an employee shall be compensated in cash for the unused vacation time, provided such employee has been in continuous service for more than six months. The cash compensation for unused vacation time shall be computed on the basis of the employee's rate of pay at the time of termination, but will not count toward the retirement benefit formula.

6.12 DISMISSAL OR SUSPENSION -

- (a) Probationary Period. All employees appointed by the Executive Officer shall serve a one-year probationary period. During the probationary period, the Executive Officer may dismiss the employee with or without cause. No appeal may be taken to the Personnel Committee from discipline imposed during the probationary period. In addition, any temporary employee may be dismissed by the Executive Officer, and the employee shall have no right of appeal.
- (b) Discipline Subsequent to Probationary Period. The Executive Officer may dismiss, demote or suspend a permanent employee for cause after the employee has completed his or her probationary period. Rule VII of the San Diego County Civil Service Rules shall apply to any disciplinary action regarding a non-probationary permanent employee except that the Personnel Committee ("Committee") shall take the place of the Civil Service Commission. The Committee may appoint one of its members to hear the appeal and report back to the Committee with findings and a proposed decision. Any decision adopted by the Committee shall be final unless overturned by a court on appeal.
- (c) No employee reprimanded by the Executive Officer shall have the right of appeal to the Personnel Committee.

6.13 TEMPORARY APPOINTMENT TO A HIGHER CLASS -

On the recommendation of the Executive Officer, the Commission may grant an employee a ten percent increase in compensation while such employee is assigned to perform the duties of a position which at the time is compensated at least ten percent higher than such employee's class; the assignment must be for a period exceeding 10 continuous working days but shall not exceed 130 working days.

6.14 EMPLOYEES PREVIOUSLY EMPLOYED BY A COUNTY -

The Commission shall accrue all sick leave, vacation, and retirement benefits of persons hired from counties pursuant to Section 56385 of the Government Code. For the purpose of calculating such benefits, the Commission may add previous county service to the tenure of service of employees, providing service has been continuous.

6.15 BENEFITS –

The Commission may contract for retirement, health and medical benefits for its employees pursuant to Section 56385 of the Government Code. LAFCO employees participate in the County of San Diego’s Health and Medical Plans, Retirement System, Deferred Compensation Plan(s), Terminal Pay Plan, and other programs available to county employees.

6.16 COMPENSATION PLAN –

All employees are entitled to receive compensation plan benefits granted to personnel working in similar positions in the County of San Diego.

6.17 RECRUITMENT –

The Commission is an equal opportunity employer and in the recruitment and selection of new employees directs the Executive Officer to apply similar principles as used by the Department of Human Resources of the County of San Diego.

6.18 SUSPENSION OF PERSONNEL RULES –

Upon good cause being shown and upon a finding of the public interest being served, the Commission reserves the right to waive, suspend, change or modify any of the foregoing rules.

6.19 EFFECTIVE DATES –

The Personnel Rules of the Commission shall become effective on August 5, 1974 and shall be amended thereafter by a majority vote of the Commission. Technical changes or updates to the Rules may be approved by the Executive Office subject to provision 1.12 of the Rules.

6.20 EXECUTIVE OFFICER COMPENSATION PLAN –

This Executive Officer Compensation Plan establishes the compensation for the Executive Officer, an Executive Management position. The plan provides for initial placement and subsequent adjustment of salary within the salary schedule fixed by the Commission. Any adjustment in rate of compensation pursuant to this plan shall be administered by the Commission.

1. Structure

(a) The minimum, midpoint, and maximum rate of the designated range are set forth in the salary schedule. The salary band range for the Executive Officer classification will be aligned with and automatically adjusted from time to time with the same salary range as comparable classifications in the County (i.e., planning director, public works director, registrar of voters, etc.).

- (b) The midpoint rate of the designated range represents the job value of a fully competent employee and is the benchmark used to compare the class to other classes, internally and externally. The midpoint rate may be changed periodically by the Commission to reflect changes in internal and/or external factors. Any such change to the midpoint shall not automatically effect a change in the then current rate of the Executive Officer.\
- (c) The relationship between the minimum and maximum rates of the designated range shall approximate a differential of 50%.
- (d) The range does not have steps. The Executive Officer may be paid an amount equal to or between the minimum and maximum rate of the designated range, according to the provisions of this plan.
- (e) The structure of the range shall be reviewed periodically, and may be changed by the Commission. The structure will be automatically adjusted based on salary band changes authorized by the County to its employees in comparable positions.

2. Appointment

The Executive Officer is appointed by the Commission and serves at the pleasure of the Commission. A person initially appointed as Executive Officer shall receive a salary determined by the Commission.

3. Adjustment Within Range up to Midpoint

For an employee whose salary is below midpoint of the designated range, adjustments up to the midpoint shall be governed by this subsection (3). No provision in this subsection (3) shall be construed to provide a guarantee of adjustment at any time during the employee's term of employment.

- (a) Effective the first day of any pay period after each anniversary date of the employee's appointment as Executive Officer, the employee may receive a salary adjustment of 5% of current salary, not to exceed midpoint. Any adjustment shall be approved by the Commission and based upon the determination by the Executive Officer Compensation Committee that the employee's overall performance is rated at the level of "meritorious" or higher.
- (b) No provision contained in this subsection (3) shall be construed to limit or deny the Commission's discretion to postpone an adjustment or reduce the compensation of an employee as a result of the employee's performance, as recommended by the Executive Officer Compensation Committee. However, any subsequent salary adjustment prior to the employee's next annual anniversary date must be based upon a mid-cycle Performance Evaluation. If such adjustment is an increase, the new salary rate shall not exceed that which the employee would have been eligible

to receive on or after the immediately preceding anniversary date, pursuant to this subsection (3).

- (c) Notwithstanding subdivisions (a) and (b) of subsection (3) above, the Commission may approve an adjustment of the Executive Officer's salary rate upon recommendation of the Executive Officer Compensation Committee.

4. Adjustment Within Range Above Midpoint

The Commission may adjust the Executive Officer's salary rate above midpoint if the employee's overall performance is rated at the level of "outstanding" by the Executive Officer Compensation Committee. This rating alone does not entitle the employee to a pay adjustment.

5. Exemplary Performance Compensation Adjustment

- (a) Eligibility and Maximum. An Executive Officer may receive an exemplary performance compensation adjustment (e.g., cash award and/or bonus) in increments of one percent (1%) not to exceed a total of (10%) of the employee's approximate annual salary at the time of approval of the adjustment.
- (b) Approval. Adjustments shall be based upon the recommendation of the Executive Officer Compensation Committee following a performance evaluation, subject to the availability of funds within the budget.
- (c) Term of Adjustment. An Executive Officer shall be limited to one exemplary compensation adjustment in a calendar year and shall be paid either in a lump sum or in incremental payments during the year.
- (d) Compensation Unfixed. Payment of compensation adjustments shall not affect the Executive Officer's rate of compensation. Commencing the first day of the first full pay period of each calendar year, compensation of the Executive Officer shall be unfixed and indefinite for the year until such time as the Commission determines whether to authorize an exemplary performance compensation adjustment. That determination is to be based upon an evaluation of the employee's performance by the Executive Officer Compensation Committee.

6. Executive Officer Compensation Committee

Wherever this plan refers to the Executive Officer Compensation Committee, the following shall apply:

- (a) The Executive Officer Compensation Committee shall consist of three members of the Personnel Committee as provided under Rule No. 1.11 with the option of the Chair to add a fourth member at his or her discretion.
- (b) The Executive Officer Compensation Committee shall periodically review and rate the performance of the Executive Officer and make recommendations to the full Commission for any adjustments to the Executive Officer's compensation.

7. Relocation Allowance

Upon determination by the Commission that relocation allowance is appropriate to facilitate recruitment for and appointment of an Executive Officer, a relocation allowance in an amount not to exceed \$12,000.00 may be authorized for the actual and reasonable relocation expenses incurred incidental to relocation of the appointee and his/her immediate family to San Diego County. Expenses may include, but are not limited to, personal transportation, moving expenses for household goods and temporary housing arrangements. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Chairperson prior to reimbursement. Reimbursement for relocation expenses shall be subject to review of the full Commission.

8. Severance Pay

If an Executive Officer is terminated by the Commission, s/he may be eligible to receive up to six (6) months of their then annual salary upon approval of the Commission; provided, however, that no severance pay may be paid if termination is for reasons of malfeasance or misfeasance in office or conviction of a crime involving moral turpitude.

6.21 TELECOMMUTING –

Telecommuting is an arrangement that allows eligible LAFCO employees to work in a designated area outside the office. Telecommuting is a cooperative arrangement between employees and LAFCO. Telecommuting benefits employees, LAFCO, and the community, and as such is encouraged by the Commission to extent applicable with these provisions.

Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible.
- Increased productivity.
- Efficient use of LAFCO resources, including office space.
- Recruitment and retention of highly qualified employees.
- Greater flexibility for employees.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commute time and costs.
- Decreased energy consumption, pollution, traffic, and related congestion.

1. Policy Guidelines

- a) Telecommuting is a privilege, not a right. All LAFCO employees who telecommute must have an approved telecommuting agreement under this policy. In his/her discretion, the Executive Officer may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.
- b) Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Telecommuting employees must comply with all LAFCO rules, policies, practices, and instructions.
- c) A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.
- d) Employees must read the telecommuting policy and any guidelines issued by the Executive Officer, obtain the Executive Officer's approval and execute the telecommuting agreement before telecommuting.
- e) The Executive Officer may deny, modify, or terminate a telecommuting agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time.
- f) Telecommuting is intended to be cost neutral. LAFCO is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite.
- g) The Executive Officer has the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting. Any provision to reimburse costs should be addressed expressly in the telecommuting agreement.

h) All LAFCO rules regarding the use of computers, network, and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

i) Telecommuting is distinguished between “regular” and “situational.” Regular telecommuting involves an employee continually working specific days/times from an offsite location. Situational telecommuting involves an employee working specific days/times from an offsite location with defined start and ending periods and typically in response to temporary issues (daycare, schooling, transportation, etc.).

2. Eligibility

a) Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well suited for telecommuting.

b) All professional positions as defined in Rule No. 6 are eligible for regular or situational telecommuting privileges.

a)c) All support positions as defined in Rule No. 6 are eligible for situational telecommuting privileges.

d) The determination of whether eligible employees are authorized for regular or situational telecommuting is the sole discretion of the Executive Officer.

e) Only employees with most recent satisfactory or above job performance evaluations are eligible to telecommute.

f) Notwithstanding eligibility under normal conditions, all employees shall automatically telecommute for the duration of any declared emergency by the County Health Officer unless otherwise required by the Executive Officer.

3. Agreement Options

a) Telecommuting agreements can be authorized by the Executive Officer on a regular or situational basis as defined in this policy.

b) Telecommuting agreements – whether regular or situational – shall generally follow the form provided in Appendix B and signed by both employee and Executive Officer.

c) All signed telecommuting agreements shall be filed with employees' personal records.

4. Work Hours

a) Under normal conditions, the percent of telecommuting hours for any authorized employee should not exceed 50% of their total workhours during the fiscal year.

b) All the rules applicable at the regular worksite are applicable while telecommuting. This includes all of the following standards:

- Telecommuting employees must perform their designated duties and tasks during scheduled work hours.
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the agreement.
- Time accounting should be included in the telecommuting agreement.
- Employees may work overtime only when directed to do so and approved in advance by the Executive Officer or Assistant Executive Officer.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked and use sick leave for hours not worked.

5. Offsite Work Area

- a) A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently.
- b) Employees are responsible for ensuring their work areas comply with the health and safety requirements covered in the telecommute agreement. LAFCO may request photographs of the employee's designated work area to determine compliance with health and safety rules.
- c) Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify the Executive Officer or Assistant Executive Officer and complete any required forms immediately.
- d) LAFCO is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

4-6. Equipment and Supplies

- a) A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an offsite location, and must specify those items in the telecommute agreement. If LAFCO does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.
- b) Equipment, software, or supplies provided by the LAFCO are for LAFCO business only. A telecommuting employee does not obtain any rights to LAFCO equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all LAFCO equipment, software, and supplies at the conclusion of

the telecommuting arrangement or at the Executive Officer's request.

c) A telecommuting employee must protect LAFCO equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

d) Any equipment, software, files, and databases provided by the LAFCO shall remain the property of the LAFCO. A telecommuting employee must adhere to all software copyright laws and may not make unauthorized copies of any LAFCO-owned software.

e) Employees may not add hardware or software to LAFCO equipment without prior written approval.

f) Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Telecommuting employees must understand and agree that the LAFCO is entitled to, and may access, any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records. Employees must contact the Executive Officer or Assistant Executive Officer if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

7. Security of Confidential Information

a) All files, records, papers, or other materials created while telecommuting are LAFCO property. Telecommuting employees shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them.

b) LAFCO may require employees to work in private locations when handling confidential or sensitive material. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to LAFCO networks or databases to anyone who is not authorized to have access.

8. Sunshine Laws

a) The California Public Records Act regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the LAFCO regardless of physical form or characteristic. Public information means the contents of a public record.

b) Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public

record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

9. Procedures

a) Employees must complete the following steps before telecommuting:

- Talk with the Executive Officer to determine eligibility.
- Complete the telecommute agreement as required by the Executive Officer.
- Receive approval of the telecommute agreement by the Executive Officer.

10. Denial, Modification, or Termination

a) Denial, modification, or termination of a telecommuting agreement is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedures, except as noted in this section.

b) An employee who believes their telecommute agreement has been denied, or whose previously approved agreement has been modified or terminated, for arbitrary or capricious reasons may appeal the decision to LAFCO's Personnel Committee or its designee. The decision of LAFCO'S Personnel Committee or its designee is final.

Adoption History: Article VI, Sections 6.1 to 6.2021

*Adopted April 14, 1975
Amended April 4, 1977
Amended October 2, 1978
Amended March 3, 1980
Amended July 12, 1982
Revised May 5, 1986
Amended September 11, 1989
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Amended April 4, 1994
Re-affirmed and adopted December 4, 2000
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Amended August 7, 2006
Re-affirmed annually via adoption of LAFCO Budget
Comprehensively Updated and re-adopted March 3, 2008
Amended November 5, 2012 (Sections 6.1& 6.11)
Amended August 5, 2013 (Section 6.8)
Amended April 7, 2014
Amended June 5, 2017
Administratively revised and Updated August 5, 2019*



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

LAFCO Telecommuting Program Application and Agreement

The first three sections are for employees. Section four is for the supervisor/Executive Officer.

I. Employee Information

Full Name: _____

Job Title: _____

II. Telecommute Information

This application/agreement is for a regular or situational telecommuting (Select one)

This application/agreement, if approved, will be effective beginning _____ to _____ . This agreement will be reviewed and evaluated by the Executive Officer at his/her discretion during such term to determine whether to continue, modify or end the telecommuting agreement.

The proposed telecommuting schedule (if regular and recurring):

Please list days and times of the week you will be telecommuting. (i.e., Monday and Tuesday)
Workdays not listed are presumed to be days to be worked in the office.

Scheduled work hours: _____

How you will report your time: _____

Designated work location: _____

Administration Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614.7755 F 858.614.7766 www.sdlafco.org	Vice Chair Jim Desmond County of San Diego Nora Vargas County of San Diego Joel Anderson, Alt. County of San Diego	Mary Casillas Salas City of Chula Vista Bill Wells City of El Cajon Paul McNamara, Alt. City of Escondido	Chris Cate City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection Vacant, Alt. Special District	Chair Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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Any additional items/details you would like considered: _____

Telecommuting Work Plan

Work you will perform while telecommuting:

Please list forms of communication while telecommuting:

Phone – phone number: _____

Email – email address: _____

Text – phone number: _____

Other:

- I plan to check my email at least _____ times per day.
- I will forward my calls to or provide clients with this phone number on telecommute days.
- I plan to check in with my supervisor _____ times per day by _____.

Telecommuting Equipment/Supplies

Please list items you will require as part of your telecommute work station

Required Equipment

Required Supplies

Required Software/Systems

III. EMPLOYEE ACKNOWLEDGEMENTS

- I have read and will abide by:
 - The Telecommuting Program Policy
 - The Telecommuting Technical Guidelines, if issued.

- I understand and agree that telecommuting is a privilege, not a right, and is not subject to the grievance process. The Executive Officer may unilaterally terminate my telecommuting privileges at any time should he/she determine it is best for LAFCO.

- I understand and agree that I am responsible for maintaining the safety and security of LAFCO equipment, supplies, and information while telecommuting.

- I understand and agree that I must comply with all procedures designed to protect sensitive LAFCO information, including information that is confidential, private, personal, or otherwise sensitive while telecommuting.

- I understand and agree that telecommuting is not a substitute for dependent care.

- I acknowledge that my designated workspace complies with all health and safety requirements.

- I agree to accurately record and submit the hours I work while telecommuting.

- I understand and agree that I must come into the office on a regularly scheduled telecommute day when my supervisor requires me to do so.

- I understand and agree that LAFCO is not required to provide me with any equipment or supplies I may need while telecommuting.

- I have discussed this application and agreement with my supervisor. I agree to comply with all terms and conditions in this telecommute application and agreement. I understand that my telecommuting agreement can be ended or modified for a business reason at any time.

- I have read and will comply with all LAFCO rules while telecommuting.

Date: _____ Signature: _____

Print Full Name: _____

V. EXECUTIVE OFFICER REVIEW AND APPROVAL

I have reviewed and approved this telecommute agreement.

Date: _____ Signature: _____

Print Full Name: _____

I have reviewed and approve this telecommute agreement with the following revisions:

Date: _____ Signature: _____

Print Full Name: _____

I have reviewed and deny this telecommute agreement after the following considerations:

- Job performance
- Employee Position
- Other:

Date: _____ Signature: _____

Print Full Name: _____