



**City of Vernon, California  
Human Resources Policies and Procedures**

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
City Administrator

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Number: I-12 Effective Date: April 21, 2015 November 5, 2024

**SUBJECT:** REFERENCE ~~/~~ BACKGROUND CHECKS

**PURPOSE:**

To establish guidelines for pre-employment reference checks of potential new hires and promotions, and for the release of personal or reference information to other employers regarding current or former employees while complying with all applicable disclosure and privacy laws.

Please refer to Human Resources Policy I-13, Criminal History/Live Scan Policy regarding the policy and procedures for conducting criminal background checks.

**POLICY:**

1. Verifying Information & Obtaining References - The City of Vernon is responsible for confirming information provided by applicants in their employment application. Information concerning an applicant's education and employment history will be verified by Human Resources before a formal employment offer is extended. This responsibility includes verification of an applicant's credentials and previous work experience. [Reference and background check requirements for sworn peace officer applicants and employees shall be governed by the Vernon Police Department Policy Manual, Recruitment and Selection Policy and California POST Commission Regulations.](#)

The Human Resources Department shall verify all degrees, certifications, licenses and educational history listed in an employment application. Education can be verified by calling the campus Registrar or Student Records Office, although some campuses now refer you to a central registry service to obtain information. The student's name, social security number and dates of attendance or graduation are usually required in order to verify attendance and degrees earned. In most cases, this can be done over the telephone or online.

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The Human Resources Department is responsible for ensuring that reference checks are conducted in accordance with applicable State and Federal laws. Reference information obtained in confidence by the City of Vernon from other employers is considered confidential and may be legally withheld from the applicant. However, any information obtained from public records as the result of a reference or background check must be released to the applicant within seven days unless the applicant waives their right to the information in accordance with Civil Code Section 1786.53.

The Human Resources Department is responsible for the oversight, compliance and consistency of reference checks. The hiring department shall conduct reference checks of candidates unless the hiring department wishes the Human Resources Department to do so. When the hiring department conducts reference checks, the department shall use and complete the attached Telephone Reference Check Form. Upon completion of reference checks, the hiring department shall submit the Telephone Reference Check Form(s) to Human Resources for approval. Departments must consult with the Human Resources Department prior to asking questions not specifically identified on the attached Telephone Reference Check Form.

The purpose of reference checking is to gather additional facts and information about the leading candidate(s). Reference checks help verify information gathered in the interview (experience, skills and capabilities), and is a valuable tool in gauging the candidate's interpersonal communication skills (i.e. teamwork, ability to get along with others, communication style, etc.). A thorough reference check may also provide the hiring department with new facts and information (strengths, weaknesses and constructive criticism) to consider in making a final hiring decision.

Previous employers may be reluctant to share negative information about former employees but employers should verify, at a minimum, dates worked and positions held. Some employers will also state whether an employee is eligible for rehire.

Any written information obtained in the reference check will be retained by the Human Resources Department and destroyed in accordance with Government Code Sections 34090, et. seq. and the Records Retention Schedule of the Human Resources Department.

With the exception of the Police Department, authorization to use an outside investigator or agency to conduct any reference or background check must be obtained in advance from the Human Resources Director.

Applicants who submit an application for employment with the City of Vernon agree to the following:

- a. To answer all questions completely and accurately;
- b. To allow the City to contact all employers and educational institutions listed, including current employer, and if applicable the appropriate supervisor within the City of Vernon (for former employees);

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- c. That all statements made within application are true and complete; and
- d. That making false statements may lead to disqualification or dismissal.

California Law prohibits employers from posing questions to applicants that express discrimination based upon an applicant's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, or sexual orientation, gender, gender identity, gender expression, age (40 and over), and military and veteran status. Federal law also prohibits discrimination in the hiring process.

California Law prohibits employers from discriminating against an employee or applicant for their use of cannabis while off the job and away from the jobsite. There is no categorical exemption for employees of a local agency like the City. However, the City is also required by California and Federal law to maintain a drug free workplace.

The following are some examples of questions that cannot be asked regarding an applicant:

- a. When an applicant graduated from elementary or high school, or other questions concerning an applicant's age other than minimum age requirements;
- b. Where an applicant was born;
- c. Whether an applicant is a U.S. citizen;
- d. Questions regarding an applicant's race or ethnicity;
- e. Questions regarding an applicant's financial assets or debts, or whether an applicant owns or rents their residence;
- f. Questions concerning an applicant's height or weight;
- g. Questions concerning an applicant's family responsibilities such as the existence of dependents, childcare or child support, or about childbearing or fertility;
- h. Questions concerning an applicant's sexual orientation;
- i. Questions concerning an applicant's religion or religious practices; and
- j. Questions concerning an applicant's medical history or records.
- ~~j.~~k. Questions concerning an applicant's use of cannabis while off the job and away from the job site.

- 2. Providing References to Outside Employers — The Human Resources Department is responsible for providing references to outside employers. Express written authorization must be provided by current or former City employees before requests for earnings-related data or detailed employment history can be released. Absent written authorization from the current or former employee, the Human Resources staff will only release basic factual information to other employers regarding current or former City employees.

In accordance with California Civil Code 1798-1798.78, the City of Vernon reference policy permits providing references to other employers including written verification of employment, dates of employment, job classification and salary range of an employee's classification. The Director of Human Resources may authorize individual supervisors or

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managers to respond to requests for detailed employment information when a signed release is on file with the Human Resources Department.

Whenever there is any doubt concerning the legitimacy of a request for information, the inquiry will not be honored by the City.

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
Prospective Employees	1. Provides written consent to Human Resources to provide information pertaining to employment and/or payroll and/or Commercial Driver's License (if applicable) information.
Human Resources	2. Verifies all degrees, certifications, licenses and educational history listed in an employment application.
	3. Confirms hiring department's compliance with reference check procedures.
Hiring Department (Human Resources, if requested)	4. Conducts reference check(s) provided in application after final interviews and lead candidate is identified
	5. Utilizes the Telephone Reference Check Form for all reference checks.  Consults with Human Resources prior to asking any questions not specifically identified on the Telephone Reference Check Form.
	6. Submits completed Telephone Reference Check form(s) to the Human Resources Department.
Hiring Department	7. Submits personnel action form to Human Resources Department along with completed Telephone

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Reference Check Form(s).

Outside Agency (if applicable)

8. Responds to requests from City staff regarding reference and/or payroll information on employee.

Human Resources/Police Dept.

9. Coordinates with outside Background Investigation Company on background checks as requested.

10. Provides DOT required forms to all new applicants.

11. Provides applicant information to outside agency, if applicable.

12. Provides reference checks to outside employers upon receipt of expressed written authorization from former employee.



**City of Vernon, California  
Human Resources Policies and Procedures**

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Director of Human Resources

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City Administrator

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Number: III-7 Effective Date: August 4, 2015/November 5, 2024

**SUBJECT:** Harassment, Discrimination, and Retaliation Prevention Policy-Free Workplace

**PURPOSE:**

To establish a policy regarding discriminatory and/or harassment in City employment, and to set forth procedural guidelines for resolution of complaints of harassment.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits and selection for training.

This policy applies to all officers, elected officials and employees of the City, including, but not limited to, full-time and part-time employees, temporary employees and persons working under contract for the City.

The City of Vernon ("City") is committed to preventing harassment, discrimination, and retaliation, and maintains a strict policy prohibiting all types of harassment, discrimination, or retaliation because of race, color, national origin, ancestry, religion, creed, sex, gender, gender identity, gender expression, genetic characteristics or information, physical or mental disability, medical condition, marital status, sexual orientation, age, pregnancy, reproductive health choices, childbirth, or related medical conditions, military or veteran status, or any other basis protected by applicable federal, state, or local law, including based on association with individuals with these protected characteristics or based on the perception that an individual has one or more of these protected characteristics. All such harassment, discrimination, or retaliation is prohibited.

This policy applies to all officials, employees, interns, and volunteers involved in the operations of the City, as well as to applicants for employment, or any participant of another limited duration work program to provide unpaid work experience and prohibits harassment and discrimination by any employee including supervisors and co-workers, and by others doing

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business with the City. This policy prohibits retaliation by any employee, including supervisors and co-workers. If harassment occurs on the job by someone not employed by the City, the procedures in this policy should be followed as if the harasser were an employee of the City.

Conduct that may not be prohibited under harassment, discrimination, or retaliation law may nevertheless violate this policy, violate other City policies, or other City standards of conduct.

**DEFINITIONS POLICY:**

**A. Discrimination**

Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to the employee, because the employee is a member of a Legally Protected Category or Characteristic. Examples of conduct that can constitute discrimination if based on an individual's Legally Protected Category or Characteristic include, but are not limited to the following:

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1. Failing or refusing to hire an individual based on their Legally Protected Category or Characteristic.
2. Terminating an individual from employment based on their Legally Protected Category or Characteristic.
3. Singling out or targeting an individual for different or less favorable treatment because of their Legally Protected Category or Characteristic.

**B. Employee**

Any individual under the direction and control of the City under any appointment or contract of hire or apprenticeship, express or implied, oral or written. For purposes of this policy, the term "employee" includes any individual who is an unpaid intern or volunteer of the City. The inclusion of any individual, including but not limited to unpaid interns and volunteers, in the definition of "employee" for purposes of this policy should not be interpreted to affect the applicability of any other policy or procedure of the City.

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**C. Harassment**

Unwelcome verbal, visual, or physical conduct based on membership in a Legally Protected Category or Characteristic that creates an intimidating, offensive, or hostile work environment. Such conduct constitutes harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, or an unpaid internship or volunteer program;

2. Submission to or rejection of the conduct is used as the basis for an employment decision, or any decision related to an unpaid internship or volunteer program; or
3. The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, computer images, or cartoons regarding an employee's Legally Protected Category or Characteristic. Harassment is prohibited whether it involves a co-worker, subordinate, supervisor or manager, or third parties doing business with or for the City.

#### D. Legally Protected Category or Characteristic

Race, color, national origin, ancestry, religion, creed, sex, gender, gender identity, gender expression, genetic characteristics or information, physical or mental disability, medical condition, marital status, sexual orientation, age (40 and over), pregnancy, reproductive health choices, childbirth, breastfeeding, or related medical conditions, military or veteran status, or any other basis protected by applicable federal, state, or local law.

#### E. Sexual Harassment

Sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature may all constitute sexual harassment when: (1) submission to such conduct is made a term or condition of employment, an unpaid internship, or volunteer program; or (2) submission to or rejection of such conduct is used as basis for employment decisions, or any decision relating to an unpaid internship or volunteer program, affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. This definition includes potential forms of offensive behavior. The following is a non-exclusive list of some examples:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct, such as leering, making sexual gestures, displaying of sexually explicit jokes, comments about an employee's body or dress.
5. Verbal sexual advances or propositions.

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6. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.

7. Physical conduct, such as touching, assault, impeding, or blocking movements.

8. Retaliation for reporting harassment or threatening to report harassment.

9. Electronic communications such as email, texts, or internet use that violate this policy.

Sexual harassment can occur between members of the same or opposite sex and need not be motivated by sexual desire or attraction. Sexual harassment can be based on pregnancy, child birth, or related medical conditions where such conduct unreasonably interferes with the employee's work performance, affect or impact an employee's terms and conditions or privileges of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for the City.

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#### F. Supervisor

Any individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

#### G. Retaliation

Taking adverse action against any employee because of the employee's opposition to a practice that the employee reasonably believes constitutes employment discrimination or harassment or because of the employee's participation in an employment discrimination or harassment investigation, proceeding or hearing. Retaliation also includes adverse action against an employee because of opposition or participation by a family member or close associate of the employee.

1. Examples of Opposition: Opposition to perceived harassment or discrimination includes threatening to file a discrimination complaint with the Equal Employment Opportunity Commission ("EEOC"), the California Civil Rights Department ("CRD"), union, or court, or complaining or protesting about alleged employment discrimination or harassment to a manager, union official, co-worker, or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. A complaint about an employment practice constitutes protected opposition only if the employee communicates to the City a reasonable good faith belief that the practice opposed constitutes employment discrimination or harassment. Opposition in a manner

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which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees or supervisors is not protected.

2. Examples of Participation: The City prohibits retaliation against any individual because the individual has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state employment discrimination or harassment statutes or at other hearings regarding protected employee rights, such as an application for unemployment benefits. The City also prohibits retaliation against someone closely related to or associated with the employee exercising such rights.

3. Examples of Adverse Actions: For purposes of this policy, an adverse action includes the following acts, when the act is taken because of the employee's opposition to or participation in disciplinary actions, negative performance evaluations, undesirable transfer, undesirable assignments, negative comments, unwarranted criticism, undesirable change in benefits, undesirable change in work schedule, unwarranted exclusion from meetings or events, or undesirable change in work duties.

**PROCEDURES**

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**A. Training and Policy Dissemination**

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1. Non-Supervisory Employees: All employees will be given a copy of this policy and will receive guidance from the Human Resources Department on its provisions and the City's commitment to provide a harassment-free, discrimination-free, and retaliation-free workplace. All non-supervisory employees and temporary/seasonal employees will receive training in accordance with the requirements of the Fair Employment Housing Act (Government Code section 12950.1) and implementing regulations.

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2. Supervisory Employees:

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a. All supervisors will be trained once every two years on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new employee shall receive training within six months of their hiring or assumption of the supervisory position.

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b. Supervisory training will last for a minimum of two hours.

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c. Supervisory training will be conducted in a classroom or other interactive setting and will, at a minimum, cover the following topics:

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i. Information and practical guidance regarding federal and state statutory laws about sexual harassment;

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ii. Information about the correction of sexual harassment and the remedies available to victims of sexual harassment;

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iii. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation; and

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iv. Information and practical guidance regarding the prevention of abusive conduct, which is defined as follows: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act does not constitute abusive conduct, unless especially severe and egregious.

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**B. Preventing Harassment, Discrimination, and Retaliation:**

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The City's complaint procedure provides for a prompt, thorough, impartial, and objective investigation of every harassment, discrimination, or retaliation claim, appropriate disciplinary action against one found to have engaged in prohibited harassment, discrimination, or retaliation, and appropriate remedies to any victim of harassment, discrimination, or retaliation. The City encourages reporting of all perceived incidents of harassment, discrimination, and retaliation.

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1. Optional Process: An employee who believes that another person has harassed, discriminated, or retaliated against the employee is encouraged to, but is not required to, confront this person and politely, but firmly inform the person of the conduct that the employee finds offensive or retaliatory and request that the person cease this behavior. If the employee does not wish to confront the person harassing, discriminating, or retaliating against the employee, or if the employee's attempts to do so have failed, the employee should file a complaint with the City.

2. Filing a Complaint: Employees should follow this procedure to notify the City of harassment, discrimination, or retaliation. Employees who believe they have been harassed, discriminated against, including by persons doing business with or for the City, or retaliated against on the job, should promptly report the complaint to their immediate supervisor, any supervisor, the Human Resources Director, or to the City Administrator or City Attorney as soon as possible.

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In addition to being able to report potential harassment, discrimination, or retaliation to any supervisory employee, the following suggested reporting procedures are available when filing a complaint about certain individuals in the City:

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- Complaints regarding a person within the employee's direct chain of command may be provided to the Human Resources Director.
- Complaints regarding the Human Resources Director may be provided to the City Administrator or City Attorney.
- Complaints regarding the City Administrator or the City Attorney may be submitted to the City Clerk for consideration by the City Council during closed session.
- Complaints regarding a member of the City Council may be reported to the City Administrator or the City Attorney.

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The complaints should be as detailed as possible and should include: details of the incident(s), name(s) of individuals involved, and the name(s) of any witness(es). The employee should also attach any documentary evidence to the complaint.

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Notification to the City of potential harassment, discrimination, or retaliation is essential. The City assures employees that they will not be penalized in any way for filing a good faith complaint of potential discrimination, harassment, or retaliation.

Supervisors and managers must immediately refer all harassment, discrimination, or retaliation complaints to the City's Human Resources Director.

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ALL EMPLOYEES SHOULD NOTE THAT THE FAILURE TO USE THE CITY'S COMPLAINT PROCEDURE MAY HAVE AN ADVERSE EFFECT ON ANY CLAIM UNDER THIS POLICY WHEN SUCH CLAIMS ARE LITIGATED.

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3. Investigation of Complaints: All incidents of harassment, discrimination, and retaliation that are reported must be investigated. The Human Resources Director, or other appropriate person if the circumstances warrant, will promptly undertake or direct an effective, thorough, and objective investigation of the harassment, discrimination, or retaliation allegations. The investigation will be completed and the determination regarding the harassment, discrimination, or retaliation alleged will be made and such determination will be communicated to the complainant and the accused.

Employees may be placed on administrative leave during an investigation until the conclusion of a discrimination, harassment, or retaliation investigation.

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4. Corrective Action: If the City determines that a policy violation has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any such future violation of the policy.

In light of the City's duty to prevent harassment, discrimination, and retaliation and in light of the City's desire to have a professional and productive work environment, the City reserves

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the right to take corrective action when an employee engages in inappropriate conduct that does not fully rise to the legal standards and definitions set forth in Section II but violates other City policy or standards of conduct. For example, the City may take corrective action for inappropriate conduct, even if such conduct was not subjectively unwelcome or offensive to another employee of the City.

**C. Anonymity and Confidentiality**

1. While the City will investigate anonymous complaints, the City strongly discourages anonymous complaints. EMPLOYEES CHOOSING TO FILE A COMPLAINT ANONYMOUSLY MUST BE AWARE THAT ANONYMITY IN THE COMPLAINT PROCEDURE MAY COMPROMISE THE CITY'S ABILITY TO COMPLETE A THOROUGH INVESTIGATION. Employees should also be aware that should the City learn of the identity of an anonymous complainant, the City cannot guarantee that the complainant's identity will remain confidential, if the City determines in its discretion that disclosure is necessary to complete the investigation.

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2. The City will take all reasonable steps available to maintain the confidentiality of all complaints of harassment, discrimination, and/or retaliation as well as all information gathered during an investigation. However, the City retains sole discretion to determine whether disclosure of information is necessary to complete the investigation or for other legitimate purposes.

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3. In order to protect the integrity of the investigation and the privacy of the individuals involved, the City may direct that all employees involved in an investigation of harassment, discrimination, and/or retaliation complaints as complainant(s), witness(es), or accused are required to keep all information related to the investigation confidential. If so directed, an employee revealing such information is grounds for disciplinary action as provided for in the City's Personnel Policies and Procedures Manual, except as expressly permitted by law, such as in discussion with a legal or employee representative.

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**D. Obligation to Cooperate**

All employees involved in a workplace investigation into alleged harassment, discrimination, or retaliation are required to fully and truthfully cooperate with the investigation. Failure to fully and truthfully cooperate with the investigation is grounds for disciplinary action as provided for in the City's Personnel Policies and Procedures Manual, up to and including termination.

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**E. Obligation to Report**

1. Supervisory Employees: Any supervisor who receives a complaint of harassment, discrimination, or retaliation, who witnesses harassment, discrimination, or retaliation or who has any reason to believe that harassment, discrimination, or retaliation may have occurred in the workplace is required to report the conduct immediately to the Human

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Resources Director, Sworn Police Supervisors shall notify the Police Chief of such complaints, who shall then notify the Human Resources Director promptly upon notice. If the complaint is towards or involves the Police Chief, then sworn Police Supervisors shall notify the Director of Human Resources directly. Failure to report may result in disciplinary action being taken against the supervisor as provided for in the City's Personnel Rules, up to and including termination.

2. Non-Supervisory Employees: While non-supervisory employees are not required under this policy to report potential harassment, discrimination, or retaliation, they are strongly encouraged to do so. If a non-supervisory employee elects to report potential harassment, discrimination, or retaliation, the employee may report to any supervisor or to the Human Resources Director.

**F. Intentionally False Complaints**

Employees are prohibited from making an intentionally false complaint of harassment, discrimination, and/or retaliation. An intentionally false complaint is a complaint that the employee demonstrably does not believe to be true. Any employee making an intentionally false complaint is subject to disciplinary action, up to and including termination.

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**G. Additional Enforcement Information**

In addition to the City's internal complaint procedure, employees should also be aware that the EEOC and the CRD investigate and prosecute complaints of harassment, discrimination, or retaliation in employment.

1. You can contact the EEOC as follows: Los Angeles District Office, 255 East Temple, 4th Floor, Los Angeles, California, 90012; 800-669-4000/800-669-6820 (TTY) or 213-894-1000; www.eeoc.gov.

2. You can contact the CRD as follows: 2218 Kausen Drive, Suite 100, Elk Grove, California 95758; 800-884-1684/800-700-2320 (TTY) or 916-478-7251; www.calcivilrights.ca.gov.

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Employees should feel free, without fear of retaliation, to follow the procedures set forth above if they believe they have been harassed, discriminated or retaliated against as described in this policy.

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For more information, contact the City's Human Resources Department.

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The City of Vernon prohibits any and all types of discrimination of its employees by other employees or any outside parties. Discrimination includes all forms of harassment including verbal, sexual, visual and physical as well as any form of discrimination based upon any protected class including but not limited to: race, pregnancy, childbirth, military leave, creed,

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~~gender, religion, color, sex, national origin or ancestry, age, medical condition including genetic information, physical or mental disability, veteran status, marital status or sexual orientation or any other consideration made unlawful by federal, state, or local laws. The City also prohibits unlawful discrimination based on the perception that anyone who has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. However, it is impossible for the City to assist in the prevention of discrimination by third parties unless an employee notifies the Director of Human Resources, their Department Head, or supervisor of such discrimination.~~

~~If an employee believes they have been subjected to any form of unlawful discrimination, they are directed to submit a written complaint to the Director of Human Resources at the City. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The City will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.~~

~~If the City determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will be taken to deter any future discrimination. The City will not retaliate or take any adverse action against an employee for filing a complaint and will not knowingly permit retaliation or adverse action by management, staff, employees or co-workers.~~

## **B. Harassment**

~~It is the City's policy to maintain a work environment free from all forms of harassment and to insist that all employees be treated with dignity, respect, and courtesy.~~

~~Harassment, including sexual harassment, of one employee by another employee or supervisor is prohibited by law. The City's policy prohibits all forms of harassment and sexual harassment. All such harassment is unlawful.~~

~~Prohibited unlawful harassment includes, but is not limited to, the following behavior:~~

~~**Verbal conduct** such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;~~

~~**Visual displays** such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;~~

~~**Physical conduct** including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of gender, race, or any other protected basis;~~

~~**Threats and demands** to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and~~

~~The City of Vernon cannot honor its commitment to maintain a work environment free of harassment without the employees' commitment to report and notify management immediately upon witnessing or experiencing such conduct. As an employee, you have a role in keeping the City free from harassment. If you believe you have been harassed or if you become aware of an incident of harassment, immediately report the matter to the Director of Human Resources. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The complaint will be promptly investigated in a discreet manner with information disclosed only on a need-to-know basis. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The City will take all appropriate steps, including all necessary disciplinary action, to stop the offensive or inappropriate behavior. Appropriate action will be taken to deter any future harassment. Harassment complaints are taken very seriously and the City wants the opportunity to resolve any problems. An outside third party may be asked to conduct the investigation.~~

~~Additionally, supervisors or managers who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to report any such harassment to his/her Director to prevent its recurrence.~~

~~The Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The phone numbers for these agencies are located in the phone book under government agencies.~~

~~Charges filed with either the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission are investigated by that agency; however, the Human Resources Department may also conduct a separate investigation.~~

### **C. Sexual Harassment**

~~Sexual harassment of an applicant or employee by a supervisor, management employee, co-worker or a non-employee at the City of Vernon, will not be tolerated.~~

~~Employees of the City of Vernon will not engage in sexual harassment. All City of Vernon employees shall report any sexual harassment, whether directed at them or at someone else, to the Director of Human Resources.~~

~~The City is committed to compliance with all state and federal laws relating to sexual harassment and provides internal procedures by which allegations of prohibited conduct are filed, investigated promptly and handled in a reasonable and fair manner.~~

~~Sexual Harassment is a form of sex discrimination that violates the law. The Fair Employment and Housing Act (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. Unwelcome sexual advances, requests for sexual favors, and other verbal or~~

~~physical conduct of a sexual nature constitute sexual harassment when the conduct is severe and pervasive so as to explicitly or implicitly affect an individual's employment or unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.~~

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- ~~• The victim as well as the harasser can be a woman or a man. The victim does not have to be of the opposite sex.~~
- ~~• The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area of the City, a co-worker, or a non-employee.~~
- ~~• The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.~~
- ~~• Unlawful sexual harassment may occur without economic injury or discharge of the victim.~~
- ~~• The harasser's conduct must be unwelcome.~~

**Sexual Harassment** is prohibited and can include the following:

- ~~• Sexual propositions.~~
- ~~• Sexual innuendo.~~
- ~~• Sexually suggestive comments, epithets or slurs.~~
- ~~• Sexually oriented teasing or kidding.~~
- ~~• Sexually oriented jokes.~~
- ~~• Obscene gestures or language.~~
- ~~• Obscene or sexually suggestive pictures or drawings.~~
- ~~• Physical contact, such as patting, pinching or touching.~~
- ~~• Unwanted sexual advances.~~
- ~~• Offering employment benefits in exchange for sexual favors.~~
- ~~• Making or threatening reprisals after a negative response to sexual advances.~~
- ~~• Visual conduct such as leering, making sexual gestures, displaying of sexual suggestive objects or pictures, cartoons or posters.~~
- ~~• Verbal conduct such as making or using derogatory comments, epithets, slurs, and jokes.~~
- ~~• Verbal sexual advances or propositions.~~
- ~~• Verbal abuse of a sexual nature such as graphic verbal commentaries about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.~~
- ~~• Offensive gestures (including attempts to look inside an employee's clothing).~~
- ~~• Questioning an employee about his or her sexual history or sexual practices.~~
- ~~• Any offensive touching (i.e., touching that would be found offensive under the circumstances by a reasonable person of the harassed employee's sex).~~

- ~~Physical conduct such as touching, assault, impeding or blocking movements.~~

~~Department Heads, supervisors, managers and employees shall report any incident that may be interpreted to constitute sexual harassment to the Director of Human Resources. The Director of Human Resources shall commence a prompt, fair and reasonable investigation into the allegations and shall report back to the person making the complaints the outcome of the investigation. The Director of Human Resources shall recommend remedial action wherever possible.~~

~~Disciplinary action, up to and including termination, will be instituted where it is determined that any form of sexual harassment occurred. Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harassing party, and any other factors relating to the fair and efficient administration of the City's operations.~~

~~Every effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints will not be made available to the general public.~~

~~All employees, supervisors and managers shall be sent copies of this Policy, and this Policy shall be given to each new employee in their orientation packet.~~

~~Sexual harassment, as defined above, violates Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and of the California Fair Employment and Housing Commission. Employees should understand that the City considers violations of this Policy to be serious matters and that, although disciplinary action will be calculated to end harassment, employees may be terminated for sexual harassment.~~

#### ~~D. Investigation~~

~~Upon the filing of a complaint with the City, the complainant will be provided with a copy of this policy. The Human Resources Department is the department designated by the City to investigate complaints of harassment. However, the Human Resources Director may delegate the investigation to an outside agency. In the event the harassment complaint is against the Human Resources Director, an investigator shall be appointed by the City Administrator and/or City Attorney.~~

~~Based upon the investigation and any other relevant information, the investigator shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the investigator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any occurred; and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the investigator.~~

Number: III-7 Effective Date: August 4, 2015 November 5, 2024

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**CITY OF VERNON**  
**POLICY AGAINST HARASSMENT, DISCRIMINATION,**  
**AND RETALIATION**  
**ACKNOWLEDGEMENT OF RECEIPT**

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By my signature below, I acknowledge that I have received, read and understood the City of Vernon's Policy Against Harassment, Discrimination, and Retaliation, and I will abide by its terms. I understand that failure to fully comply with all terms set forth in the Policy may lead to disciplinary action, up to and including termination.

\_\_\_\_\_  
Name (PLEASE PRINT)

\_\_\_\_\_

Number: III-7 Effective Date: August 4, 2015 November 5, 2024

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Signature

Date



**City of Vernon, California  
Human Resources Policies and Procedures**

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
City Administrator

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Number: I-13 Effective Date: October 20, 2015 November 5, 2024

**SUBJECT: CRIMINAL BACKGROUND AND LIVE SCAN POLICY**

**PURPOSE:**

The City of Vernon is committed to providing a secure and safe environment for its employees, volunteers, and members of the public. To that end, the City Council adopted a resolution authorizing the Human Resources Department ("Department") and the Police Department to obtain State and Federal summary criminal background information from the Department of Justice and Federal Bureau of Investigation for employment purposes. The purpose of this policy is to ensure that the process for obtaining criminal background information is conducted in accordance with state and federal laws. This policy applies to all City employees, volunteers, and applicants.

**POLICY:**

1. Authority - Under federal and state law, public agencies may enact policies that disqualify applicants with certain criminal convictions from employment positions if the conviction is relevant to the position in question. Furthermore, California Penal Code Section 11105(b)(11) and 13300(b)(11) permits cities to obtain state and federal summary criminal background information from the Department of Justice and the Federal Bureau of Investigation if the City Council has authorized such access and if the criminal background information is required to implement a statute, ordinance or regulation that contains requirements or exclusions based on specified criminal conduct. The City Council authorized the Human Resources Department and Police Department to access such State and Federal summary criminal background information from the Department of Justice and Federal Bureau of Investigation for employment purposes pursuant to Resolution Number 2015-08. Background screening and LiveScan requirement for sworn peace officer applicants and employees shall be governed by the Vernon Police Department Policy Manual, Recruitment and Selection Policy and California POST Commission Regulations.
2. General -- Before issuing the final decision denying an applicant or employee a position with the City solely or in part because of the applicant or employee's conviction history, the

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~~Department will conduct an individualized assessment to determine whether the applicant or employee's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position. The procedures for conducting this individualized assessment are found in Section 6, subsection B. below. The City shall not consider for employment, promotion, or lateral transfer a person or volunteer who has been convicted of a felony or a misdemeanor involving moral turpitude as provided in Section 4 of this Policy. A report of prior conviction or subsequent conviction may be cause for termination or separation of any employee or volunteer if the conviction is for a crime specified in Section 4 or subsections therein.~~

~~2. Consistent with this individualized assessment, any conviction of a misdemeanor or felony involving moral turpitude as provided in Policy 4 below may be cause for termination or separation of any employee or volunteer, or denial of a prospective application of employment. However, the conviction may be disregarded if it is found and determined by the City Administrator that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction, and federal or state law does not require such disqualification or termination. Nothing in this policy shall be deemed to deny employees their disciplinary appeal rights under any applicable Memorandum of Understanding.~~

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~~3. Criminal Record Background Checks – After the City has made a conditional offer of employment to a prospective full-time or part-time employee, or a volunteer, including police reserves, the City may conduct a criminal background check upon the applicant. The City will not include on any application for employment any question that seeks the disclosure of an applicant's criminal history, before the City makes a conditional offer of employment to an applicant.~~

~~3. For current and prospective employees and volunteers who work with or supervise minors, the City may make a criminal conviction check before making a conditional offer of employment. The City will utilize the Live Scan Process as part the criminal records check for applicants, or for an employee considered for promotion who has not previously participated in the Live Scan process. The City shall obtain criminal background information on all prospective full-time and part-time employees and volunteers, including police reserves, all current employees and volunteers who work with or supervise minors, and all employees considered for promotion who have not previously participated in the Live Scan process.~~

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#### 4. Specific Convictions and Positions

A. With respect to all prospective employees, current employees and volunteers, a conviction of any of the following Penal Code sections, shall be grounds for disqualification or termination unless, through the individualized assessment process set forth in Section 6(B) below, the City determines that mitigating circumstances exist or the conviction is not related to the employment in question. Commonly disqualifying convictions are listed below, however this list is not all-inclusive:

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Section 68:	Asking for or receiving bribes
Section 72:	Presentation of fraudulent claims
Section 73, 74:	Bribes for appointment to office
Section 187, 189:	Murder
Section 192:	Manslaughter; voluntary, involuntary, and vehicular
Section 203:	Mayhem
Section 209:	Kidnapping for ransom, extortion or robbery
Section 211:	Robbery - taking personal property in possession of an individual by force or fear
Section 245:	Assault with a deadly weapon
Section 261:	Rape
Section 459:	Burglary
Section 484:	Theft
<u>Section 487:</u>	<u>Grand Theft</u>
Section 490.5:	Shoplifting
Section 503:	Embezzlement - fraudulent appropriation of property by a person to whom it has been entrusted
Section 518:	Extortion -. obtaining property by a wrongful use of force or fear or under a color of official right

- B. With respect to all applicants for and current employees and volunteers in positions who work with or supervise minors, in addition to Paragraph 4.A above, a conviction of any of the offenses specified in Public Resources Code Section 5164(a)(2) shall be grounds for disqualification or termination. Offenses specified in Public Resources Code Section 5164(a)(2) include ~~are but~~but are not limited to:
1. Violations or attempted violations of Penal Code Sections 220, 261.5, 262, 273a, 273d or 273.5;
  2. Sex offenses listed in Penal Code Section 290 (excluding Penal Code Section 243.4(d)), including, but not limited to, Penal Code sections 288 and 311.
  3. Any crime described in the California Uniform Controlled Substances Act (Division 10 [commencing with Section 11000] of the California Health and Safety Code). However, with the exception of law enforcement, any marijuana conviction over two years old will not be considered.
  4. Any felony or misdemeanor conviction within 10 years of the City's request for background information for a violation or attempted violation of Chapter 3 of Title 8 of the Penal Code (commencing with Section 207), Sections 211 ~~to~~ 215, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that offense, Section 217.1, Chapter 8 of Title 8 of the Penal Code (commencing with Section 236), Chapter 9 (commencing with Section 240), and for violation of any of the offenses specified in subdivision (c) of Section 667.5.

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C. With respect to all applicants for and current employees and volunteers in positions that work with public funds or public records, in addition to Paragraph 4.A above, a conviction of any of the following Penal Code sections shall be grounds for disqualification or termination:

Section 115, 115.3:	Use of a false or forged public record or alteration of a certified copy of a public record
Section 424:	Embezzlement and falsification of accounts
Title 13, Chapter 4:	Any violation of forgery and counterfeiting

5. Responsibility of Applicant, Employee, or Volunteer

In compliance with Labor Code Section 432.9 and Government Code Section 12952, after ~~the Department determines a determination is made by the Human Resources Department that~~ the applicant meets the minimum qualifications of the for a position and extends a conditional offer of employment to the applicant, a supplemental questionnaire will be provided to the applicant. ~~The supplemental questionnaire will seek disclosure of any conviction, including but not limited to a conviction for violations of the Penal Code sections in Subsection 4 above, it is the responsibility of the applicant to report to the City, any conviction on any statutory violations in Section 4 above. A supplemental questionnaire will be provided to applicants.~~

~~The~~ A current employee or volunteer shall report criminal convictions to his or her Department Head or his or her designee and the Human Resources Director ("Director") ~~if said conviction has the potential to affect the employee or volunteer's position of employment, fellow employees or the public.~~ Alternatively, the employee or volunteer may report the information directly to the ~~Human Resources~~ Director.

6. Procedure for Criminal Background Records Checks

A. Criminal record checks conducted pursuant to this Policy for applicants shall comply with applicable federal and state law and the following:

1. The City shall submit a completed Applicant Fingerprint Card to the Department of Justice and the Federal Bureau of Investigations accompanied by any other forms or information required by the agencies in order to obtain the criminal background information.
2. Any information obtained from the Department of Justice or Federal Bureau of Investigations shall be used to determine whether the applicant is disqualified.
3. The City shall expeditiously provide a copy of the information to the applicant to whom the information relates if the information is a basis for an adverse employment

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decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

4. The City may promote, lateral ~~transfer~~ transfer, or hire a prospective employee contingent upon the results of the criminal background information received during the employee's probationary period. An employee hired pending the receipt of criminal background information, will be terminated if the employee is found to have falsified or omitted criminal background information on the Criminal Conviction Questionnaire. An employee promoted pending the receipt of criminal background information, may be returned to the position in which they previously held. However, if the position is no longer available an alternative vacant position may be offered and considered on a case-by-case situation. The alternative position may or may not be equal to the position previously held.

B. If the City intends to deny an applicant a position of employment, or a current employee a promotion or transfer to a new position, solely or in part because of the applicant or employee's conviction history, the Department shall make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position.

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▲ This section does not apply to a position for which a state or local agency is otherwise required to conduct a conviction history background check, such as a position that works with or supervises minors, or for a position with a criminal justice agency, as defined in Penal Code Section 13101.

In making the assessment described herein, the Department shall consider:

1. The nature and gravity of the offense or conduct.
2. The time that has passed since the offense or conduct and completion of the sentence.
3. The nature of the job held or sought.

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▲ At the Department's discretion, the individualized assessment may be made in writing. However, if the Department makes the preliminary determination that the applicant's conviction history disqualifies the applicant from employment, the employer shall notify the applicant of this decision in writing. At the Department's discretion, that notification may justify or explain the reasoning for the preliminary decision. However, the notification shall contain:

1. Notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the conditional offer.
2. A copy of the conviction history report, if any.

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3. An explanation of the applicant's right to respond to the notice of the Human Resource's Department's preliminary decision before that decision becomes final and the deadline by which to respond. The explanation shall inform the applicant that the response may include submission of evidence challenging the accuracy of the conviction history report that is the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both.

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The applicant will have five (5) business days to respond to the notification. If the applicant informs the Department in writing that it disputes the accuracy of the conviction history report that was the basis for the preliminary decision to rescind the offer and the applicant is taking specific steps to obtain evidence supporting that assertion, the Department shall provide five (5) additional business days in order to respond. The Department shall consider information submitted by the applicant before making a final decision.

If the Department makes a final decision to deny an application solely or in part because of the applicant's conviction history, the Department shall notify the applicant in writing of the final denial or disqualification. At the Department's discretion, it may justify or explain the Department's reasoning for making the final denial or disqualification.

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B-C. The City shall enter into a contract with the Department of Justice and the Federal Bureau of Investigations whereby the City will be notified of any subsequent conviction or arrest information concerning an employee or volunteer.

1. Any information about an existing employee's or volunteer's conviction(s) shall be reported to the ~~Human Resources~~ Director.
2. Upon receipt of information regarding a conviction, the Department Head or his or her designee, the City Administrator, the ~~Human Resources~~ Director and/or the City Attorney shall evaluate the effect and potential effect of the employee's or volunteer's conviction or arrest on his or her position of employment, fellow employees, and the public; and shall take appropriate action to maximize public safety and minimize potential liability.

Upon discovery of any risk of greater liability to the City, employees and/or the public, the appointing authority may suspend, with the approval of the City Administrator, any regular full-time or part-time employee in accordance with applicable disciplinary procedures. All Civil Service employees are entitled to a pre-disciplinary hearing as provided by any applicable Memorandum of Understanding.

3. Upon receipt of information regarding an arrest, if the Department Head or his or her designee, the City Administrator, the ~~Human Resources~~ Director and/or the City

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Attorney determine that the arrest involves allegations of conduct that, if proven to be true, would be sufficiently serious and job-related to disqualify the person from employment and/or to present a threat of harm to the City, its employees or the public, a limited independent investigation may be initiated and/or the City may take any other action they deem necessary, including but not limited to placing the employee or volunteer on administrative leave pending a decision resolving the matter. A "limited independent investigation" need not be of the same depth as may be an investigation undertaken to consider the imposition of discipline as to an employee. For example, such a "limited independent investigation" could consist of examination of arrest/crime reports and/or contact with involved law enforcement personnel.

4. Based on the "limited independent investigation", the Department Head or his or her designee, the City Administrator, the ~~Human Resources~~ Director and/or the City Attorney will determine whether there is reasonable cause to believe that charges resulting in the arrest are true, and whether the individual presents a credible threat of violence or other criminal activity that may affect City employees or the public. If it is determined that the evidence does support these findings, the City may take such actions as it deems necessary based on that evidence. Such actions may include, but are not limited to, placing an employee on paid administrative leave pending the resolution of the criminal case or the conclusion of a full independent investigation of the underlying facts, holding the decision on the employment of an applicant or new hire in abeyance, or rejecting an applicant or new hire.
5. Every employee or volunteer who has been hired or promoted subsequent to the adoption of this Policy, who passed the initial screening, must sign an acknowledgment that conviction of crimes listed herein or determined to be substantially similar by the City may be grounds for disciplinary action up to and including termination.

#### 7. Confidentiality

State and federal summary criminal history information is confidential and shall not be disclosed, except to the Department Head on a need to know basis, ~~Human Resources~~ the Director, City Attorney and City Administrator. Any persons having access to such information shall sign a form acknowledging that the information is confidential and that civil and criminal penalties, as well as dismissal from employment, may result if the confidential information is misused.

Pursuant to Penal Code Section 11077, the Attorney General is responsible for the security of Criminal Offender Record Information (CORI), and has the authority to establish regulations to assure the security of CORI from unauthorized disclosures. The following are requirements as prescribed by the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record Security for any agency that maintains or receives criminal history information:

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- A. *Records Security* - Any inquiries regarding the release, security or privacy of Criminal Offender Record Information (CORI) is to be resolved by the ~~Human Resources~~ Director or his or her designee.
- B. *Record Storage* - CORI shall be under lock and key by the Human Resources Department or Police Department who shall be committed to protect CORI from unauthorized access, use or disclosure. Fingerprint records such as fingerprint cards, "no criminal history" notifications and CORI history shall be destroyed by shredding once a hiring decision or volunteer qualification/disqualification determination has been made.
- C. *Record Dissemination* - CORI shall be used only for the purpose for which it was requested by Human Resources.
- D. *Record Destruction* - Unless a legitimate business need or statute requires retention, CORI and copies of same obtained for employment, licensing or certification purposes shall be destroyed once a decision is made to employ, license or certify the subject of record.
- E. *Record Reproduction* - CORI may not be reproduced for dissemination.
- F. *Training* - The ~~Human Resources~~ Director and his or her designee with access to CORI are required:
  - 1. To read and abide by this policy.
  - 2. To have on file a signed copy of the Employee Statement Form for the Use of Criminal Record Information, which acknowledges an understanding of laws prohibiting misuse of CORI.
- G. *Penalties* - Misuse of CORI is a criminal offense. Violation of this policy regarding CORI may result in suspension, dismissal and/or criminal or civil prosecution.

**PROCEDURE:**

**Responsibility**

Hiring or Promoting Department

**Action**

- 1. Selects applicant and offers employment, or selects employee and offers

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- promotion, based on successful background checking.
- |                                      |    |  |
|--------------------------------------|----|--|
| Human Resources Director or Designee | 2. | Processes fingerprints and submits to Department of Justice and/or Federal Bureau of Investigations.   |
|                                      | 3. | Makes determination based on report and informs the City Administrator, City Attorney and the Department Head if unacceptable circumstances are found.   |
| City Attorney and Department Head    | 4. | In consultation with Human Resources Director, and the City Administrator, only if dis-qualification or termination is not required by law, determines whether any mitigating circumstances exist that permits disregard of the conviction or, for an applicant for promotion, discipline less than termination. |
| Human Resources Director             | 5. | If the report is not acceptable and sufficient mitigating circumstances are not found, initiates in consultation with the City Attorney, the City Administrator and the Department Head, the action to be taken against applicant.   |
|                                      | 6. | Sends disqualification letter if background on applicant for hire or promotion is unacceptable.  |

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7. Continues with the hiring or promotion process if the report is acceptable or sufficient mitigating circumstances are found.



City of Vernon, California  
Human Resources Policies and Procedures

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
City Administrator

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Number: Section 1.2 - Miscellaneous Effective Date: November 5, 2024~~March 17, 2015~~

**SUBJECT:** Administrative Policy Manual – City Owned Vehicle Authorization and Use Policy

**PURPOSE:**

The purpose of this policy is to establish guidelines and procedures for the use of City vehicles. ~~“City Vehicles” are vehicles owned or leased by the City. This policy applies to all City officials and employees with the exception of Sworn Police Department employees who are covered by the Vernon Police Department Policy Manual, Vehicle Use Policy, governing the assignment, use, and control of City-owned vehicles utilized as transportation for employees engaged in City business.~~

~~According to the Internal Revenue Service (IRS), the personal use of a government-owned vehicle is a taxable fringe benefit and is considered a form of pay, so the fair market value of such benefits must be included in the employee's wages unless specifically excluded by federal tax rules. Please refer to Administrative Policy 1.1 regarding regulations as set forth by the IRS regarding government-owned vehicles provided to employees.~~

~~Administrative Policy 1.3 establishes the reimbursement procedures for the use of privately owned vehicles and/or public transportation by City employees during the performance of official duties.~~

**POLICY:**

~~This policy applies to all employees and elected officials who have been duly authorized by the City Administrator or designee to use a City-owned vehicle for official business. The term "City-owned" vehicle as used in this policy shall also include vehicles leased by the City.~~

~~Any violation of this policy may result in the appropriate level of discipline in accordance with applicable disciplinary procedures.~~

**A. Employee Transportation Policy**

**A. General Requirements:**

~~Employees requiring transportation to perform their official duties may be authorized to utilize the following types of transportation in accordance with the criteria set forth in this policy:~~

- ~~1. Any person operating a City vehicle is required to possess a valid California Driver's License of the proper classification and endorsement(s) as appropriate. City-owned vehicle permanently assigned to the department for use by a particular employee position. Overnight use of such vehicles must be approved annually in accordance with this policy.~~
  - ~~1.a. Any person who operates a vehicle in the course of City business is required to notify the Department of Human Resources following any changes in status to the employee's Driver's License, including expiration, suspension or revocation, as soon as they become aware of the change.~~
- ~~2. The Human Resources Department is responsible for ensuring that regular and temporary employees who operate City vehicles are enrolled in the California Department of Motor Vehicles (DMV) Pull-Notice Program. A City-owned vehicle checked out from either the Public Works Department fleet pool or a departmental car on an "as needed" basis. Overnight use of such vehicles will require prior written approval by the City Administrator.~~
- ~~3. The Human Resources Department shall maintain all DMV Employer Pull Notice documents and shall notify the appropriate supervisor immediately upon being put on notice by the DMV of any change in the status of an employee's license or other action which affects the employee's ability to perform his or her job requirements or which may require action by the City. Privately-owned vehicles with reimbursement for associated expenses as specified in Administrative Policy 1.3.~~
- ~~4. Employees are expected to operate vehicles and/or equipment safely, lawfully, and courteously. It is the policy of the City to provide a safe working environment that protects our employees and members of the public from injury and property loss. The City is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss. Public transportation, such as bus or taxi, on an "as needed" basis with reimbursement for costs incurred by the employee, as specified in Administrative Policy 1.3.~~
- ~~5. City vehicles must be maintained in a clean and neat manner at all times and employees are expected to have their assigned vehicles washed at the City's designated car wash service. Rental of vehicles may be authorized to meet specialized or emergency needs, with reimbursement available as specified in Administrative Policy 1.3.~~

~~5. Each employee or designated person assigned or permitted to operate a City vehicle shall participate in vehicle safety and defensive driving training as may be required by the City.~~

**~~B. B. Permitted Use of City-Owned Vehicles and Equipment~~**

~~City-owned vehicles and equipment shall only be used exclusively for city official business. Only eligible City employees or temporary employees may operate City vehicles and equipment. Persons not employed by the City or a temporary agency may be carried as passengers only when their transportation has a direct connection with City business., except for trips to/from the employee's home and City workplace when specifically authorized in conformance with this policy.~~

~~1. At their department head's discretion, City employees working in the field and using City vehicles may stop for designated lunch or break periods when the employee is enroute to or from the worksite. Personal business such as banking or shopping, whether or not enroute to an authorized destination, is prohibited.~~

~~2. Minimal personal use (such as stopping for food while on City business), other than commuting, is permitted. The City may require and maintain any records relating to vehicle and fuel usage, which it deems necessary or appropriate to monitor and evaluate compliance with this Policy.~~

~~3. No employee may use the vehicle to commute to and from work without written authorization from the City Administrator. Should the City elect to provide a vehicle to an employee for that use, the decision shall be made for non-compensatory business reasons, based upon a finding that the City requires the employee to commute to and/or from work in the vehicle. Minimal personal use while commuting is permitted (such as a stop for a personal errand on the way between a business delivery and the employee's home).~~

~~4. Employees planning to use a City vehicle for out-of-state travel shall consult and obtain approval from the City Administrator prior to travel.~~

~~5. Any employee that is provided a vehicle allowance or use of a vehicle is required to promptly notify Human Resources Department if he or she' or any other individual, uses the vehicle for any personal purpose other than incidental personal use.~~

~~6. Each employee that is provided a City vehicle used to commute to and/or from work or for more than incidental personal use will then incur taxable income, which will be included in the employee's wages. Please refer to Administrative Policy 1,1 Taxation on use of City-Owned Vehicle for Personal Use.~~

~~7.1. City-owned vehicles shall be operated only by City employees, elected or appointed officials, or by persons designated by City contract to operate such vehicles.~~

- ~~8. In addition to the employee assigned or permitted to drive a City vehicle, he or she may allow other authorized employees (as set forth in Paragraph 6 above), to operate the vehicle if they have a valid driver's license and are 25 years of age or older. Vehicles assigned to employees to be taken home shall not be operated by a driver other than the employee assigned for any use other than City business.~~
- ~~9. With the approval of the Department Head, employees assigned or permitted to drive a City vehicle may allow non-City passengers to drive in the vehicle if the purpose of the travel is for City business-related matters.~~
- ~~10. No City-owned vehicle shall be driven to and kept at any employee's home or any location other than the regular work location, except as authorized by the City Administrator or designee.~~
- ~~11. Employees should report needed repairs to their Department Head and/or the Lead Mechanic. Needed repairs would include, but not be limited to, lighting, servicing, licensing, etc.~~
- ~~12. Employees are expected to operate vehicles and/or equipment safely, lawfully, and courteously. It is the policy of the City to provide a safe working environment that protects our employees and members of the public from injury and property loss. The City is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.~~
- ~~13. Employees must maintain each vehicle in a clean and neat manner at all times and are expected to have vehicles washed at the City's designated car wash service~~
- ~~14. Any person authorized to drive either personal or City-owned vehicles on official City business must possess a valid California motor vehicle driver's license for the class of vehicle to be operated. Should an employee's driver's license expire, be revoked, or suspended, the employee shall immediately notify his or her supervisor. At the time of the license invalidity, the employee's City vehicle usage privileges will be suspended until the employee's driver's license has been fully restored and validated. Suspension, revocation, or cancellation of an employee's driver's license when a valid license is required for the employee's job classification may subject the employee to disciplinary action up to and including termination.~~
- ~~15. Each employee or designated person assigned or permitted to operate a City vehicle shall participate in vehicle safety and defensive driving training as may be required by the City of Vernon.~~

**C. C. Authorization for Assignment of City-Owned Vehicles**  
**Temporary Vehicle Assignment:**

City vehicles may be made available on a temporary basis to employees who are performing assignments that require them to travel in the conduct of business. This includes, but is not limited to, travel to and from City worksites or other authorized destinations, meetings in and outside the City, and authorized conferences.

D. Take-Home Vehicle Assignment:

Take-home vehicles are assigned City vehicles that employees have been authorized to drive to and from their residences. The City's primary interest regarding take-home vehicles is to achieve a balance between the City's responsibility to provide staff with the tools to perform their duties with maximum efficiency and its responsibility to use public resources in a prudent manner by minimizing unnecessary costs and liabilities associated with take-home vehicles.

City vehicles will not be ~~authorized-assigned~~ to individuals as compensation or as a condition of employment. Generally, employees should use their own vehicles when conducting City business and will be reimbursed for the use of such vehicle or will receive a monthly vehicle allowance. ~~When a privately owned vehicle is not available or appropriate for City business use, a City-owned vehicle may be checked out of the departmental or City fleet pool.~~ Employees receiving a vehicle allowance shall not use City vehicles except that employees receiving a car allowance shall not use City pool vehicles except when with written approval by the City Administrator ~~has been received~~.

~~The authorization process for assignment of take-home City-owned vehicles includes the following:~~

1. To ensure the City's take-home vehicle assignments are equitable and a justified use of public resources, take-home vehicles shall only be assigned under the following criteria:

- a. Employees may be eligible for a take-home vehicle if they require the use of a City vehicle on a frequent basis, including but not limited to frequent attendance at required meetings or events during non-working hours, or in order to respond to after-hours and weekend emergencies.
- b. Take-home vehicle assignments must be authorized in writing by the City Administrator, subject to the criteria set forth herein. Take-home vehicle assignments for the City Administrator and City Attorney positions must be authorized by the City Council.

2. Department Heads will complete and submit the ~~Prior to assigning a take-home vehicle to an employee on an ongoing basis, the department head must request and receive written approval from the City Administrator or designee using the~~ "Take-Home Vehicle Assignment Authorization Form" (Exhibit 1).

~~1. Request form for approval by the City Administrator or designee. This request will be reviewed annually by July 1st by the Department Head and resubmitted to the City Administrator for approval. Department Heads are responsible for initiating the annual re-approval process. This request will be accompanied by an acknowledgement form signed by the employee acknowledging they have read and received this policy.~~

~~2. a. After obtaining/receiving approval from the City Administrator or designee, the Department Head will forward the approved employee must sign the "Take-Home Vehicle Assignment Authorization Request Policy Acknowledgement" and "Vehicle Assignment Acceptance & Understanding" Form, verifying that they have read and understand this policy. form to the City's Finance Department, Payroll Division. The Finance Department will be the primary repository for the approved "Take Home Vehicle Assignment Authorization Request" forms. Except for police undercover vehicles, where for security purposes, all records for police undercover vehicles will be maintained in the Police Department following approval by the City Administrator or designee. Department heads have the responsibility to inform the Finance Department that the assignment has been approved by forwarding them a copy of the employee's approved "Take-home Vehicle Authorization" Form so that fringe benefits withholdings can be applied to the employee's salary receiving the benefit.~~

~~3. b. Department Heads are responsible for notifying the Finance Department in writing at least five days prior to the end of the pay period, if there are any changes to the status of an employee's assignment of a take-home vehicle. City Administration will conduct an annual review of take-home vehicle assignments to ensure that they continue to meet the needs and best interests of the City.~~

~~4. c. Take-home vehicles may only be driven by authorized City employees or volunteers and shall not be used to transport non-City employees, except when authorized to conduct City business. If the assigned vehicle is non-exempt from IRS reporting requirements, the employee to whom it is assigned will incur the tax liability described in Policy 1.1 Taxation on the Use of City-Owned Vehicles for Personal Use.~~

~~5. d. Except for de minimis personal use (defined by IRS Regulations as infrequent and of little value, such as stopping for a meal or personal errand to or from the worksite), take home vehicles may not be used to conduct personal business. This policy and practice ensures that take-home vehicle assignments are assigned to those who must respond quickly and that they represent a prudent use of City resources. Once the City Administrator or designee has approved an on-call assignment, new requests are only necessary when changes in status (new employee, reassignment of duties, employee transfers, etc.) occur as part of the annual review.~~

~~e. The vehicle shall be locked at all times while not in use and parked in a secure location. If the employee fails to take proper security measures, damage or theft may be the responsibility of the employee. Departments will be responsible for submitting the approved "Vehicle Take Home Trip Log" forms for non-exempt City vehicles to the~~

~~Finance Department, Payroll Division no later than five working days after the end of each month, so that fringe benefits withholdings can be applied to the employee's salary receiving the benefit.~~

~~f. The Director of Public Works shall be responsible for maintaining a take-home vehicle assignment list.~~

~~g. Once the City Administrator or designee has approved a vehicle assignment, new requests are only necessary when changes in status (new employee, reassignment of duties, employee transfers, etc.) occur as part of the annual review.~~

~~3. In designated operations, employees on standby duty may be allowed to take their assigned City vehicle home at the discretion of their department head. City vehicles while on standby shall be utilized in accordance with all conditions outlined in this policy.~~

#### **E. IRS Reporting:**

~~1. According to the Internal Revenue Service (IRS), the personal use of government-owned vehicle is a taxable fringe benefit and is considered a form of pay, so the fair market value of such benefits must be included in the employee's wages unless specifically excluded by federal tax rules. Please refer to Administrative Policy 1.1 regarding the regulations as set forth by the IRS regarding government-owned vehicles provided to employees.~~

~~2. Employees authorized to use a take-home vehicle who do not qualify for one of the IRS's exempt categories, are subject to one of the three IRS valuation rules for reporting fringe benefit wages associated with personal use of the vehicle. For a summary of these IRS valuation rules please refer to Administrative Policy 1.1.~~

~~3. Department Heads are required to notify the Finance Department of an approved vehicle assignment by forwarding a copy of the employee's approved "Take-home Vehicle Authorization Form" within five (5) working days after approval.~~

~~4. Employees are required to submit a mileage log to the Finance Department within five (5) working days following the end of each month. This ensures that fringe benefits withholdings are timely applied to the salaries of those receiving the benefit.~~

#### **D. F. Authorization for Vehicle Allowance~~Automobile Allowance:~~**

~~Any monthly vehicle allowance shall not exceed the rates set forth in the Fringe Benefit and Salary Resolution. A monthly car allowance as authorized by the City Administrator is based on the following conditions:~~

~~1.——1. Employees eligible to receive monthly automobile allowance are identified in the Fringe Benefits Policy. Any monthly automobile allowance shall not exceed the rates set forth in the Fringe Benefits Policy. If the employee is regularly classified as executive or management, a~~

~~car allowance may be authorized in an amount not to exceed the amount specified in the Fringe Benefit and Salary resolution. Executive or management employees who are on an unpaid leave of absence shall not be entitled to car allowance during such leave.~~

~~2. 2. In deciding to recommend car allowances, the employee's Department Head shall consider how much the employee uses his/her personal vehicle for City business and the degree to which a car allowance is a part of employee benefits. Requests to consider automobile allowance are to be submitted to the City Administrator. Each employee receiving an automobile allowance shall provide for the use of a passenger vehicle in good repair and appearance and insured at least to the extent required by state law.~~

~~3. 3. Individuals authorized to receive the monthly automobile allowance must personally bear the expenses associated with the operation and maintenance of their vehicles. The City will not provide gas, oil, mileage, service or repair of any kind to personal vehicles. Each employee receiving a car allowance shall provide for the use of a passenger vehicle in good repair and appearance, and insured at least to the extent required by state law. (Suggested coverage is \$100,000 per person and \$300,000 per incident for personal injury and \$50,000 for property damage.)~~

~~4. Individuals authorized to receive the monthly automobile allowance must personally bear the expenses associated with the operation and maintenance of their vehicles. The City will not provide gas, oil, mileage, service or repair of any kind to personal vehicles.~~

#### **E. G. Seat Belts**

All vehicles used for City business, both City-owned and privately owned, shall be equipped with seat belts, which conform to the requirements of State law. It shall be the responsibility of the driver operating a vehicle on City business to ensure that all occupants of that vehicle are wearing seat belts while the vehicle is in operation.

#### **F. H. Mobile Communication Device, Cell Phone, and Computer Use**

Safe driving practices, as well as the California Vehicle Code, require the use of a hands-free device when using a mobile communication device during the operation of a motor vehicle. Employees shall not operate laptop computers, navigational devices, or any other device that may cause vehicle operator distraction while operating a vehicle in the course of conducting City business. Exception: Sworn law enforcement officers may use a wireless telephone while operating an authorized emergency vehicle, in the course and scope of his or her duties.

#### **G. I. Smoking Prohibited in Vehicles**

Smoking, including the use of electronic cigarettes, is expressly prohibited in all City vehicles and/or equipment.

**H. J. Impaired Driving**

1. ~~The driver must not~~No driver may operate a vehicle when his/her ability to do so is impaired or influenced by alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.
2. The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive or operate a vehicle safely.

**I. K. Proof of Insurance**

Employee drivers must ensure that the vehicle's current insurance card is kept in the vehicle at all times.

**J. L. Accident Reporting**

1. Employees involved in any vehicle accident, regardless of the nature or severity, involving a City vehicle, shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If safe under the circumstances, move the vehicle to a location out of the way of traffic.
2. Drivers shall always have a law enforcement officer investigate any accident that involves a City vehicle. This will help ensure that City of Vernon is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from the City's Finance or City Attorney's Office, or an authorized representative from the City.
3. Drivers shall notify their supervisor immediately of the accident and complete the Vehicle Accident Report. Making false statements on vehicle accident reports is strictly prohibited and could result in disciplinary and/or legal action.
4. Drivers shall cooperate fully with the City's Finance Department and/or City Attorney's Office in the handling of the claim.

**K. M. Traffic Violations**

1. All citations, fines, or other criminal penalties while operating a City vehicle or personal vehicle on City business are the personal responsibility of the driver. These costs are not reimbursable by the City of Vernon and must be paid promptly by the driver.
2. Any City employee who receives a traffic citation while operating a City vehicle or personal vehicle while on City business shall immediately report same incident to his/her supervisor.

3. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any City vehicle or personal vehicle while on City business may result in the suspension of employee driving privileges, and/or further disciplinary action.



## TAKE-HOME VEHICLE AUTHORIZATION FORM

For all employees except the City Administrator and City Attorney, take-home vehicle assignments are subject to approval of the City Administrator. All use of City vehicles must be in compliance with the City Vehicle Use Policy. A new form must be submitted for changes in employee assignment or place of residence.

**Requesting Department:**

**Department Head Name:**

**Employee Name:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Employee's Home Address:**

**Miles from Home to Work Site:**

\_\_\_\_\_

\_\_\_\_\_

**Vehicle Make, Model, Year:**

**Vehicle's Fair Market Value:**

**Odometer Reading:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The employee attends after-hours events or responds to after-hour emergencies on an average of \_\_\_\_\_ times per year.

**Describe the type of after-hours events (justification for Take-Home Vehicle Assignment):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Indicate the category of vehicle assignment:**

- Qualified Non-Personal Use Vehicle (Exempt Vehicles defined in Section F(1)(a) of Policy)  
 All other Employer-Provided Vehicles (Non-Exempt Vehicles defined in Section F(2) of Policy)

**Assignment Approved:**     **YES**     **NO**

**City Administrator**

**Signature:**

\_\_\_\_\_

***If Approved:***

**Employee Acknowledgement**

Your signature below indicates you have read, understand and are in compliance with the City Vehicle Use Policy.

**Employee Signature:**

\_\_\_\_\_

**Department Head**

**Signature:**

\_\_\_\_\_



## VEHICLE ASSIGNMENT ACCEPTANCE AND UNDERSTANDING

### ACCEPTANCE:

My signature below affirms that I have received a copy of the **City of Vernon Vehicle Authorization and Use Policy (the "Policy")**. I have read and understand the terms of the Policy and I have addressed any concerns or questions regarding this Policy with my Department Head or designated Human Resource staff. I further understand that I am governed by the contents of this Policy, and it is my responsibility to remain familiar with all of the information contained. If I have questions regarding any aspect of the Policy, I will discuss these questions with my Department Head or designated Human Resource staff as necessary until I fully understand the policies and procedures of the City of Vernon. I understand that should this Policy be modified; I will be provided with a copy of the modification. Any violation of this Policy may be cause for termination.

Additionally, I acknowledge that I may be given authorization to operate a city-owned insured vehicle. I agree to:

- Regularly maintain and service the vehicle according to the service schedule outlined in the instructions provided by the fleet mechanic.
- Operate the vehicle in a safe manner and in compliance with the Policy.
- Complete the "Take-Home Vehicle Trip Log" and submit log within five working days after each month's end for fringe benefits withholding purposes.

I understand I am required to maintain a valid driver's license. Further, I herewith grant the City of Vernon the right to investigate my driver's license record at any time. My current driver's license is issued as follows:

State of: \_\_\_\_\_  
License Number: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me. I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand that sustaining this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately.

I understand articles of this agreement apply regardless of who is operating this vehicle.

**I have read and agree to the provisions of this Vehicle Assignment Agreement and the requirements of the Vehicle Use Policy.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head Signature (Witness)      Date