



Date: Tuesday, June 25, 2024

Honorable Mayor and Council Members:

Author and title: Bonnie Thompson-Hardin, Human Resources Manager and Nicole Casey, Administrative Services Director

Title: **Adopt Updated Personnel Rules Effective June 2024**

Jen Callaway, Town Manager

Recommended Action: That the Council approve Resolution 2024-45 adopting certain modifications to the Town of Truckee's Personnel Rules including Employer-Employee Relations pursuant to the Meyers-Milias-Brown Act, previously adopted via Resolution 2021-22 and amended via Resolution 2023-12.

Discussion: The Council previously adopted a wholistic update to the Personnel Rules in 2021. Staff has identified certain updates that are needed to ensure continued compliance with state and federal law. There is also one change related to items negotiated as part of the Truckee Police Officer's Association (TPOA) memorandum of understanding (adding Juneteenth as an eligible holiday for TPOA members).

Additionally, there are some miscellaneous items that the Town would like to clean-up. There are two administrative changes that the Town would like to amend or add to the Personnel Rules, one for temporary leaves of absence for emergency service workers beyond the State's definition and changing the "day before/day after" criteria for holiday pay to relieve the administrative burden required for tracking. The largest change is in relation to the Town's Electronic Media policy. While the Town does not feel we are introducing substantive changes to the working conditions associated with the Electronic Media policy, the Town feels that this update is necessary to correspond with current technology use and the Town's cyber defense strategies.

Lastly there are two typos related to numbering and indentation in the Personnel Rules that need correction to provide better clarity and transparency.

A detailed description of these changes is included below and the specific language changes can be seen in the redlined version of the Personnel Rules in Attachment 2.

Legal Updates –

Leave for Reproductive Loss - SB 848 was signed by the California Governor on October 11, 2023. This new leave law went into effect on January 1, 2024. This law was passed to address reproductive-related losses which were largely unaddressed in the recent changes to California's bereavement leave laws (AB 1949). Changes to Section 15 Subsection I of the Personnel Rules outline the provisions of the law in the Personnel Rules and bring transparency to employees who have a need to utilize these provisions regarding their right to leave following reproductive loss.

Temporary Leaves of Absence for Emergency Rescue Personnel - Under California Labor Code §230.3 and §230.4, an employee who performs duties as a volunteer firefighter, as a reserve peace officer, or as an

emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate of 14 days per calendar year, to engage in fire, law enforcement, or emergency rescue training for certain State sanctioned emergency agencies.

Employees asked the Town to recognize Tahoe Nordic Search and Rescue under this Rule. Although Tahoe Nordic Search and Rescue does not meet the official definition of an agency providing emergency services as defined by Section 1799.107 of the Health and Safety Code, the Town recognizes the importance of these types of organizations to the community and proposed to provide employees with five (5) days of *unpaid* leave per calendar year to complete emergency rescue training with such groups like the Tahoe Nordic Search and Rescue. (This does not prevent an employee from using their paid time off to attend such trainings). Changes related to this update were added to Section 15 Subsection T of the Town's Personnel Rules.

Protections for Off-Site, Off-Duty Marijuana Use and Updates to the Town's Drug & Alcohol Policy - AB 2188/SB 7800 amended the Fair Employment and Housing Act (FEHA) by adding provisions specifically protecting a person's off-site, off-duty marijuana use. This new law went into effect on January 1, 2024. Changes related to this law were included in Section 19 Subsections C, E, and H, of the Town's Personnel Rules. In addition, staff learned that our employees in the Fleet department with a commercial driver's license, who are subject to the Town's Drug and Alcohol Policy for Tahoe Truckee Area Regional Transit while performing maintenance on Transit vehicles, are also subject to the Town's Motor Carrier Part 382 Alcohol and Controlled Substance Testing Program under the Federal Motor Carrier Safety Administration when driving other Town equipment during the repair process. To ensure compliance with all federal requirements for employees with a commercial driver's license, these Fleet department employees will now be subject to both drug and alcohol testing policies. This will likely result in Fleet employees being selected more often for random testing each quarter.

Negotiations Related Change – As part of the TPOA successor MOU presented to Council for approval as a separate item at this meeting, TPOA members are now eligible to accrue Holiday time for the Juneteenth holiday in alignment with the other two Town employee groups. Language related to this change is included in Section 15 Subsection G of the amended Town's Personnel Rules.

Administrative Updates & Corrections –

“Day Before/After” Criteria to Paid Time Criteria for Holidays - The Town wishes to change the application of prorated holiday time for employees on protected leaves of absence (excluding a personal unpaid leave of absence). The previous method required employees to have a paid leave day before and after the holiday. This method was creating an administrative challenge that was hard to consistently monitor for the employee and for the Town's human resources staff. While employees were on paid leave, the Town was assisting employees in reporting their paid leave so they could get the maximum holiday paid time and this proposed change makes the tracking easier for the Town and the employee. Section 15 Subsection G was amended to accommodate.

Typos – In reviewing the Personnel Rules, staff discovered two issues that were causing confusion in the way those sections were read. In Section 4 *Anti-Harassment, Discrimination, and Retaliation Policies* Subsection A. *Policy Against Harassment, Discrimination, and Related Retaliation*, the policies failed to indent to show the types of harassment as defined in part 5 *Definitions Protected Classification*. The amended Rules included below provide for this indent and fixed the numbering.

In the section defining Serious Health Conditions in Section 15 *Leaves of Absence*, the numbered sections had been incorrectly numbered, which made the definitions confusing. To improve clarity and transparency, the amended Personnel Rules correct this issue.

Electronic Media Policy - Following the Town's Cyber Event in 2021, the Town reviewed Section 16 *Comprehensive Electronic Media Policy*. The Town needed to update this section to better reflect the

current technology and provide more clarity, completeness, and transparency to employees who utilize the Town's electronic tools. The Chief Information Security and Technology Officer drafted new language for Section 16.

Priority:

<input checked="" type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input checked="" type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

Fiscal Impact: Any fiscal impacts of these changes have been incorporated into the proposed fiscal year 2024/25 operating budget presented to Council as a separate item at this meeting.

Public Communication: There have been ongoing negotiation meetings with the employee groups regarding these changes. Many of the changes themselves are a result of changes in state law which went through robust public comment periods as part of the adoption process for those respective law changes.

Attachments:

Attachment 1 – Resolution 2024-45 Adopting the Town of Truckee Personnel Rules

Attachment 2 – Personnel Rules (red-lined)

Attachment 3 – Personnel Rules (clean copy)

Attachment 4-6 – Draft Side Letters approving the Personnel Rule changes with each of the Town's Employee Groups

Attachment A – Section 16 – Comprehensive Electronic Media and Computing Resources Policies