

City of Menifee

Sworn Police Personnel Rules & Regulations



Menifee Sworn Police Personnel Rules

The City of Menifee is proud to have you as part of an exemplary team of people and community. It is the intent of the City to provide an outline of certain benefits being offered to sworn police personnel during the inaugural year of the police department. We want to help with the success of the members and organization.

Listed below is a summary of personnel rules and key benefits the City is providing sworn safety personnel. All benefits are in effect unless a resolution of a Memorandum of Understanding (“MOU”) occurs that supersedes specific section(s) of this document.

All personnel related circumstances, provisions, and incidents that arise that are not specifically included and addressed in this document, the City of Menifee Personnel Rules and Regulations or the Menifee Police Department Policy Manual shall apply.

1. Off-Duty Employment (or “Moonlighting”)

Off-Duty Employment is defined as “any activity a sworn officer engages in while in an off-duty status, where the officer is supervised, directed and compensated by a third party.”

To engage in off-duty employment, the employee must submit a written request to the City Manager and receive the City Manager’s written approval prior to engaging in the off-duty employment. The City Manager may deny the request based on the following factors:

- A. The off-duty employment might interfere with assigned duties.
- B. The off-duty employment might render the officer unavailable during an emergency.
- C. The off-duty employment might physically or mentally exhaust the officer to the point that his/her regular performance may be affected.
- D. The off-duty employment might require that special consideration be given to scheduling regular duty hours.
- E. The off-duty employment might detract from the efficiency or effectiveness of the employee in performing his/her work for the City.
- F. The off-duty employment might pose a conflict of interest to employment with the City.

Secondary employment is operated in compliance with the requirements of the Private Investigator Act and Private Security Services Act, Calif. Business and Professions Code §§ 7512 et seq. and 7580 et seq.

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2. Vacation

A. Purpose

The purpose of annual vacation is to enable each eligible employee annually to rest and return to work refreshed. The City of Menifee wants you to enjoy your free time. Taking time off allows employees to renew themselves (mentally and physically) gain some perspective, and therefore process information better. It also boosts creativity, productivity, employee retention and workplace morale. Be sure to schedule your time off as far ahead as possible with your supervisor so that the appropriate coverage can be arranged.

B. Basis of Accrual

New sworn employees shall begin accrual of vacation leave effective their first day of employment at a rate of 3.08 hours per pay period. Vacation leave shall accrue to employees on a bi-weekly basis at a pro-rated amount equivalent to the annual amounts specified below. No employee may accumulate more than 440 hours of vacation leave. When an employee's accumulated vacation leave balance reaches 440 hours, the employee shall not accrue any additional vacation leave until such time as the employee's accumulated vacation leave balance is reduced below 440 hours.

Vacation leave for employees shall be accrued as follows:

Years of Service	Hours per pay period	Hours per year
0-6	3.08	80
6-10	6.15	160
10-15	7.69	200
15+	9.23	240

Vacation leave for employees hired from October 28, 2019 to October 27, 2020:

Years of Service at prior agency	Hours per pay period	Hours per year
0-6	3.08	80
6-10	6.15	160
10-15	7.69	200
15+	9.23	240

Vacation accrual increase shall include years of service at prior agency.

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C. Compensation for City Work During Vacation Prohibited

No employee shall be permitted to work for compensation for the City in any capacity while he/she is on vacation leave from City service. This clause shall not limit the City's right to recall an employee from vacation and back to work in the event of an emergency and place him/her on regular pay status.

D. Scheduling Vacations

An employee must request and obtain approval from their supervisor prior to taking vacation leave, which shall be determined with due regard for the wishes of the employee and particular regard for the needs of service. Vacation leave may be used only as it is earned. Requests for vacation leave exceeding the amount of accrued vacation leave hours will require the prior approval of the City Manager.

3. Executive Leave

Mid-Management employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are defined as Captain and Lieutenant. As a FLSA-exempt employee of the City, mid-management employees shall be granted sixty (60) hours of Executive leave each fiscal year.

FLSA-exempt employees must schedule and receive approval for use of Executive leave in accordance with Department policies. Executive leave may be used for any reason. Executive leave must be used in the fiscal year granted and shall not be carried into the next fiscal year.

In the event of termination/separation of employment, employees will receive payment for any unused Executive leave.

4. Sick Leave

A. Accrual and Use of Sick Leave

Sick leave with pay shall be accrued at the rate of four (4) hours bi-weekly which accumulates to 104 hours annually. Accumulation shall be unlimited.

Employees may use accrued paid sick leave in a 12-month period for the following reasons: (1) the employee's own diagnosis, care, treatment or preventative care of an existing health condition or disability; (2) the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including the employee's spouse, registered domestic partner, child, parent, stepparent, foster parent or guardians; (3) to obtain relief as a victim of domestic violence pursuant applicable law;

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(4) a prescheduled doctor, dental or optometry appointment which has been approved by the employees supervisor.

Employees may use up to one-half of their accrued sick leave for the purposes of (2) and (3) annually. (California Labor Code § 233)

B. Proof of Illness

Employees absent from duty due to illness for more than three (3) consecutive work days (not including statutory protected leave) may be required to furnish a certificate and/or statement from their physician verifying the need for such absence, the limitations of work, and the estimated time necessary for recovery. Violation of sick leave privileges may result in disciplinary action and/or loss of pay when in the opinion of the Chief of Police the employee has abused such privileges.

Prior to resuming their duties, employees may be required to submit a certificate and/or statement from their physician certifying their apparent fitness for duty.

C. Notification

An employee's need for absence from duty due to personal or family illness shall be reported to his/her immediate supervisor or on duty watch commander as soon as practical after the employee is aware that he/she cannot report to duty and is able to give such notice, generally, no later than one hour prior to the beginning of the employee's assigned shift. Extenuating circumstances may prevent an employee from meeting the one hour minimum notification.

D. Family and Medical Leave

In accordance with federal and state law and regulations, the City will provide family and medical leave, which is unpaid leave, to eligible employees. Unless otherwise provided by this Section, "leave" under this Section refers to leave pursuant to the Family and Medical Leave Act of 1993 ("FMLA") and the California Family Rights Act ("CFRA"). Employees with any questions or requests for information about family and medical leave should consult the Human Resources Department.

The City requires an employee to utilize all accrued and unused sick leave concurrently with the use of family care and medical leave (FMLA and CFRA) which may be coordinated with State Disability Insurance ("SDI").

Eligible employees are entitled to a total of 12 workweeks of leave during any rolling 12-month period for any FMLA or CFRA qualifying reason.

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5. Bereavement Leave

A regular employee shall be granted bereavement leave without loss of pay in case of death of an immediate family member. Up to three (3) days leave shall be granted in the event the deceased resided in the state of California. If out of state travel is required, up to five (5) days leave without loss of pay shall be granted. Additional time off may be taken as sick leave, vacation time, other paid leave, or as authorized leave without pay, upon approval of the City Manager.

Immediate family, as used in this policy, shall be defined as the spouse, registered domestic partner, children, step-relations, parents, siblings, grandparents, or in-laws. When a family death occurs, the employee may be requested to provide information to document the absence.

6. Holidays

A. Authorized Holidays

- *January 1 (New Year's Day)*
- *The third Monday in January (Martin Luther King Jr. Day)*
- *The third Monday in February (President's Day)*
- *The last Monday in May (Memorial Day)*
- *July 4 (Independence Day)*
- *The first Monday in September (Labor Day)*
- *Second Monday in October (Columbus Day)*
- *November 11 (Veterans Day)*
- *The fourth Thursday in November (Thanksgiving Day)*
- *The fourth Friday in November (day after Thanksgiving Day)*
- *December 24 (Christmas Eve)*
- *December 25 (Christmas Day)*
- *December 31 (1/2 day City closes at noon)*
- *Floating Holiday (8 hours to be used by the employee with Chief of Police approval during the fiscal year, July 1 – June 30).*
- *Wellness Day (9 hours to be used by the employee with Chief of Police approval during the fiscal year, July 1 – June 30).*

Any floating holiday and Wellness day hours not used during the calendar year will be lost with no compensation. Employees shall annually receive 8 floating holiday hours at the beginning of the payroll year intended for (but not restricted solely for) the use of "backfilling" hours to complete a full shift on required training days of less than the employee's full shift (typically an 8-hour training day).

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B. Holiday Pay Options

Employees required to work holidays will receive a bank of 112.5 hours of holiday hours during the first full pay period following July 1. The employee will be required to schedule a period of 80 holiday hours of consecutive leave during a period between July 1 and June 30 of the following calendar year. The employee will only be permitted to carry over 32.5 hours of holiday time each fiscal year.

If an employee separates from employment or is reassigned to a position which no longer requires the employee to work holidays, they will only be compensated for actual earned holidays and the remaining hours will be eliminated.

Employees identified as being required to work holidays include patrol officers, POP officers, K-9 officers, patrol Sergeants, and patrol Lieutenants.

7. Leave of Absence Without Pay

At the sole discretion of the City, an employee may be granted a leave of absence without pay upon recommendation of the Department Director and approval of the City Manager. The city may fill the position with a temporary or provisional employee during the term of the leave of absence or undertake any other appropriate measures to address workloads needs. Nothing herein shall require or preclude the City from offering unpaid leave as a reasonable accommodation under state and federal disability law.

8. Work Period

It is the intent of the City of Menifee to avoid the necessity for overtime work whenever possible. In cases of emergency or whenever public interest or other necessity requires, any employee may be directed by proper authority to perform overtime work. Employees must obtain approval from their supervisors prior to working any overtime; an employee's failure to do so may subject him or her to disciplinary action, up to and including termination from employment.

A. Overtime, Non Exempt Employees

Sworn employees shall be paid at the rate of one and a half times their base hourly rate for all hours worked in excess of their scheduled 160 hours during the normal 28-day work period.

Non-sworn employees shall be paid at the rate of one and a half times their base hourly rate for all hours worked in excess of 40 hours during the normal 7-day work period

B. Compensatory Time, Non Exempt Employees

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At the discretion of the employee, any overtime may be either compensated through payment or accumulation of compensatory time off. The maximum accumulation of compensatory time shall be 120 hours. Should an employee desire to take compensatory time off, he/she shall file a written request with their supervisor, who shall grant the request off unless it interferes with normal operational staffing of the Department.

Upon termination of the employee, all compensatory time shall be paid off at the salary rate in effect.

C. Schedule Adjustment

The Chief of Police or his designee has the right to change an employee's schedule with seven (7) days' notice, unless an emergency exists that requires a schedule change. Non-emergency schedule changes with less than seven days' notice shall result in overtime compensation for the first full shift of the changed schedule. Nothing is meant to prohibit a schedule change as a result of a mutual agreement between the employee and Chief of Police.

9. Bilingual Pay

Qualifying employees shall be paid three percent (3%) of base pay if they are bilingual in Spanish. Applicants must pass a standardized Spanish language test (pass/no pass) to be administered by a testing agency selected by the City.

10. On Call Court Pay

If an employee is required to remain on-call for a court case on any day when he/she is not on duty, he/she shall be compensated for two hours at the overtime rate (one and a half times) per day. At the discretion of the employee, this compensation may be taken as payment or accumulated as compensatory time off. Employees are not eligible for this compensation if they are taken off on-call status and notified before 12:00 p.m. the day before they are scheduled to appear in court.

An employee called into court while on-call, as described above, shall receive a minimum of 3 hours pay, compensated at the overtime rate, in lieu of any on-call pay described in the above paragraph. At the discretion of the employee, this compensation may be taken as payment or accumulated as compensatory time off.

If an employee goes to court in the afternoon prior to the start of his/her shift, he/she shall receive 3 hours of court time as described in the above paragraph. If an employee is required to go to court after his/her shift, that will be considered an extension of the shift

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and the officer will be paid the overtime rate for the amount of time spent in court and returning to the station, if applicable.

Employees who receive a subpoena for court testimony originating from their prior employing agency will be compensated for actual time spent in court and up to two (2) hours travel time at straight pay.

The procedure for administering the on-call program shall be determined by the Chief of Police.

11. Non-Court related On-Call Pay

Employees required to remain in an on-call status shall receive 4% of their base rate of pay while assigned to on-call status. This provision currently generally refers to on Detective Sergeant, one Detective, one Traffic Officer, and one CSI Technician.

12. Call Back Pay

Call back duty occurs when an employee is unexpectedly ordered by the Department to return to duty following the termination of his/her normal work shift because of unanticipated work requirements. Call back does not occur when an employee is held over from his/her prior shift or is working prior to his/her regularly scheduled shift. An employee called back to duty shall be paid a minimum of 4 hours compensation at the overtime rate (1.5 times base pay) commencing when he/she reports for duty. Any hours worked in excess of 4 hours shall be compensated at the overtime rate.

- A. Reporting for duty means: acknowledging the order and immediately responding to the assigned location. No more than one hour will be compensated for travel.

13. Special Assignment Pay

A. Detective Duty

The City will pay special assignment pay for detective duty equal to three percent (3%) of base salary. This includes four police officer positions and one sergeant position.

B. Special Operations

The City will pay special assignment pay for special operations duty equal to three percent (3%) of base salary. This includes one sergeant position.

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The Chief of Police has the right to make temporary reassignments of employees, not to exceed 90 days, based on Department needs. The reassignment is not considered punitive and is not subject to grievance.

14. Monthly Insurance Contribution

The City shall contribute up to \$1750 per month toward the payment of premiums for eligible employees and dependents under the existing health, dental, and optical insurance programs. Any contribution necessary to maintain benefits under any insurance program in excess of the City's monthly contribution shall be borne entirely by the employee.

11. Field Training Officer Pay

Employees assigned to serve as Field Training Officers by the Chief of Police shall receive additional compensation of five percent (5%) above their individual base salary per day they are performing said assignment.

12. Retirement

Retirement benefits are provided for Safety personnel under the 2.7 @ 57 Plan of the Public Employees Retirement System and the Level 4 of the 1959 Survivor Benefit. Safety personnel shall pay the statutorily required contribution rate as defined in California Government Code Section 7522.30 (PEPRA) and determined by PERS. This rate shall be one half (1/2) of the normal cost of the benefit, as defined by PERS.

13. Educational Incentive

Employees can earn educational incentive bonus pay at the following rate:

B.A./B.S. Degree	3% per month
Masters Degree	5% per month

The above percentages are not cumulative.

14. Retention Incentive

A. Annual Retention Payment

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Sworn employees will receive a five thousand (\$5,000) retention incentive payment each year upon their employment anniversary to be paid on the first pay period following their employment anniversary date.

Hiring Bonus for employees hired from October 28, 2019 to October 27, 2020:

Sworn employees will receive a five thousand (\$5,000) bonus upon their hire.

B. Deferred Compensation

Police sergeants and officers will receive an annual contribution into their deferred compensation account in the amount of three-thousand dollars (\$3,000).

Police lieutenants will receive an annual contribution into their deferred compensation account in the amount of four-thousand dollars (\$4,000).

Police Captains will receive an annual contribution into their deferred compensation account in the amount of five-thousand dollars (\$5,000).

The contribution will be made during each pay period.