

# Part-Time Employee Information



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# Section 1

## PTEANB & Training Information



# BENEFITS SUMMARY

## PART-TIME EMPLOYEES ASSN OF NB (PTEANB)

Term: January 1, 2019 through December 31, 2021

*This summary is for informational purposes only and is not binding. For a complete explanation of all benefits and compensation, benefit eligibility, and restrictions, refer to the current Memorandum of Understanding (MOU) and the Employee Policy Manual.*

### GENERAL PROVISIONS

**Recognition:** To qualify for membership part-time employees must work 1,000 hours within a fiscal year or when the City is mandated to provide Minimum Essential Coverage as required under the Affordable Care Act. Once an employee is enrolled into the unit, the member will remain covered under the MOU while actively employed part-time, regardless of the number of hours worked thereafter.

### COMPENSATION

**Salary Adjustments:** 1.75% - July 6, 2019; 1.75% - June 20, 2020; and 1.75% - June 19, 2021.

**FLSA Overtime<sup>1</sup>:** Non-exempt employees earn overtime for actual work hours in excess of 40 in their defined FLSA workweek.

**Contract Overtime<sup>1</sup>:** Overtime earned for employees whose hours paid in their defined FLSA workweek exceeds 40. Paid leaves do not count towards the 40-hour calculation.

**Overtime Rate:** Both FLSA and Contract Overtime are paid at time and one half (1.5) and are calculated using the regular rate of pay, except Contract Overtime calculations do not include any funds associated with the Cafeteria Plan allowance (cash back, opt-out cash) for eligible employees.

**Bilingual Pay:** Seventy-five cents (\$0.75) for every hour worked for street conversational level Spanish. Testing is required.

**Night Shift Differential Pay:** Police Department staff members will receive \$1.50 for every hour scheduled and worked between 6 PM until 6 AM. Library staff members will receive \$1.00 for every hour regularly scheduled and worked after 5:00 PM and for all shifts worked on Sundays. This pay is not offered when working overtime beyond a normal work schedule.

**Matron Pay:** Female Police Department staff members assigned matron duties shall receive one (1) hour straight time pay for each shift matron duties are performed. Employees must work a minimum eight-hour shift to be eligible.

<sup>1</sup> Overtime is calculated in tenths of an hour.

### BENEFITS

**Pay for Leave<sup>2</sup>:** Unit members accrue .04 hours for every hour worked; maximum accrual is one hundred (100) hours.

**Jury Duty:** If required to attend jury duty on a regularly scheduled day, employees will be compensated for the hours they were scheduled to work.

**Cafeteria Plan:** The City adopted a tiered benefit structure. Eligibility is based on the average number of hours worked, date of most recent enrollment into the PTEANB and health coverage requirements set forth by the Federal Affordable Care Act. Refer to the current MOU for a complete description of benefit levels and employee eligibility.

**BENEFITS SUMMARY**

*Part-Time Employees Association of Newport Beach*

*January 1, 2019 through December 31, 2021*

**Retirement Benefits:** The City contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits and has implemented first, second and third tiers. CalPERS makes the final decision as to which tiered benefit an employee will receive.

Member Contributions: 13%

**Tier I (Legacy 2.5%@55):** Members contribute 10.42% of the total net employee rate, which is 8 % employee rate and 2.42% employee rate modifier, and 2.58% towards the employer rate.

**Tier II (Classic 2%@60):** Members contribute 7% of the total employee rate and 6% towards the employer rate.

**Tier III (PEPRA 2%@62):** The minimum required member contribution for Tier III employees is subject to change based on the annual PERS valuation. The employee rate may increase or decrease as provided by CalPERS; the City adjusts the employee rate and adjusts the employer rate contribution so that the total member contribution aligns with Tiers I and II members.

**PARS:** Employees not eligible for PERS, including Police Cadets and Police Reserves whose positions are excluded from the PERS contract, will remain enrolled in the Public Agency Retirement Services (PARS) in lieu of Social Security. Both the Employee and the City contribute 3.75% of salary towards the employees' retirement plan.

**Deferred Compensation:** Unit members are eligible to enroll in the deferred compensation program. There is no City contribution.

<sup>2</sup>The City complies with the IRS Title 26 CFR § 1.451-2 Constructive Receipt of Income with regard to Flex Leave pay out.

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE CITY OF NEWPORT BEACH**  
**AND**  
**THE PART TIME EMPLOYEES ASSOCIATION OF**  
**NEWPORT BEACH**



**January 1, 2019 through December 31, 2021**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF NEWPORT BEACH  
AND  
THE PART TIME EMPLOYEES ASSOCIATION OF NEWPORT BEACH**

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**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF NEWPORT BEACH AND  
THE PART TIME EMPLOYEES ASSOCIATION OF NEWPORT BEACH**

This MEMORANDUM OF UNDERSTANDING (hereinafter referred to as "MOU") is entered into with reference to the following:

**PREAMBLE**

1. The Part Time Employees Association of Newport Beach ("PTEANB" or "Association"), a recognized employee organization, and the City of Newport Beach ("City"), a municipal corporation and charter city, have been meeting and conferring, in good faith, with respect to wages, hours, fringe benefits and other terms and conditions of employment.
2. PTEANB representatives and City representatives have reached an agreement as to wages, hours and other terms and conditions of employment as provided in this Memorandum of Understanding (MOU) for the period from *January 1, 2019 through December 31, 2021*.
3. This MOU, upon approval by PTEANB and the Newport Beach City Council, represents the total and complete understanding and agreement between the parties regarding all matters within the scope of representation. Except as limited herein, the City retains all management rights as set forth in the Meyers-Milias-Brown Act and Resolution No. 2001-50.

**SECTION 1. – General Provisions**

A. Recognition

In accordance with the provisions of the Charter of the City of Newport Beach, the Meyers-Milias-Brown Act of the State of California and the provisions of the Employer-Employee Relations Resolution No. 2001-50, the City acknowledges that PTEANB is the majority representative for the purpose of meeting and conferring regarding wages, hours and other terms and conditions of employment for part-time employees in those classifications specified in Exhibit "A" and meeting the following recognition requirements.

1. Recognition will continue for all employees recognized as of date of adoption of this MOU; thereafter, employees will become eligible for recognition after working a cumulative total of 1,000 hours in any fiscal year.
2. Recognition for unit membership may also occur whenever the City determines it is mandated by State or Federal law to provide Minimum

Essential Coverage, as defined by the Federal Affordable Care Act.

3. Once eligible for recognition, employees remain covered under the MOU regardless of the number of hours subsequently worked.

B. Duration of Memorandum

Except as specifically provided otherwise, any ordinance, resolution or action of the City Council necessary to implement this MOU shall be considered effective as of *January 1, 2019*. This MOU shall remain in full force and effect until *December 31, 2021*, and the terms and conditions of this MOU shall continue after the date of expiration of this MOU in the event the parties have not yet agreed upon a successor MOU.

The *provisions* of this MOU shall prevail over conflicting provisions of the Newport Beach City Charter, the ordinances, resolutions and policies of the City of Newport Beach, and Federal and State statutes, rules and regulations which either specifically provide that agreements such as this prevail, confer rights which may be waived by any collective bargaining agreement, or are, pursuant to decisional or statutory law, superseded by the provisions of an agreement similar to this MOU.

C. Employee Data and Access

*As required by the law*, the City shall provide PTEANB a regular list of all unit members including name, department, and job title.

D. Modifications

Any agreement, alteration, understanding, variation, or waiver or modification of any of the terms or provisions of this MOU shall not be binding upon the parties unless contained in a written document executed by authorized representatives of the parties.

E. Subcontracting

As provided in the Employer-Employee Relations Resolution No. 2001-50, the City shall determine the manner in which City services are to be provided, including whether the City should provide services directly or contract out work, including work that is currently being performed by Association members. In the event the City introduces a plan to outsource services to achieve greater efficiency and/or cost savings, and upon request by the Association, the City shall meet and confer with Association representatives to discuss the impact of the City's decision to contract out work, prior to contracting out such services. The City shall retain sole authority to decide whether or not to contract out work, including work that is

currently being performed by Association members. This provision shall not limit the City's authority to enter into such an agreement for any City services.

F. Savings

Should any part of this MOU be rendered or declared illegal or invalid by legislation, decree of court of competent jurisdiction or other established governmental administrative tribunal, such invalidation shall not affect the remaining portions of this MOU.

**SECTION 2. – Compensation**

A. Pay for Time Worked

1. Salary Adjustments

*Effective the later of the pay period including July 1, 2019, or the pay period following City Council approval of the MOU, base salaries will be increased by 1.75%*

*Effective the pay period including July 1, 2020, employee base salaries will be increased by 1.75%*

*Effective the pay period including July 1, 2021, employee base salaries will be increased by 1.75%*

Notwithstanding the above adjustments, the top step pay rate of Police Reserve Officer shall be, at a minimum, equal to Step 1 of Police Officer.

2. Compensation for Overtime - Normal Overtime

- a. Advanced Approval - *Employees must have advanced approval from their supervisor to work overtime.*
- b. FLSA Overtime - *Overtime earned for actual work hours in excess of 40 in the employee's defined FLSA workweek.*
- c. Contract Overtime – *Overtime earned for an employee whose hours paid in their defined FLSA workweek exceeds 40. For purposes of calculating hours paid for contract overtime, Leave does not count as hours worked for purposes of calculating or earning overtime.*
- d. Rate at Which Overtime is Calculated – *Both FLSA and Contract Overtime (paid at time and one half – 1.5) shall be calculated at the regular rate of pay, except that the rate at which Contract Overtime is calculated shall not include the City's Cafeteria Plan Allowance,*

*the opt-out Cafeteria Plan Allowance, or any cash back an employee may receive from the Cafeteria Plan Allowance by choosing benefits which cost less than the Allowance.*

- e. Workweek for Purposes of Calculating Overtime – *Employees workweek shall begin on Saturday at 12:00 a.m. and will end exactly 168 hours later the following Friday at 11:59 p.m.*
- f. Reporting Time: *The City calculates overtime in tenths of an hour. An employee who works in excess of three minutes of the next tenth should round up to the next tenth and if the employee works three minutes or less of the next tenth should round down. For example, if an employee whose normal work schedule ends at 5:00 p.m. works until 5:03 p.m. he/she should round down and not report the additional three minutes. However, if the employee works until 5:04 p.m., he/she should report an additional tenth of an hour of time worked.*

3. Minimum Wage Adjustment

*Salary ranges of positions that fall below the State minimum wage due to increases in the State minimum wage rate will be adjusted to ensure that employees are earning at least the State minimum wage.*

4. Assignment Pay

Night Shift Differential:

Police Department Staff: *Unit members assigned to the Police Department shall be eligible for Night Shift Differential of \$1.50 per hour, payable for each regularly scheduled hour worked between 6:00 p.m. and 6:00 a.m.*

Library Staff: *Unit members assigned to the Library Department shall be eligible for Night Shift Differential of \$1.00 per hour, payable for each regularly scheduled hour worked after 5:00 p.m. and for all hours of shifts worked on Sundays.*

*Overtime worked either as an extension of an assigned shift or scheduled as an overtime shift shall not qualify the employee for Night Shift Differential. To qualify for the the differential, the hours worked have to be part of the employee's regularly assigned schedule.*

*The parties agree that to the extent permitted by law, the shift differential pay in this section is special compensation and shall be reported to*

*CalPERS as such pursuant to Title 2 CCR, Section 571(a)(4) Shift Differential Pay.*

Matron Pay: Female Police Department employees assigned matron duties shall receive one (1) hour straight time pay for each shift matron duties are performed. The employee must work a minimum shift of eight (8) hours to be eligible.

Bilingual Pay: Employees certified as bilingual (Spanish) shall be eligible to receive seventy-five cents (\$0.75) per hour in bilingual pay. The certification process will confirm the employee is fluent at the appropriate conversational level in speaking Spanish. Employees certified shall receive bilingual pay the first full pay period following certification. Additional languages may be considered upon Department Director determination of the benefit to the City and upon approval by the Human Resources Director.

*The parties agree that to the extent permitted by law, the Bilingual pay in this section is special compensation and shall be reported to CalPERS as such pursuant to Title 2 CCR, Section 571(a)(4) Bilingual Premium.*

### **SECTION 3. – Fringe Benefits**

#### **A. Cafeteria Plan**

The City has implemented an IRS qualified Cafeteria Plan. Employees shall have the option of allocating Cafeteria Plan contributions towards the City's existing medical insurance as program rules allow. Employees shall be allowed to change coverages in accordance with plan rules and during regular open enrollment periods. For employees enrolled in medical plans, the cafeteria amount is inclusive of *each year's statutory minimum CalPERS medical insurance contribution*. Employees waiving medical coverage and eligible for opt-out benefits described below must provide proof of *minimum essential coverage ("MEC") through another source (other than coverage in the individual market, whether or not obtained through Covered California)*.

*An employee who enters the unit, whether as a new employee or as an employee coming from a full time unit, shall have the most recent date he/she enters the unit be the date which dictates the employee's cafeteria benefit amount.*

#### **Cafeteria Plan – 3 Benefit Tiers**

*Effective January 1, 2017, the City adopted a three (3) Tiered Cafeteria benefit structure. Tier eligibility is based on the date of enrollment into the PTEANB and health coverage requirements set forth by the Federal Affordable Care Act (hereinafter referred to as "the Act").*

## TIER 1

*Criteria: Tier 1 benefits are available to unit members to whom the City must offer affordable health coverage as required by the Act. Under the Act's current definition, eligible unit members in this group work an average of 30 hours or more per week as determined by the City's look-back measurement method for determining employee eligibility for health coverage. Unit members found to be eligible using the look-back measurement will be offered Tier 1 benefits the following January. Eligibility may also occur when otherwise mandated under the Act.*

*Each year, in order to meet Minimum Essential Coverage (MEC) guidelines as established by the Act, the City shall identify the portion of the cafeteria benefit that is allocated to medical-only coverage. The remaining portion of the cafeteria benefit may be used toward the purchase of additional medical coverage or be payable to the employee as taxable cash back. For example, in 2019, the MEC is \$400 per month and the City would identify \$400 per month to medical-only coverage. Employees enrolled in medical plans would be eligible to receive \$400 towards medical-only and \$375 for the purchase of additional medical coverage or payable as taxable cash back. The amounts allocated to medical-only versus other benefits/cash back may adjust annually in order for the City to meet its obligation to meet MEC requirements.*

*Tier 1 - Group A: This benefit level applies to employees who first enrolled as PTEANB members prior to July 1, 2014 and work 30 hours or more per week. The City shall provide a cafeteria benefit of \$775 per month toward medical benefits for these members. Tier 1 employees who have waived medical coverage and have been receiving an "opt out" benefit of \$263.40 per month are grandfathered. No additional employees will be provided this "opt out" benefit.*

*Tier 1 - Group B: This benefit level applies to employees who first enrolled as PTEANB members on or after July 1, 2014 and work 30 hours or more per week. The City shall provide this group a cafeteria benefit of \$ 650 per month toward medical benefits. This amount is allocated to medical benefits only to meet the MEC. No portion of the cafeteria benefit is payable to the employee as taxable cash back. There is no "opt out" cash benefit for eligible unit members who waive coverage. Should the Minimum Essential Coverage exceed \$550 per month, the City shall adjust the monthly benefit to comply with the MEC threshold.*

## TIER 2

*Criteria: Tier 2 benefits are available to employees who first enrolled as PTEANB members prior to July 1, 2016 and to whom the City is not required by the Act to offer affordable health coverage. In accordance with the Act's current definition,*

unit members in Tier 2 work an average of less than 30 hours per week as determined by the City's look-back measurement method for determining employee eligibility for health coverage.

Tier 2 - Group A: For Tier 2 unit members who are enrolled in a City medical plan, the City provides a cafeteria benefit of \$4.25 per hour for each hour worked, to a maximum of 60 hours per pay period. Use of paid leave shall be considered as time worked for the purpose of continuing the \$4.25 per hour benefit.

Tier 2 - Group B: (1) Tier 2 employees who first enrolled as PTEANB members prior to July 1, 2014 and who waive medical coverage, shall receive from the City an "opt out" cafeteria benefit of \$3.25 per hour worked, to a maximum of 60 hours per pay period. Paid leave shall not be considered as time worked for the purpose of continuing the \$3.25 per hour benefit. (2) There is no "opt out" benefit for employees who waive medical coverage and who became PTEANB members on or after July 1, 2014.

### TIER 3

Tier 3 applies to employees who first enrolled as PTEANB members on or after July 1, 2016 and to whom the City is not required by the Act to offer affordable health coverage. In accordance with the Act's current definition, unit members in Tier 3 work an average of less than 30 hours per week as determined by the City's look-back measurement method for determining employee eligibility for health coverage. Unit members in Tier 3 do not receive any cafeteria benefit.

#### B. Healthcare Reform

The parties recognize that certain State and Federal laws, programs, and regulations, including the Affordable Care Act, may impact future medical plan offerings. Either party may request to reopen discussions regarding medical insurance for the purpose of discussing alternative approaches and proposals to providing healthcare coverage. In addition, should State or Federal laws concerning taxation of healthcare benefits change, the parties agree to meet and discuss the impact of such change.

#### C. Pay for Leave

Employees are subject to a Flex Leave program in which employees receive pay for leave credits for each hour worked at the rate of .04 hours for each hour worked. Credits are placed in an individual Flex Leave bank for each employee and during 2019 will be subject to being paid out upon bi-weekly request (up to two times during 2019), only to the extent that an employee has earned such credits. The maximum accrual of pay for leave hours will be one hundred (100) hours. Once an

employee reaches the maximum accrual rate, Flex Leave will stop accruing until the employee's balance falls below 100 hours.

*Effective in calendar year 2020 and thereafter, employees shall have the option of converting accrued Flex Leave to cash on an hour for hour basis subject to the following: On or before the pay period which includes December 15 (starting on December 15, 2019) of each calendar year, an employee may make an irrevocable election to cash out accrued flex leave which will be earned in the following calendar year. The employee can elect to receive the cash out in the pay period which includes June 30 and/or the pay period which includes December 15 for those Flex Leave benefits that have been earned during that portion of the year.*

D. Jury Duty

PTEANB employees legally required to serve as a juror, and who provide appropriate documentation, shall be eligible for leave with pay for jury service occurring during the employee's regularly scheduled shift, and as provided in the City of Newport Beach Employee Policy Manual. *Employees will be paid for the hours they would have been regularly scheduled to work during those days when they were required to be on jury duty.*

E. Retirement Benefit

1. PERS Retirement

The City contracts with the California Public Employees Retirement System (PERS) to provide retirement benefits for its Miscellaneous employees. Pursuant to prior agreements and state mandated reform, the City has implemented first, second and third tier retirement benefits:

Tier 1: For employees hired by the City *and enrolled in PERS* on or before November 23, 2012, the retirement formula shall be the 2.5%@55 calculated on the basis of the single highest year.

Tier 2: For employees first hired by the City *and enrolled in PERS* between November 24 and December 31, 2012, or hired on or after January 1, 2013 and are current *classic* members of the retirement system, as defined in the Public Employees Pension Reform Act ("*PEPRA*"), the retirement formula shall be 2%@60 calculated on the average 36 highest months' salary.

Tier 3: For employees first eligible for the PERS benefit on or after January 1, 2013, and who do not meet the Tier 2 criteria *because they are new members as defined by the PEPRA*, the retirement formula shall be 2%@62 calculated on the average 36 highest months' salary.

## 2. Employee Contributions

PTEANB employees will continue to pay the statutory normal member contribution *for all Tiers*. Employee retirement contributions referenced below that are in addition to the normal PERS Member Contribution will be made on a pre-tax basis through payroll deduction, to the extent allowable by the government tax code. It is recognized that these payments will not be reported to PERS as contributions toward either the member or employer rate, as provided under GC Section 20516(f).

Tier 1 Employees: *Tier 1 Employees shall pay their eight percent (8%) (compensation earnable) member contribution, 2.42% compensation earnable (as cost sharing) per Government Code section 20516(a) and 2.58% compensation earnable (as cost sharing) per Government Code section 20516(f).*

Tier 2 Employees: *Tier 2 employees shall pay their seven percent (7%) (Compensation earnable) member contribution and six percent (6%) of compensation earnable as cost sharing per Government Code section 20516(f).*

Tier 3 Employees: *The minimum statutory employee contribution for employees in Tier 3 is subject to the provisions of the (PEPRA) and equals 50% of the "total normal cost".*

*Tier 3 employees shall make an additional contribution of pensionable compensation toward retirement pursuant to Government Code Section 20516(f), for a total employee contribution of 13% of pensionable compensation.*

The City contracts with PERS for the 4<sup>th</sup> Level 1959 Survivors Insurance Benefit, \$500 Lump Sum Death Benefit, Sick Leave Credit, Military Service Credit, 2% Cost of Living Adjustment and the pre-retirement option settlement 2 death benefit (Section 21548).

Employees in the classifications Police Cadet and Police Reserve Officer are excluded from membership in PERS, as provided in the contract between the City of Newport Beach and the Board of Administration of the Public Employees' Retirement System.

## 3. PARS Retirement

PTEANB employees not enrolled in the PERS retirement system will participate in the Public Agency Retirement Services (PARS) program. The City will make a matching 3.75% contribution to PARS on behalf of the employees.

F. Other Benefits Not Provided

No other fringe benefits are provided to employees in the Part Time Unit.

**SECTION 4. - Miscellaneous.**

A. Direct Deposit

All employees shall participate in the payroll direct deposit system.

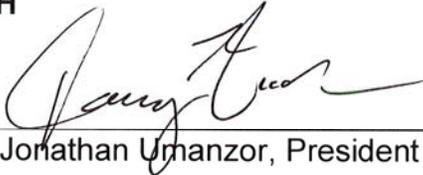
B. Recreation Department Step Adjustment

Unit members in the classification Recreation Leader, Senior Recreation Leader, Pool Lifeguard, Senior Pool Lifeguard, Senior Services Van Driver, Marine Naturalist Interpreter, and Park Patrol Officer, or comparable classifications as amended, may be eligible for salary step increases upon meeting the following criteria: 365 days have passed since the last salary step increase; employee has worked a minimum of 125 hours in the classification within the preceding 365 days; and the employee is rated as "Contributor" or greater on his or her most recent performance evaluation. Additional salary steps must remain in the range in order to receive the adjustment.

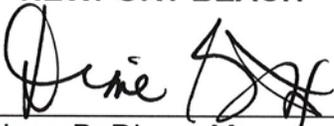
***Signatures on the following page***

Executed this 25 day of JUNE, 2019:

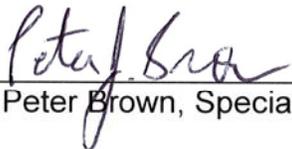
**PART TIME EMPLOYEES ASSOCIATION OF NEWPORT BEACH**

By:   
Jonathan Umanzor, President

**CITY OF NEWPORT BEACH**

By:   
Diane B. Dixon, Mayor

**APPROVED AS TO FORM**

By:   
Peter Brown, Special Counsel

ATTEST:

By:   
Leilani Brown, City Clerk



## EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revision Date: July 6, 2019, 1.75% Cost-of-Living Adjustment

PART TIME POSITION *	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
Administrative Analyst	\$33.93	\$47.75	\$5,882	\$8,277
Administrative Assistant	\$28.22	\$39.72	\$4,891	\$6,885
Building Inspector II	\$34.00	\$47.86	\$5,894	\$8,296
Civil Engineer, Associate	\$40.42	\$56.91	\$7,005	\$9,864
Civil Engineer, Junior	\$36.36	\$51.15	\$6,302	\$8,866
Code Enforcement Officer	\$26.15	\$36.80	\$4,533	\$6,379
Code Enforcement Officer Trainee	\$22.22	\$31.26	\$3,852	\$5,418
Crime Analyst, Senior	\$31.24	\$43.97	\$5,414	\$7,621
Crime Prevention Specialist	\$29.41	\$41.38	\$5,097	\$7,173
Custody Officer	\$26.92	\$37.89	\$4,667	\$6,568
Department Assistant	\$22.12	\$31.14	\$3,834	\$5,397
Facilities Maintenance Worker II	\$21.30	\$29.96	\$3,691	\$5,192
Fiscal Clerk	\$19.95	\$28.07	\$3,459	\$4,866
Fiscal Clerk, Senior	\$23.23	\$32.65	\$4,026	\$5,660
Fiscal Specialist	\$26.91	\$37.84	\$4,665	\$6,559
GIS Technical Aide	\$13.94	\$19.62	\$2,416	\$3,400
Harbor Services Worker	\$20.66	\$25.10	\$3,580	\$4,351
Harbor Services Worker, Lead	\$22.43	\$31.56	\$3,887	\$5,471
Human Resources Analyst	\$36.39	\$51.21	\$6,307	\$8,877
Human Resources Specialist I	\$28.04	\$39.41	\$4,861	\$6,831
Human Resources Specialist II	\$30.47	\$42.89	\$5,282	\$7,434
Information Technology Technician	\$21.44	\$30.19	\$3,716	\$5,233
Intern	\$17.71	-	\$3,071	-
Librarian I	\$27.22	\$38.28	\$4,718	\$6,635
Library Assistant	\$23.17	\$32.56	\$4,016	\$5,644
Library Clerk I	\$18.03	\$25.36	\$3,125	\$4,395
Library Clerk II	\$19.03	\$26.81	\$3,298	\$4,647
Library Page	\$12.75	\$16.29	\$2,210	\$2,823
Life Safety Specialist III	\$40.65	\$57.20	\$7,046	\$9,915
Lifeguard Cadet	\$12.97	-	\$2,249	-
Literacy Coordinator	\$27.54	\$38.76	\$4,774	\$6,718
Maintenance Aide	\$13.14	\$15.97	\$2,277	\$2,769
Marine Naturalist Interpreter	\$16.16	\$17.80	\$2,801	\$3,085
Marketing Specialist	\$27.55	\$38.77	\$4,776	\$6,720

EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revision Date: July 6, 2019, 1.75% Cost-of-Living Adjustment

PART TIME POSITION *	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
	Office Assistant	\$18.88	\$26.64	\$3,273
Paralegal	\$29.59	\$41.65	\$5,129	\$7,219
Park Patrol Officer	\$20.66	\$25.10	\$3,580	\$4,351
Permit Technician II	\$29.59	\$41.65	\$5,129	\$7,219
Planner, Assistant	\$30.43	\$42.86	\$5,275	\$7,429
Planning Technician	\$27.68	\$38.95	\$4,797	\$6,751
Police Cadet	\$12.74	\$15.48	\$2,208	\$2,683
Police Community Services Officer	\$21.53	\$33.40	\$3,732	\$5,790
Police Dispatcher	\$27.47	\$38.68	\$4,762	\$6,704
Police Reserve Officer	\$23.98	\$33.74	\$4,156	\$5,848
Pool Lifeguard	\$13.14	\$15.97	\$2,277	\$2,769
Pool Lifeguard, Senior	\$19.02	\$23.17	\$3,296	\$4,016
Pool Swim Instructor	\$15.50	\$18.83	\$2,686	\$3,265
Public Works Technical Aide	\$16.41	\$19.97	\$2,845	\$3,462
Records Specialist	\$27.57	\$38.80	\$4,780	\$6,725
Recreation Coordinator, Assistant	\$20.95	\$29.46	\$3,631	\$5,106
Recreation Leader	\$12.88	\$15.65	\$2,233	\$2,713
Recreation Leader, Senior	\$16.41	\$19.97	\$2,845	\$3,462
Recreation Supervisor	\$30.66	\$43.15	\$5,314	\$7,480
Review Officer	\$33.02	\$38.22	\$5,723	\$6,624
Shuttle Driver	\$20.29	\$28.57	\$3,517	\$4,952
Student Aide	\$12.80	\$16.31	\$2,219	\$2,828
Support Services Aide	\$21.30	\$29.96	\$3,691	\$5,192
Utilities Specialist	\$24.56	\$34.56	\$4,256	\$5,990

*Compensated as listed on the schedule, or California minimum wage, whichever is greater.*

\*Not all positions listed are represented by PTEANB. Employees must meet minimum recognition requirements as outlined in Section 1.A of the PTEANB Memorandum of Understanding.

<sup>1</sup> Hourly pay rates are rounded to the nearest hundredth.

<sup>2</sup> Monthly pay rates are rounded to the nearest whole dollar. Pay rates may vary slightly due to rounding.

EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revised: June 27, 2020, 1.75% Cost-of-Living Adjustment

PART TIME POSITION *	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
Administrative Analyst	\$34.53	\$48.59	\$5,985	\$8,422
Administrative Assistant	\$28.71	\$40.42	\$4,976	\$7,006
Building Inspector II	\$34.60	\$48.70	\$5,997	\$8,441
Civil Engineer, Associate	\$41.12	\$57.90	\$7,128	\$10,037
Civil Engineer, Junior	\$36.99	\$52.04	\$6,412	\$9,021
Code Enforcement Officer	\$26.61	\$37.45	\$4,612	\$6,491
Code Enforcement Officer Trainee	\$22.61	\$31.80	\$3,919	\$5,513
Crime Analyst, Senior	\$31.78	\$44.74	\$5,509	\$7,754
Crime Prevention Specialist	\$29.92	\$42.11	\$5,186	\$7,298
Custody Officer	\$27.39	\$38.55	\$4,748	\$6,683
Department Assistant	\$22.51	\$31.68	\$3,901	\$5,491
Facilities Maintenance Worker II	\$21.67	\$30.48	\$3,756	\$5,283
Fiscal Clerk	\$20.30	\$28.56	\$3,519	\$4,951
Fiscal Clerk, Senior	\$23.64	\$33.22	\$4,097	\$5,759
Fiscal Specialist	\$27.38	\$38.50	\$4,747	\$6,674
GIS Technical Aide	\$14.18	\$19.96	\$2,459	\$3,460
Harbor Services Worker	\$21.02	\$25.54	\$3,643	\$4,427
Harbor Services Worker, Lead	\$22.82	\$32.12	\$3,955	\$5,567
Human Resources Analyst	\$37.02	\$52.11	\$6,417	\$9,032
Human Resources Specialist I	\$28.53	\$40.10	\$4,946	\$6,950
Human Resources Specialist II	\$31.01	\$43.64	\$5,375	\$7,564
Information Technology Technician	\$21.81	\$30.72	\$3,781	\$5,324
Intern	\$18.02	-	\$3,124	
Librarian I	\$27.69	\$38.95	\$4,800	\$6,751
Library Assistant	\$23.57	\$33.13	\$4,086	\$5,742
Library Clerk I	\$18.35	\$25.80	\$3,180	\$4,472
Library Clerk II	\$19.36	\$27.28	\$3,356	\$4,729
Library Page	\$12.97	\$16.57	\$2,249	\$2,873
Life Safety Specialist III	\$41.36	\$58.21	\$7,169	\$10,089
Lifeguard Cadet	\$13.20	-	\$2,288	
Literacy Coordinator	\$28.03	\$39.43	\$4,858	\$6,835
Maintenance Aide	\$13.37	\$16.25	\$2,317	\$2,817
Marine Naturalist Interpreter	\$16.44	\$18.11	\$2,850	\$3,139

EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revised: June 27, 2020, 1.75% Cost-of-Living Adjustment

PART TIME POSITION	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
Marketing Specialist	\$28.04	\$39.45	\$4,860	\$6,837
Office Assistant	\$19.22	\$27.10	\$3,331	\$4,698
Paralegal	\$30.11	\$42.38	\$5,219	\$7,345
Park Patrol Officer	\$21.02	\$25.54	\$3,643	\$4,427
Permit Technician II	\$30.11	\$42.38	\$5,219	\$7,345
Planner, Assistant	\$30.97	\$43.61	\$5,367	\$7,559
Planning Technician	\$28.16	\$39.63	\$4,881	\$6,869
Police Cadet	\$12.96	\$15.75	\$2,247	\$2,730
Police Community Services Officer	\$21.91	\$33.99	\$3,797	\$5,891
Police Dispatcher	\$27.95	\$39.35	\$4,845	\$6,821
Police Reserve Officer	\$24.40	\$34.33	\$4,229	\$5,951
Pool Lifeguard	\$13.37	\$16.25	\$2,317	\$2,817
Pool Lifeguard, Senior	\$19.35	\$23.57	\$3,354	\$4,086
Pool Swim Instructor	\$15.77	\$19.16	\$2,733	\$3,322
Public Works Technical Aide	\$16.70	\$20.32	\$2,895	\$3,523
Records Specialist	\$28.06	\$39.48	\$4,863	\$6,843
Recreation Coordinator, Assistant	\$21.32	\$29.97	\$3,695	\$5,195
Recreation Leader	\$13.11	\$15.92	\$2,272	\$2,760
Recreation Leader, Senior	\$16.70	\$20.32	\$2,895	\$3,523
Recreation Supervisor	\$31.19	\$43.91	\$5,407	\$7,611
Review Officer	\$33.60	\$38.89	\$5,823	\$6,740
Shuttle Driver	\$20.64	\$29.07	\$3,578	\$5,039
Student Aide	\$13.02	\$16.60	\$2,258	\$2,877
Support Services Aide	\$21.67	\$30.48	\$3,756	\$5,283
Utilities Specialist	\$24.99	\$35.16	\$4,331	\$6,095

*Compensated as listed on the schedule, or California minimum wage, whichever is greater.*

\*Not all positions listed are represented by PTEANB. Employees must meet minimum recognition requirements as outlined in Section 1.A of the PTEANB Memorandum of Understanding.

<sup>1</sup> Hourly pay rates are rounded to the nearest hundredth.

<sup>2</sup> Monthly pay rates are rounded to the nearest whole dollar. Pay rates may vary slightly due to rounding.

## EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revised: June 26, 2021, 1.75% Cost-of-Living Adjustment

PART TIME POSITION *	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
Administrative Analyst	\$35.13	\$49.44	\$6,089	\$8,569
Administrative Assistant	\$29.21	\$41.13	\$5,063	\$7,128
Building Inspector II	\$35.21	\$49.55	\$6,102	\$8,589
Civil Engineer, Associate	\$41.84	\$58.92	\$7,253	\$10,212
Civil Engineer, Junior	\$37.64	\$52.96	\$6,524	\$9,179
Code Enforcement Officer	\$27.07	\$38.10	\$4,693	\$6,604
Code Enforcement Officer Trainee	\$23.01	\$32.36	\$3,988	\$5,609
Crime Analyst, Senior	\$32.34	\$45.52	\$5,606	\$7,890
Crime Prevention Specialist	\$30.44	\$42.84	\$5,277	\$7,426
Custody Officer	\$27.87	\$39.23	\$4,831	\$6,800
Department Assistant	\$22.90	\$32.23	\$3,970	\$5,587
Facilities Maintenance Worker II	\$22.05	\$31.01	\$3,822	\$5,376
Fiscal Clerk	\$20.66	\$29.06	\$3,581	\$5,038
Fiscal Clerk, Senior	\$24.05	\$33.80	\$4,169	\$5,859
Fiscal Specialist	\$27.86	\$39.18	\$4,830	\$6,791
GIS Technical Aide	\$14.43	\$20.31	\$2,502	\$3,520
Harbor Services Worker	\$21.38	\$25.99	\$3,707	\$4,505
Harbor Services Worker, Lead	\$23.22	\$32.68	\$4,024	\$5,664
Human Resources Analyst	\$37.67	\$53.02	\$6,530	\$9,190
Human Resources Specialist I	\$29.03	\$40.80	\$5,032	\$7,072
Human Resources Specialist II	\$31.55	\$44.40	\$5,469	\$7,696
Information Technology Technician	\$22.20	\$31.26	\$3,847	\$5,418
Intern	\$18.34	-	\$3,179	-
Librarian I	\$28.18	\$39.63	\$4,884	\$6,869
Library Assistant	\$23.99	\$33.71	\$4,158	\$5,843
Library Clerk I	\$18.67	\$26.25	\$3,236	\$4,550
Library Clerk II	\$19.70	\$27.76	\$3,415	\$4,811
Library Page	\$13.20	\$16.86	\$2,288	\$2,923
Life Safety Specialist III	\$42.08	\$59.22	\$7,295	\$10,265
Lifeguard Cadet	\$13.43	-	\$2,328	-
Literacy Coordinator	\$28.52	\$40.12	\$4,943	\$6,955
Maintenance Aide	\$13.60	\$16.54	\$2,357	\$2,867
Marine Naturalist Interpreter	\$16.73	\$18.42	\$2,900	\$3,194

EXHIBIT A

SALARY SCHEDULE FOR PART TIME POSITIONS  
**NOT ALL PART TIME POSITIONS LISTED ARE REPRESENTED BY PTEANB**  
 PTEANB MOU TERM: JANUARY 1, 2019 – DECEMBER 31, 2021

Revised: June 26, 2021, 1.75% Cost-of-Living Adjustment

PART TIME POSITION	HOURLY RATE <sup>1</sup>		MONTHLY SALARY <sup>2</sup>	
	Min	Max	Min	Max
Marketing Specialist	\$28.53	\$40.14	\$4,945	\$6,957
Office Assistant	\$19.55	\$27.58	\$3,389	\$4,780
Paralegal	\$30.63	\$43.12	\$5,310	\$7,474
Park Patrol Officer	\$21.38	\$25.99	\$3,707	\$4,505
Permit Technician II	\$30.63	\$43.12	\$5,310	\$7,474
Planner, Assistant	\$31.51	\$44.37	\$5,461	\$7,691
Planning Technician	\$28.65	\$40.33	\$4,967	\$6,990
Police Cadet	\$13.19	\$16.03	\$2,286	\$2,778
Police Community Services Officer	\$22.29	\$34.58	\$3,864	\$5,995
Police Dispatcher	\$28.44	\$40.04	\$4,930	\$6,940
Police Reserve Officer	\$24.83	\$34.93	\$4,303	\$6,055
Pool Lifeguard	\$13.60	\$16.54	\$2,357	\$2,867
Pool Lifeguard, Senior	\$19.69	\$23.99	\$3,413	\$4,158
Pool Swim Instructor	\$16.04	\$19.50	\$2,781	\$3,380
Public Works Technical Aide	\$16.99	\$20.68	\$2,945	\$3,584
Records Specialist	\$28.55	\$40.17	\$4,948	\$6,962
Recreation Coordinator, Assistant	\$21.69	\$30.50	\$3,760	\$5,286
Recreation Leader	\$13.34	\$16.20	\$2,312	\$2,808
Recreation Leader, Senior	\$16.99	\$20.68	\$2,945	\$3,584
Recreation Supervisor	\$31.74	\$44.68	\$5,502	\$7,744
Review Officer	\$34.18	\$39.57	\$5,925	\$6,858
Shuttle Driver	\$21.01	\$29.58	\$3,641	\$5,127
Student Aide	\$13.25	\$16.89	\$2,297	\$2,928
Support Services Aide	\$22.05	\$31.01	\$3,822	\$5,376
Utilities Specialist	\$25.42	\$35.78	\$4,406	\$6,201

*Compensated as listed on the schedule, or California minimum wage, whichever is greater.*

\*Not all positions listed are represented by PTEANB. Employees must meet minimum recognition requirements as outlined in Section 1.A of the PTEANB Memorandum of Understanding.

<sup>1</sup> Hourly pay rates are rounded to the nearest hundredth.

<sup>2</sup> Monthly pay rates are rounded to the nearest whole dollar. Pay rates may vary slightly due to rounding.

## **Disaster Service Worker Training for New Employees National Incident Management System (NIMS) online classes**

All City of Newport Beach employees are considered Disaster Service Workers. As such, please schedule time to complete the two online classes listed below.

The courses will provide an overview of the National Incident Management System (NIMS) and the Incident Command System (ICS).

IS-700.B: An Introduction to the National Incident Management System

Duration: 3.5 hours

<https://training.fema.gov/is/courseoverview.aspx?code=IS-700.b>

This course provides an overview of the NIMS). This system defines the comprehensive approach guiding the whole community – all levels of government, nongovernmental organizations (NGO), and the private sector – to work together seamlessly to prevent, protect against, mitigate, respond to, and recover from the effects of incidents. The course provides learners with a basic understanding of NIMS concepts, principles, and components.

IS-100.c: Introduction to the Incident Command System, ICS 100.

Duration: 1 hour

<https://training.fema.gov/is/courseoverview.aspx?code=IS-100.c>

This course introduces the Incident Command System and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and NIMS.

Please email your certificates of completion to Katie Eing in the Police Department at [keing@nbpd.org](mailto:keing@nbpd.org).

## **2021 Disaster Service Worker Training for New Employees**

- Tuesday, January 19, from 9:00 a.m.-12:00 p.m.
- Tuesday, March 16, from 9:00 a.m.-12:00 p.m.
- Tuesday, May 19, from 9:00 a.m.-12:00 p.m.
- Tuesday, July 20, from 9:00 a.m.-12:00 p.m.
- Tuesday, September 21, from 9:00 a.m.-12:00 p.m.
- Tuesday, November 16, from 9:00 a.m.-12:00 p.m.

The class includes: information for full-time employees on their role as a Disaster Service Worker, the City's Emergency Operations Center and the completion of the required National Incident Management System (NIMS) classes.

You must RSVP to Katie Eing at [keing@nbpd.org](mailto:keing@nbpd.org) to attend. All trainings will be in the City's Emergency Operations Center (EOC), which is located in the Lower Level of City Hall.

# **WHAT IS MY ROLE AS A DISASTER SERVICE WORKER?**

## Rules & Regulations

**New Employee Orientation Overview**

**TITLE 19. PUBLIC SAFETY**  
**DIVISION 2. OFFICE OF EMERGENCY SERVICES**  
**CHAPTER 2. EMERGENCIES AND MAJOR DISASTERS**  
**SUBCHAPTER 3. DISASTER SERVICE WORKER VOLUNTEER PROGRAM**

**§ 2570. Short Title.**

This subchapter shall be known and may be cited as the Disaster Service Worker Volunteer Program (DSWVP) Regulations.

**§ 2570.1. Purpose.**

The Legislature has long provided a state-funded program of workers' compensation benefits for disaster service worker volunteers who contribute their services to protect the health and safety and preserve the lives and property of the people of the state. This program was established to protect such volunteers from financial loss as a result of injuries sustained while engaged in disaster service activities and to provide immunity from liability for such disaster service worker volunteers while providing disaster service.

NOTE

Authority cited: Sections 8587 and 8580, Government Code.  
Reference: Section 8657, Government code, Sections 3211.9 through 3211.93a, Labor Code.

**§ 2570.2. Definitions.**

**(a) Disaster Service Worker.**

(1) A disaster service worker is any person registered with a disaster council or the Governor's Office of Emergency Services, or a state agency granted authority to register disaster service workers, for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

(2) Disaster service worker includes public employees, and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.

(3) Exclusion: Disaster service worker does not include any member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.

**(b) Disaster Service.**

(1) Disaster service means all activities authorized by and carried on pursuant to the California Emergency Services Act, including approved and documented training necessary or proper to engage in such activities.

(2) Exclusion. Disaster service does not include any activities or functions performed by a person if the disaster council with which the person is registered receives a fee or other compensation for the performance of that person's activities or functions.

(c) Training. For purposes of these regulations, training is a planned activity sponsored by a disaster council (or designated agency or authority) and may include classroom instruction, disaster drills or exercises, or related activities that are designed to enhance the disaster response skills (including safety) of the disaster service worker.

(d) Disaster Council. A disaster council is a public agency established by ordinance which is empowered to register and direct the activities of disaster service workers within the area of the county, city, city and county, or any part thereof. In this respect, the disaster council is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services.

(e) Accredited Disaster Council. A disaster council may become accredited through certification by the California Emergency Council, or the Governor when the Emergency Council is not meeting, when the disaster council agrees to follow and comply with the rules and regulations established by the Emergency Council pursuant to the provisions of the Emergency Services Act. Upon certification, and not before, the disaster council becomes an accredited disaster council. A disaster council remains accredited only while the certification of the California Emergency Council is in effect and is not revoked.

(f) Auxiliary Fire Fighter. An auxiliary fire fighter is a person recruited, registered and trained as a supplement or reserve for unusual fire emergencies or disaster

situations. Workers' compensation benefits for auxiliary fire fighters may be provided by the state. An auxiliary fire fighter is not a "volunteer fire fighter," who is a person recruited and trained to meet the day-to-day operational requirements of a fire department. Workers' compensation insurance premiums for the volunteer fire fighter are the responsibility of the local government or fire entity.

(g) Public Employee. All persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed, are considered to be public employees.

(h) Convergent Volunteers. Convergent volunteers are individuals that come forward to offer disaster response and recovery volunteer services, during a disaster event. Convergent volunteers are not persons impressed into service at the scene of an incident.

NOTE

Authority cited: Sections 8567 and 8580, Government Code.  
Reference: Sections 8581, 8610 and 8612, Government Code;  
Sections 3100, 3211.9, 3211.91, 3211.92, 3211.93 and 3211.93a,  
Labor Code.

**§ 2571. Accredited Disaster Council.**

(a) Disaster councils shall be accredited in accordance with Sections 8581 (b) or 8612, Government Code.

(b) When applying for accreditation, disaster councils shall furnish the Governor's Office of Emergency Services with a certified copy of the ordinance which has provided for the following:

- (1) a disaster council;
- (2) a Chairperson or director of the disaster council;
- (3) an Emergency organization; and,
- (4) compliance with the Emergency Services Act.

NOTE

Authority cited: Sections 8567 and 8580, Government Code.  
Reference: Sections 8579 (g), 8581 (b), and 8612, Government Code.

**§ 2572.1. Classifications and General Duties.**

The various classifications of disaster service workers and the general duties of the members of each classification shall be limited to those described below.

(a) Animal Rescue, Care and Shelter. Veterinarians, veterinary support staff and animal handlers providing skills in the rescue, clinical treatment, and transportation of all animals, including but not limited to companion animals, livestock, poultry, fish, exhibition animals, zoo animals, laboratory and

research animals, and wildlife; assisting in the procurement of shelters, equipment, and supplies; documenting arrival, sheltering, treatment, and discharge or placement of animals.

(b) Communications. Install, operate and maintain various communications systems and perform related service, to assist officials and individuals in the protection of life and property.

(c) Community Emergency Response Team Member. Under the direction of emergency personnel or a designated team leader, assist emergency units within their block, neighborhood, or other area assignment; survey area conditions; disseminate information; secure data desirable for emergency preparedness planning; report incidents; and generally assist officials and individuals in the protection of life and property.

(d) Finance and Administrative Staff. Perform executive, administrative, technical, financial and clerical functions for the emergency organization.

(e) Human Services. Assist in providing food, clothing, bedding, shelter, and rehabilitation aid; register evacuees to promote reuniting families and to support the needs of special populations; compile authoritative lists of deceased and missing persons; and other phases of emergency human services, such as maintaining morale and administering to the mental health, religious or spiritual needs of persons suffering from the effects of the disaster.

(f) Fire. As auxiliary fire fighters or auxiliary wildland fire fighters, assist regular fire fighting forces or fire protection agencies to fight fire, rescue persons, and save property; control forest or wildland fires or fire hazards; instruct residents in fire prevention and property defense methods, methods of detecting fire, and precautions to be observed in reducing fire hazards.

(1) For purposes of these regulations only, the ratios between auxiliary fire fighters, volunteer fire fighters, and paid fire fighters shall be one auxiliary for one volunteer and three volunteers for one paid fire fighter. The basis for applying these ratios is that the staffing of an engine company, truck company, or a squad shall not exceed six paid fire fighters, and a salvage and rescue company shall not exceed two paid fire fighters. A fire department that has no volunteer fire fighters is limited to three auxiliary fire fighters for each paid fire fighter in the companies and squads, staffed as above. These staffing standards are based on the number of first line (not reserve) apparatus operated by the fire department.

(2) When auxiliary fire fighters are registered with other than an established fire service organization; for example, auxiliary fire fighters in a county or city emergency management services organization, a total number of eligible auxiliary fire fighters shall be computed for that city or unincorporated area. The emergency management services organization is entitled to register auxiliary fire fighters not otherwise registered with other established fire service organizations, and to a number not to exceed the allowable total as indicated in Section 2572.1 (f) (1), above.

(g) Laborer. Under the direction and supervision of the responding agency, performs general labor services and supports emergency operations.

(h) Law Enforcement. As Auxiliaries, assist law enforcement officers and agencies to protect life and property; maintain law and order; perform traffic control duties; guard buildings, bridges, factories, and other facilities; isolate and report unexploded ordnance.

(i) Logistics. Under the direction of the emergency organization, assist in procurement, warehousing, and release of supplies, equipment materials, or other resources. Assist in mobilization and utilization of public and private transportation resources required for the movement of persons, materials, and equipment.

(j) Medical and Environmental Health. Staff casualty stations, establish and operate medical and public health field units; assist in hospitals, out-patient clinics, and other medical and public health installations; maintain or restore environmental sanitation; assist in preserving the safety of food, milk, and water and preventing the spread of disease; perform laboratory analysis to detect the presence and minimize the effects of nuclear, chemical, biological, radiological or other hazardous agents.

(k) Safety Assessment Inspector. Survey, evaluate and assess damaged facilities for continued occupancy or use; assist in emergency restoration of facilities for utilities, transportation, and other vital community services; and provide recommendations regarding shoring or stabilization of damaged or unsafe buildings or structures.

(l) Search and Rescue. Under the direction of the appropriate authority, perform search and rescue operations in one or more of several areas including: search and rescue; urban search and rescue; or mine and confined space rescue.

(m) Utilities. Assist utility personnel in the repair and restoration of public utilities damaged by disaster.

## NOTE

Authority cited: Sections 8587 and 8580, Government Code.  
Reference: Section 8580, Government Code.

**§ 2572.2. Scope Of Disaster Service Duties.**

Each disaster service worker in any classification shall, without regard to a formal designation or assignment, be considered to be acting within the scope of disaster service duties while assisting any unit of the emergency organization or performing any act contributing to the protection of life or property, or mitigating the effects of an emergency or potential emergency either:

(a) under the authorization of a duly constituted superior in the emergency organization; or,

(b) under the supervision and direction of the American Red Cross while carrying out its programs in consonance with state and local statements of understanding, or in carrying out a mission assigned to that agency by a responsible state or local authority.

## NOTE

Authority: Sections 8567 and 8580, Government Code. Reference: Section 8580, Government Code.

**§ 2573.1 Registration and Training.**

(a) Registration. A person shall be deemed to be registered if the following information is on file with the Governor's Office of Emergency Services or with the appropriate authority as indicated in Section 2573.2:

(1) name of registrant;

(2) address of registrant;

(3) date enrolled (established as the date the loyalty oath is administered);

(4) classification of disaster service to which the volunteer is assigned; and,

(5) a signed statement that the loyalty oath or affirmation was taken or subscribed before an officer authorized to administer oaths.

(b) Training.

(1) Disaster councils may require each person registered as a disaster service worker to satisfactorily complete a course of training or instruction, including periodic refresher training. If warranted by the classification, disaster councils may require documented proof of professional certification or licensing.

(2) The disaster council (or designated agency or authority) shall ensure disaster training is approved, documented and supervised, and shall ensure disaster training is commensurate with the duties of the disaster service worker.

(3) Exclusions: Unless the volunteer is directly providing disaster services, activities that are not covered include parades, public exhibitions, physical fitness training or other training activities not related to disaster service.

NOTE Authority cited: Sections 8567 and 8580, Government Code.  
Reference: Section 8580, Government Code.

#### § 2573.2 File Retention and Recordkeeping.

(a) Documented proof of the oath or affirmation of any disaster service worker is an integral part of an injury claim for workers' compensation. File retention should follow the same rules as other public personnel records. The oath or affirmation shall be filed as follows:

(1) State. File as prescribed by the State Department of Personnel Administration within 30 days of the date it was taken or subscribed.

(2) County. File in the office of the county clerk. The oath may also be filed in either the office of the county auditor or in the office of the clerk of the board of supervisors.

(3) City. File in the office of the city clerk.

(4) Other Agencies or Districts. File with an agency or district designated officer or employee,

(b) All registration records shall be available for inspection by any officer or employee of the State Compensation Insurance Fund or of the Governor's Office of Emergency Services.

(c) The personnel officer or other individual designated by the disaster council shall be responsible for keeping the registration current, and for the accuracy and safekeeping of the official registration records.

(d) The California Emergency Council may prescribe additional registration requirements as it may deem necessary.

NOTE Authority cited: Sections 8567 and 8580, Government Code.  
Reference: Section 3105, Government Code.

#### § 2573.3 Workers' Compensation Claims.

(a) Claim Packages. Workers' compensation claims for injuries sustained by disaster service workers while

performing disaster service, shall be filed under the same authorities and guidelines as claims filed by paid employees. The claim shall include:

(1) the appropriate claim and employer's report of injury forms as prescribed by the State Compensation Insurance Fund;

(2) a written narrative account of the incident that may include witness statements; and,

(3) a copy of the claimant's current disaster service worker registration form indicating the loyalty oath or affirmation was administered.

(b) Convergent Volunteers. For purposes of obtaining workers' compensation benefits through the disaster service worker program, convergent volunteers will be eligible when the requirements of disaster service worker are met in accordance with these regulations.

#### NOTE

Authority cited: Sections 8567 and 8580, Government Code.  
Reference: Section 3211.92, Labor Code; Sections 5400 et seq., Labor Code and Section 3102, Government Code.

# Section 2

**HUMAN RESOURCES DEPARTMENT**  
Barbara J. Salvini, Human Resources Director



**DATE:** February 2014  
**TO:** PTEANB Members  
**FROM:** Human Resources Department  
**SUBJECT: Part Time Employees - Deferred Compensation Plan Enrollment Guidelines**

---

Effective February 2014, all unit members in the Part Time Employees Association of Newport Beach (PTEANB) have the option to enroll in the City's 457 (b) Deferred Compensation Plan (DC Plan).

Empower Retirement Services, the City's DC Plan vendor, assists all eligible employees with their enrollment, account management and investment education. All Part-time employees electing to participate in the DC Plan will be required to sign the DC Part Time Employee Participation Agreement (DC-PTEPA), which outlines participation requirements. Your DC plan contributions are deducted, pre-tax, on your bi-weekly paycheck. To enroll, please follow these required steps:

**STEP ONE:** Review and sign the DC-PTEPA Form (Attachment A). Submit the signed form to Jessica Bigueur, Empower Retirement representative, at your appointment.

**STEP TWO:** Make an appointment with Jessica Bigueur, ERS Plan Counselor, to turn in your signed DC-PTEPA Form by calling 909-353-5483 or email [jessica.bigueur@empower-retirement.com](mailto:jessica.bigueur@empower-retirement.com). Ms. Bigueur is at City Hall every Wednesday of the month (except the last Wednesday – at Police Department), from 9 a.m. to 4 p.m., in the Back Bay Conference Room (Bay B, 1<sup>st</sup> Floor). In addition to enrollment, she can help obtain a personal identification number ("pin") and answer general questions about the DC plan.

**STEP THREE:** Once enrolled, make future changes to the DC plan, including contribution increases or decreases, address changes, beneficiary designations, or other adjustments, through the Empower Retirement website at [www.empower-retirement.com](http://www.empower-retirement.com). If you need to obtain a new "pin," please contact Empower Retirement directly at 800-701-8255, between 6 a.m. and 5 p.m., Pacific Standard Time.

Attachment A: DC Part Time Employee Participation Agreement (DC-PTEPA)



## **CITY OF NEWPORT BEACH DEFERRED COMPENSATION PLAN**

### **PART TIME EMPLOYEE PARTICIPATION AGREEMENT**

The City will allow part-time employees as members of the Part Time Employees Association of Newport Beach (PTEANB) to participate in the City's 457 (b) Deferred Compensation (DC) Plan. Part-time employees must meet the following criteria in order to participate:

- Maintain an adequate number of hours worked per pay period to cover the deferred compensation contribution election.
- If at any time, the employee's work hours do not cover all or part of the voluntary contribution to deferred compensation, the employee will be notified by the City's current Deferred Compensation provided and will be subject to all applicable provisions of the City's 457 (b) Deferred Compensation plan document.

Each employee also acknowledges the following plan participation requirements:

- Enrollment, deferral elections, address corrections and beneficiary changes are the responsibility of the employee and must be maintained via online access.
- Contributions are only permitted as a dollar amount. Percentage of pay contribution is not allowable.
- At no time are PTEANB employees permitted to take out a loan against their Deferred Compensation funds.

*My signature below indicates my understanding and agreement to abide by the requirements and restrictions listed above in order to participate in the City of Newport Beach Deferred Compensation plan.*

---

Employee Name

---

Department

---

Signature

---

Date



# City of Newport Beach

## Deferred Compensation Plan



"Life should be as colorful as the rainbow. Remember, you are your own painter, always..." ~ Kazeronnie Mak

## CITY OF NEWPORT BEACH PLAN SERVICES

Your City of Newport Beach 457 Deferred Compensation Plan has a number of services to make it easier for you to prepare for retirement.

### Change Your Contribution

No more paper! You can change your contribution directly with Empower Retirement anytime, anyplace, 24/7.

Here's how to do it:

1. Log in to your account at [www.empower-retirement.com/participant](http://www.empower-retirement.com/participant).<sup>1</sup>
2. Click on Change Paycheck Contribution under the Transactions menu.
3. Select the type of contribution change you would like to make, including Ongoing, Single Payroll, Scheduled Increase, Cancel Request, and Stop All Paycheck Contributions.
4. Enter the paycheck contribution to be deducted from each paycheck. The effective date is automatically filled.
5. Confirm the change and click Submit.

You can also go on auto-pilot with your contributions by setting up an automatic increase at a set interval.

If you're away from a computer, you may also call KeyTalk<sup>®</sup> at **(800) 701-8255** to change your paycheck contribution through the automated voice response system or by speaking to a customer service representative, available Monday through Friday, 9:00 a.m. to 8:00 p.m. ET.<sup>1</sup>

### Are You on Track for Your Retirement Goals?

Check out the Retirement Income Control Panel, brought to you by Advised Assets Group, LLC (AAG), a registered investment adviser, after logging in to the website at [www.empower-retirement.com/participant](http://www.empower-retirement.com/participant).<sup>2</sup> You can see what your balance, when projected out to age 67, may equate to in terms of monthly retirement income, and you can see how you can improve your strategy.

### Not Enrolled? You Can Enroll Online

Once you have learned about your Plan and are ready to enroll, visit [www.empower-retirement.com/participant](http://www.empower-retirement.com/participant) and click on Let's Get Started. You should have received a Personal Identification Number (PIN) by mail at your home address.<sup>3</sup> If you have not yet received your PIN but are ready to enroll, please call KeyTalk<sup>®</sup> to request a new one.

On the next page, enter [Plan ID 98310-01](#) and click Continue. On the following page, enter your Social Security number (SSN) and PIN, then click Continue. From there, you can follow the onscreen prompts to select your paycheck contribution amount and investment options and complete the enrollment process.

If you need help at any point during the enrollment process, call KeyTalk for guidance from an Empower Retirement representative.

### Retired and Need Money? Access Distribution Features Online

To request a distribution from your account, log in to your account at [www.empower-retirement.com/participant](http://www.empower-retirement.com/participant) and click on the Loans and Withdrawal tile, then Withdrawal Request, and follow the instructions.

### Financial Planning

Are you all set on your retirement income goals? Then start thinking about other financial aspects, such as having sufficient life and disability insurance, college planning, and more. Contact us for more details.

### Plan Representative

Your local rep is Jessica Bigueur. She is at City Hall every Wednesday, except the last Wednesday of the month when she is at the Police Department instead.

For more information, contact Jessica<sup>4</sup>:

email: [jessica.bigueur@empower-retirement.com](mailto:jessica.bigueur@empower-retirement.com) | phone: 909-353-5483

<sup>1</sup> Access to KeyTalk and the website may be limited or unavailable during periods of peak demand, market volatility, systems upgrades/maintenance or other reasons.

<sup>2</sup> The Retirement Income Control Panel is provided as an educational tool for the participant's private use to assist in analyzing the various impacts of his or her savings and investment decisions. It is not intended to provide financial planning or investment advice. All information provided by the Retirement Income Control Panel is hypothetical and for illustrative purposes only. The accuracy of these results or their applicability to the participant's individual circumstances cannot be and is not guaranteed. The Retirement Income Control Panel is brought to you by Advised Assets Group, LLC (AAG), a registered investment adviser and wholly owned subsidiary of Great-West Life & Annuity Insurance Company, under a licensing agreement with your retirement plan service provider. All rights reserved.

<sup>3</sup> The account owner is responsible for keeping the assigned PIN confidential. Please contact Empower Retirement immediately if you suspect any unauthorized use.

<sup>4</sup> Representatives of GWFS Equities, Inc. are not registered investment advisors and cannot offer financial, legal or tax advice. Please consult with your financial planner, attorney and/or tax advisor as needed.

**Core securities, when offered, are offered through GWFS Equities, Inc. and/or other broker dealers.**

GWFS Equities, Inc., Member FINRA/SIPC, is a wholly owned subsidiary of Great-West Life & Annuity Insurance Company. Empower Retirement refers to products and services provided by Great-West Life & Annuity Insurance Company (GWL&A), Corporate Headquarters: Greenwood Village, CO, its subsidiaries and affiliates. The trademarks, logos, service marks, and design elements used are owned by GWL&A. ©2015 Great-West Life & Annuity Insurance Company. All rights reserved. CB1180ESF (07/2015) PT237788

\*Only applies to Employees previously in PARS.

# City of Newport Beach

## Alternate Retirement System Plan

### Plan Information Sheet

#### for Part-Time, Seasonal, and Temporary Employees



#### Introduction

A federal law, the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), requires that governmental employees who are not members of their employer's existing retirement system be covered by Social Security or an alternate plan.

You are enrolled in an alternate plan called the Public Agency Retirement Services Alternate Retirement System Plan (PARS ARS). PARS ARS satisfies federal requirements and provides cost savings to you and your employer when compared to Social Security. The PARS ARS plan only requires a minimum contribution of 7.5% to your retirement account.

This information is a general description of what you can expect as a participant in PARS ARS. The Plan Document provides a detailed description and contains all of the specific legal requirements of the plan. A copy of the plan document is available for review with your employer.

#### Enrollment in the PARS ARS Plan is automatic for eligible employees.

Effective January 1, 1992 and thereafter:

1. Each pay period, **3.75%** of your wages will be deducted from your pay and deposited into your PARS ARS account. Your contributions are made on a pre-tax basis.
2. Each pay period, your employer will also contribute the equivalent of **3.75%** of your wages to your PARS ARS account. Employer contributions are also made on a pre-tax basis.
3. Investment activity will be credited to your PARS ARS account based on your monthly account activity and will accumulate **tax-free** until your termination from the plan and the distribution of your account balance.

#### Designating a Beneficiary

- 1) In the event that you pass away while contributing to the PARS ARS Plan, your account balance will be distributed to your beneficiary.
- 2) If you are married at the time of your death, your spouse/registered domestic partner is automatically your beneficiary. If you wish to designate someone other than your spouse/registered domestic partner, you may do so by submitting a Designation of Beneficiary Form.

- 3) If you are unmarried at the time of your death, your account balance will be paid to your estate unless you have designated another beneficiary.
- 4) You may obtain a Designation of Beneficiary Form from your employer or from PARS.

#### Becoming Eligible for a Benefit

- 1) You (or your beneficiary in the event of your death) will be eligible to receive your PARS ARS account balance when one of the following events occurs:
  - a. Termination of Employment
  - b. Retirement
  - c. Permanent and Total Disability
  - d. Death
  - e. Changed employment status to a position covered by another retirement system\*

\*If there have been no contributions into your PARS ARS account for two (2) years, you may be eligible for a distribution of your account.

#### Receiving Your Account Balance

- 1) When your employer notifies PARS that you are eligible for a distribution of your account, appropriate forms will be sent to you by mail. Within 90 days of PARS' receipt of all correctly completed forms, the account will be distributed.
- 2) Your distribution options are:
  - a. You may elect to receive a **one-time lump-sum cash payment**. If your account balance is greater than \$200, your distribution may be subject to federal and/or state income tax withholding. If you are under age 59½, your distribution may also be subject to an excise tax withholding.
  - b. If your account balance is greater than \$200, you can defer tax withholding from your distribution by electing a **direct rollover** to a traditional IRA or to an eligible employer plan that accepts rollovers (e.g. 403(b), 457(b), 401(k), etc.).

**For further information or for questions about your account, please contact PARS.**

**(800) 540-6369**  
**Monday – Friday**  
**9:00AM – 5:00PM Pacific Time**

\*Only applies to Employees previously in PARS.

Employee to send form to CalPERS when complete.

**Designation of Beneficiary Form  
Public Agency Retirement Services (PARS)**

**Instructions:**

1. Read carefully the rules for designating a beneficiary below, and sign in the spaces provided.
2. Complete the appropriate sections (Section 1 must be completed, see rules below regarding section 2) of this form and return it to:

**City of Newport Beach  
Human Resources  
3300 Newport Blvd.  
Newport Beach, CA 92658**

**Rules for Designation of Beneficiary:**

1. It is your responsibility to keep your Designation of Beneficiary current.
2. You reserve the right to revoke or change your Designation of Beneficiary, subject to the other provisions of these Rules.
3. If, upon your death, there is no valid Designation of Beneficiary on file with the Trust Administrator, any death benefits which become due will be paid in accordance with the Plan Document.
4. The plan requires that if you are married, your surviving spouse/registered domestic partner will be your sole primary beneficiary, unless your spouse/registered domestic partner waives this right.
5. If you wish to designate a person or persons other than your spouse/registered domestic partner or in addition to your spouse/registered domestic partner, you must obtain the notarized consent of your spouse/registered domestic partner in writing on this form by completing Section 2. Failure to obtain your spouse/registered domestic partner's consent in these instances will render the designation invalid. Any consent by a spouse/registered domestic partner applies only to that spouse/registered domestic partner and not any future spouse/registered domestic partner. Therefore, if a new marriage occurs, a new Designation of Beneficiary form should be completed and the new spouse/registered domestic partner's consent must be obtained. If you are unmarried complete Section 1 only.
6. If the location of your spouse/registered domestic partner is unknown, you must attach to this form a notarized statement stating that your spouse/registered domestic partner cannot be located.
7. You are considered married if you are under decree of separate maintenance or decree of legal separation.
8. If you wish to have your PARS account distributed under the terms of a Living Trust, your PARS account must be mentioned by name in the Trust Document. If your current Living Trust does not contain specific reference to your PARS account, you may designate the Living Trust as a beneficiary using this form. All rules pertaining to the designation of a beneficiary apply to the designation of a Living Trust.

I have read and understand these rules.

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

**Section 1: Designating a Beneficiary**

Participant Name: \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Participant Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #: \_\_\_\_\_

Name of Beneficiary: \_\_\_\_\_ Relationship: \_\_\_\_\_

Beneficiary Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

**Section 2: Spousal/Registered Domestic Partner Consent (Only complete this section if designating a beneficiary other than your spouse/domestic partner)**

I hereby consent to the above beneficiary designation of my spouse/registered domestic partner, a participant in this plan. I understand that in consenting to the designation of anyone except myself, I am waiving rights to a survivor benefit that I would be legally entitled to at a later date.

\_\_\_\_\_  
Spouse/Registered Domestic Partner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Date



# LOGIN TO ESS

PLEASE TAKE A MOMENT TO LOGIN TO ESS

**Direct link:**

<https://selfservice.newportbeachca.gov/MSS/login.aspx>

**User ID:** Employee number

**Password:** The last four digits of your social security number

Review your personal information for accuracy and make any necessary changes. Please ensure your email address stays updated as this will be your bridge for communication.

## THROUGH ESS

Review Pay Stub History

Review Time Off Information

Select Benefits during Open Enrollment

Update W-4 Information

Review your Deductions and Benefits

If you need assistance with ESS, please ask your Administrative Assistant or contact HR (949) 644-3256.



## How to Register for my|CalPERS

Not registered yet?

Go to [my.calpers.ca.gov](http://my.calpers.ca.gov) and follow these steps:

- 1 On the Pre-Log In page, select Participant and Continue.
- 2 Select Register Now.
- 3 Accept the terms and conditions under the Security Agreement.
- 4 Identify yourself by providing your name, date of birth, last four digits of your Social Security number or your CalPERS Identification number.
- 5 Answer a set of questions about your CalPERS account to verify your identity.
- 6 Create a Username and Password, and enter your email address.
- 7 Choose a personal security image and message.
- 8 Choose your security questions and answers. It's important to choose questions and answers you will remember.
- 9 Log in to my|CalPERS.

- 1 **Participant**  
You are a participant if you are a member or non-member, community property payee, beneficiary, survivor, substitute dependent, conservator, or have power of attorney.  
 ←
- 2 New to my|CalPERS? [Register Now.](#) ←
- 3
- 4 **First Name (required)**  
  
Don't include your middle name or initial.
- 5 **Verify Your Identity (1 of 3)**  
To verify your identity, choose the option that best answers the statement.
- 6 **Password (required)**  
  
At least 8 characters.  
No spaces, case sensitive.
- 7 
- 8 **Question 1 (required)**
- 9 **Welcome to my|CalPERS**  
  
  
Username



## How to Access my|CalPERS

### Can't remember your username?

- 1 Select **Forgot Your Username?**
- 2 Identify yourself by providing your name, date of birth, last four digits of your Social Security number or your CalPERS Identification number.
- 3 Select how you want to recover your username. You can choose to answer your security questions or have a temporary passcode sent to your email address or mobile number on record. Once you enter your temporary passcode, your username will appear.

### Can't remember your password?

- 1 Select **Forgot Your Password?**
- 2 Identify yourself by providing your name, date of birth, last four digits of your Social Security number or your CalPERS Identification number.
- 3 Select how you want to reset your password. You can choose to reset your password by answering your security questions or by having a temporary passcode sent to your email address or mobile number on record. Once you enter the temporary passcode, you can create a new password.

If you exceed the allowed number of attempts to validate your identity, your account will be locked to protect your security. To unlock your account, contact us at 888 CalPERS (or 888-225-7377).

1 **Username (required)**  
 [Forgot your Username?](#) ←

2 **Identify Yourself**  
 Complete all of the fields below so we can confirm your identity. The information you enter must current Benefit Statement **exactly**.

**First Name (required)**  
  
Don't include your middle name or initial

**Last Name (required)**  
  
Don't include a suffix such as Jr., Sr., I, II, etc.

3 **Recover Your Username**  
 How would you like to recover your username? **(required)**

**By Email**  
 Send a passcode to sxxxxxxxxx@calpers.ca.gov

**By Phone**  
 Send a passcode to XXX-XXX-2390  
 Text message fees may apply depending on your carrier.

1 **Password (required)**  
 [Forgot Your Password?](#) ←

2 **Identify Yourself**  
 Complete all of the fields below so we can confirm your identity. The information you enter must current Benefit Statement **exactly**.

**First Name (required)**  
  
Don't include your middle name or initial

**Last Name (required)**  
  
Don't include a suffix such as Jr., Sr., I, II, etc.

3 **Reset Your Password**  
 How would you like to reset your password? **(required)**

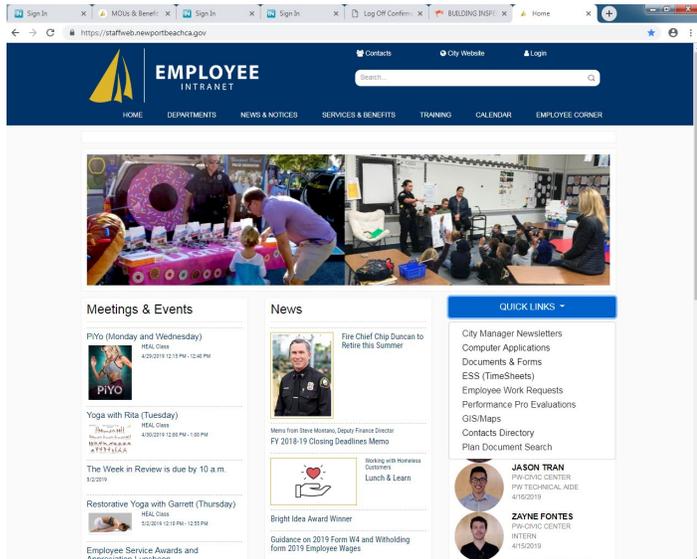
**By Email**  
 Send a passcode to sxxxxxxxxx@calpers.ca.gov

**By Phone**  
 Send a passcode to XXX-XXX-2390

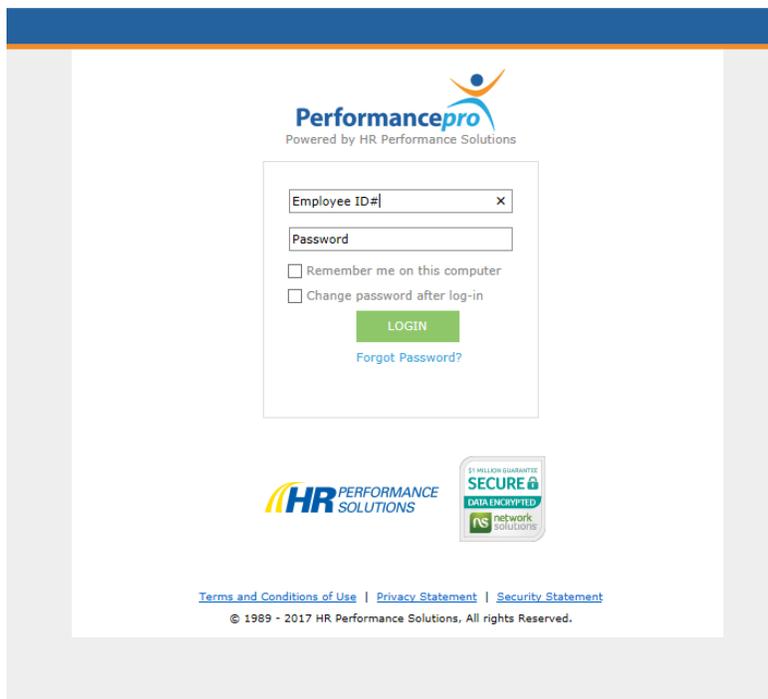
# Performance Pro Training

## Logging In

- The link to Performance Pro can be found on the City's Intranet page under Quick Links.  
<https://newportbeachca.perfpro-hrnonline.com>

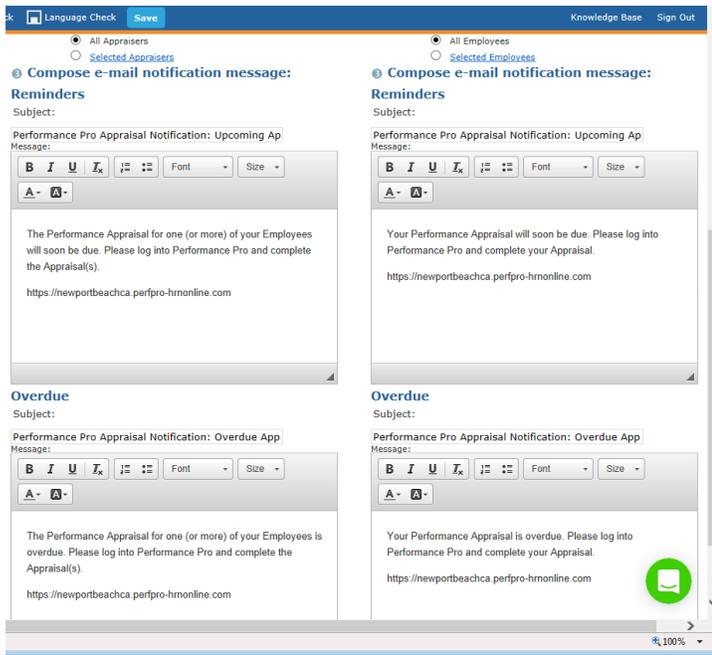


- To login the employee uses their 5-digit employee ID#. The first time logging in the password is: Welcome123
- Once logged in, the employee is prompted to reset their password to something they determine themselves.



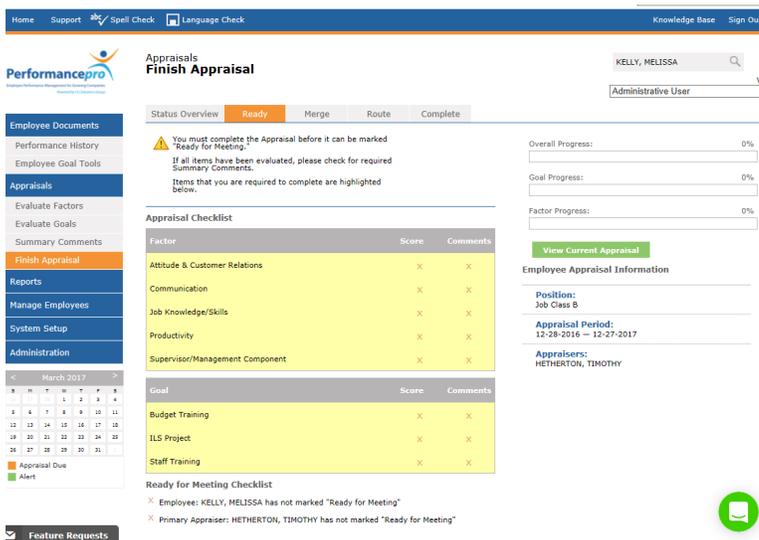
## Notifications

- Appraisers will receive a notification of an upcoming appraisal at 30 days, 2 weeks and 1 week before the appraisal due date/appraisal period end date.  
Notification of overdue evaluations are sent weekly until completed.
- Employees will receive a notification of an upcoming appraisal at 30 days, and two weeks before the due date/appraisal period end date.  
Notifications of overdue evaluations are sent weekly until completed.

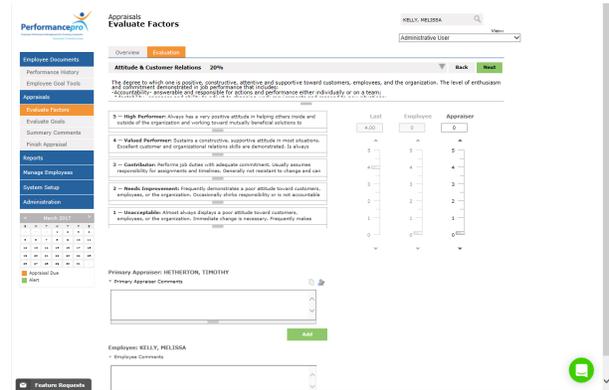
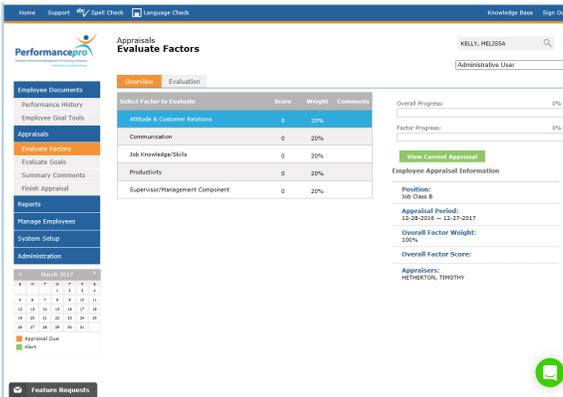


## Beginning an Evaluation

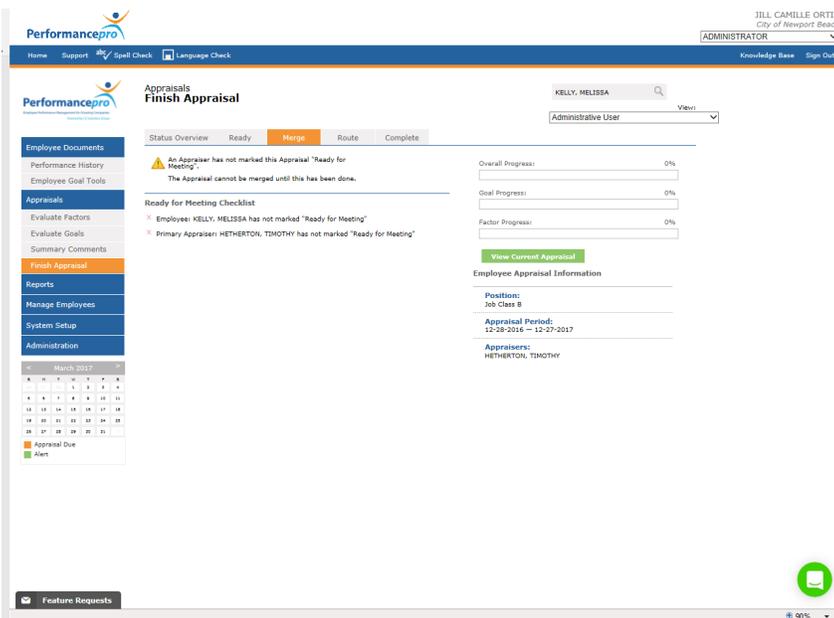
- An appraiser should always check with the employee to see if they will be completing a self-evaluation. The self-evaluation is encouraged and appreciated, however it is not required to be completed by the employee. If the employee does not want to complete a self-evaluation, then the supervisor can complete their rating, comments, goals, and summary comments then route to an up-line supervisor.
- \*DO NOT Mark ready for meeting and merge the evaluation until you know if the employee is going to complete their self-evaluation.
- If the employee plans to complete an evaluation, they can complete their rating, their comments, goals and summary comments and then Mark Ready for Meeting. This will alert the supervisor that the employee has completed their portion of the process.



- d. The quickest way to start an evaluation is to go to the Appraisals tab located in the blue menu on the left side of the screen.
- e. Click on the Appraisals tab to expand the section, and then click on Evaluate Factors.



- f. An employee will only see their comments field and be able to rate themselves.
- g. An appraiser will only see their comments field and be able to rate the employee.
- h. Once the employee and appraiser have marked ready for meeting, the evaluation can be Merged.



## Merging

- a. Merging the evaluation brings the employee's comments and the appraiser's comments together as one document. Once this happens, the employee cannot view it any longer. The employee will have a "read only" view, and will not be able to see the appraiser's comments until it is ready to be completed.
- b. Now the evaluation is ready to route to an up-line supervisor for review and approval.

## Routing

- The Appraiser will move the evaluation by clicking on the route tab and selecting an up-line supervisor.
- The up-line supervisor will receive notification that an evaluation is in their in-box on their performance pro home page.
- \*\*Please Note that routing will expire at 15 days. So if you are an appraiser, please make sure you continue to push it forward and re-route if necessary. Many evaluations are stalled at this point and result in being past due.**
- Supervisors can approve, approve with edits, or not approve.
- Once the Supervisor has completed the review and any necessary changes are complete, then the Appraiser can move forward with scheduling a meeting with the employee to give them their review.  
**\*\*\*DO NOT COMPLETE the evaluation until you have met with the employee and there are no other changes or comments.**

## Complete

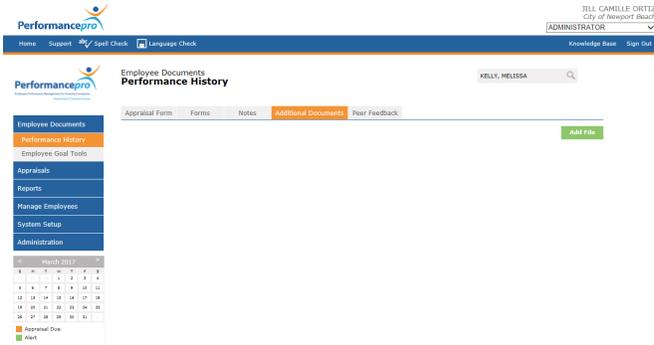
- Once the Appraiser has met with the employee and there are no subsequent changes, then the evaluation is ready to be completed.
- Clicking on the complete tab will prompt the employee, the Appraiser and the up-line Supervisor to go back in and sign the evaluation.
- This evaluation has now become historical and the new evaluation for the next evaluation period is generated.

The screenshot shows the Performancepro interface. At the top, there is a navigation bar with 'Home', 'Support', 'abc Spell Check', and 'Language Check'. Below this is the 'Performancepro' logo and the text 'Employee Documents Performance History' for user 'KELLY, ME'. A sidebar on the left contains menu items: 'Employee Documents', 'Performance History', 'Employee Goal Tools', 'Appraisals', 'Reports', 'Manage Employees', 'System Setup', and 'Administration'. The main content area has tabs for 'Appraisal Form', 'Forms', 'Notes', 'Additional Documents', and 'Peer Feedback'. Below the tabs is a table with columns 'Status' and 'Date'. The table contains four rows of historical appraisal data. At the bottom left, there is a calendar for March 2017 and a legend for 'Appraisal Due' (orange square) and 'Alert' (green square).

Status	Date
CURRENT	12-28-2016 to 12-27-2017
HISTORY	12-28-2015 to 12-27-2016
HISTORY	12-28-2014 to 12-27-2015
HISTORY	12-28-2013 to 12-27-2014
HISTORY	12-27-2012 to 12-27-2013

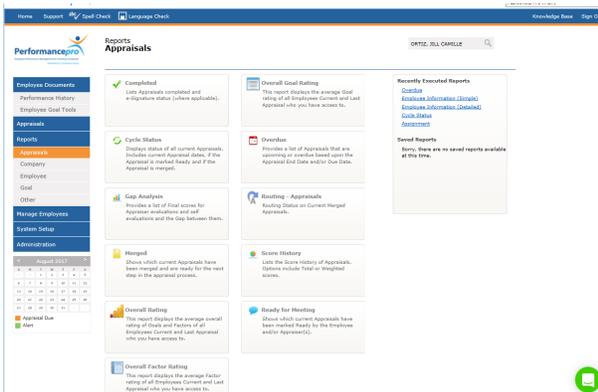
## TIPS

1. Make sure that you are using the correct “role”. This affects what you can see and what permissions you have in the system.
2. Talk to your employee and communicate.
3. Use the “Finish Appraisal” tab as a road map.
4. Appraisal comments and ratings save automatically, but Goals do not!
5. Always review your tool bar at the top to see if there is a save button.
6. An evaluation cannot be marked “ready for meeting” unless there are summary comments.
7. Did you know you could upload documents?



8. Updates to the system are done on a bi-weekly bases based on processed PAF changes, or changes made to Tyler Munis.
9. What can an Administrator do for you?
  1. Reset passwords & unlock and employee
  2. Uncomplete an evaluation
  3. Assign access levels
  4. Terminate a record, or re-activate a record
  5. Adjust the evaluation dates
  6. Change Supervisors
  7. Help walk you through the process or troubleshoot issues

## 10. Reports



## 11. Help!





# CITY OF NEWPORT BEACH 2021 EMPLOYEE CALENDAR

  PAY DAY

  OBSERVED HOLIDAY

  PAY PERIOD ENDS

  COUNCIL MEETING

## JANUARY

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## FEBRUARY

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

## MARCH

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## APRIL

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## MAY

Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## JUNE

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
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# Section 3

## Flyers & Pamphlets



HEALTHY EATING  
ACTIVE LIVING  
**CITY**™

HEALTHY EATING ACTIVE LIVING (HEAL) PROGRAM  
SUBSCRIBE TO THE HEAL PROGRAM AND RECEIVE INFORMATION ON FITNESS  
CLASSES, HEALTHY EATING, AND OVERALL WELLNESS

VISIT THE HR WEBPAGE ON THE INTRANET TO SUBSCRIBE  
[HTTP://CITYNET.NEWPORTBEACHCA.GOV/INDEX.ASPX?PAGE=7540](http://citynet.newportbeachca.gov/index.aspx?page=7540)

## When a work injury or illness occurs...

1. If emergency medical care is needed, call 911 or go to the nearest emergency room.
2. Report injuries immediately to your supervisor or employer representative at \_\_\_\_\_ (telephone). For non-emergency medical care go to the clinic or doctor's office that is listed below or on the workers' compensation poster at your worksite, or your employer may advise you on where to go for treatment. Your employer also is required to provide you with a claim form within one working day of learning of your injury, so ensure your rights to benefits by reporting every injury, no matter how slight, and request a claim form if it's more than a simple first-aid injury.

Your employer must notify the claims administrator and authorize medical treatment within one working day of receiving your claim form. Any delay in reporting an injury may delay workers' compensation benefits and you could lose your right to benefits if your employer does not learn of your injury within 30 days of the injury date. If your injury or illness develops over time, report it as soon as you learn it was caused by your job. If a requested medical service is determined not medically necessary, you will receive information on how to appeal that decision, but if you choose to appeal you must do so within 30 days of receiving the decision. If your claim or other benefits are denied, you have a right to challenge the decision at the Workers' Compensation Appeals Board (WCAB), but there are deadlines for filing the necessary papers, so don't delay.

3. Call your claims administrator or employer representative if you have questions or problems. It is illegal for an employer to fire or discriminate against you just because you file, intend to file, or settle a workers' compensation claim, or because you testify for a co-worker who was injured. If you prove this kind of discrimination, you will be entitled to job reinstatement, lost wages and increased benefits, plus costs and expenses up to a maximum set by the state legislature.

**Emergency Telephone Number:** Call 911. For nonemergency medical care, contact your employer and go to the following doctor/clinic:

\_\_\_\_\_

### Workers' Compensation Insurer:

Check if company is self-insured

### Claims Administrator:

Name \_\_\_\_\_

Telephone \_\_\_\_\_

If your employer has an MPN, you can use the information below to get more details:

MPN website: \_\_\_\_\_

MPN effective date: \_\_\_\_\_

MPN identification number: \_\_\_\_\_

For help locating an MPN physician, call your MPN access assistant at:

\_\_\_\_\_

For questions or other MPN issues, call the MPN contact person at:

\_\_\_\_\_

Free help and information are available by contacting a Division of Workers' Compensation Information and Assistance Officer at the local office listed below. You can hear recorded information and get a list of local offices by calling (800-736-7401), or you can get additional written information about workers' compensation by going to the Division of Workers' Compensation web site at [www.dwc.ca.gov](http://www.dwc.ca.gov).

### DWC Information & Assistance Office

Street Address \_\_\_\_\_

City \_\_\_\_\_

Telephone \_\_\_\_\_

#### WORKERS' COMPENSATION FRAUD IS A FELONY

**Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be fined and imprisoned.**

This pamphlet is available in Spanish. For a free copy, please write:  
CWCI, 1333 Broadway, Suite 510, Oakland, CA 94612.

Este información esta traducido al español. Para conseguir una copia, favor de escribir a: CWCI, 1333 Broadway, Suite 510, Oakland, CA 94612.

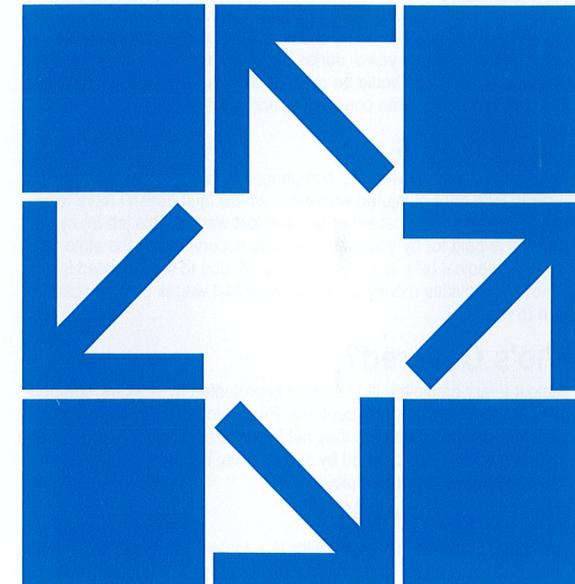
The information in this pamphlet has been approved by the Administrative Director of the Division of Workers' Compensation.

To reorder: This pamphlet, as well as state-approved workers' compensation posting notices, DWC-1 claim forms, and other information for injured workers and employers may be ordered from the online store at [www.cwci.org](http://www.cwci.org), or you may request an order form by calling 510-251-9470.

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Rev. 9/15



# Facts About Workers' Compensation

## The Way It Was

In the early 20th century, workers injured on the job had to sue their employer to recover medical expenses and lost wages. Lawsuits took months and sometimes years. Juries had to decide who was at fault and how much, if anything, would be paid. In most instances, the worker got nothing. It was costly, time consuming, and often unfair.

## The Way It Is

Today, the California workers' compensation law provides a faster, fairer way to take care of injured workers... where fault doesn't have to be proved to recover medical expenses and lost wages. This job-injury insurance is paid for by your employer and supervised by the state. It pays your medical bills, and if you can't work due to a job-related injury or illness, it provides money to help replace lost wages until you can return to work.

## Who's Covered?

Almost every employee in California is protected by workers' compensation, but there are a few exceptions. People in business for themselves and unpaid volunteers may not be covered. Maritime workers and federal employees are covered by similar laws. If you have a question about coverage, ask your employer.

## What's Covered?

Any injury or illness is covered if it's due to your job. It can be caused by one event like a fall, or repeated exposures, such as repetitive motion over time. Everything from first-aid type injuries to serious accidents is covered. Workers' compensation even covers injuries – including physical or psychiatric injuries – resulting from a workplace crime. (Some injuries from voluntary, off-duty recreational, social or athletic activity – for example, the company bowling team – may not be covered. Check with your supervisor or the claims administrator listed at the end of this document if you have questions.)

Coverage is automatic and immediate. There is no qualifying period, no need to earn a certain amount in wages before you're covered... protection begins the first minute you're on the job.

## What You Have To Do

If you have a work injury or illness, immediately notify your supervisor or call the phone number for the employer representative listed on the back of this pamphlet so you can get medical help right away. If it's more than a simple first-aid injury, your employer will give you a claim form so you can describe the injury and how, when and where it happened. To file a claim, complete the "Employee" section of the claim form, keep one copy and return the rest to your employer. Your employer will then complete the "Employer" section, give you a signed and dated copy of the form, keep one copy and send one to the claims administrator, the company that is responsible for handling your claim and notifying you about your eligibility for benefits.

Benefits can't start until the claims administrator knows of the injury, so report the injury and file the claim form with your employer as soon as possible. State law requires that within one working day of receiving a claim form employers authorize medical care consistent with applicable treatment guidelines for the injury. Employers may be liable for as much as \$10,000 in treatment until a claim is accepted or rejected. Delays in reporting may delay workers' compensation benefits, and you could lose your right to benefits if your employer does not learn of your injury within 30 days of the date of injury. If your injury or illness develops over time, report it as soon as you learn it was caused by your job. To ensure your right to benefits, report every injury, no matter how slight, and request a claim form if it's more than a minor injury requiring only first aid.

## Benefits

The California workers' compensation law guarantees you three kinds of benefits:

- All reasonable and necessary medical care for your injury or illness... with no deductibles. Medical benefits may include treatment by a doctor, hospital services, lab tests, x-rays, physical therapy, medicines, medical equipment and transportation costs to and from appointments. Workers' compensation medical services are subject to authorization for medical necessity and there are limits on the number of chiropractic, physical therapy and occupational therapy visits.
- Tax-free payments to help replace lost wages while you are temporarily disabled. Additional payments are made if the injury causes a permanent disability or death.
- If your injury or illness causes permanent disability that prevents you from returning to work and your employer doesn't offer appropriate modified or alternative work, you may be eligible for a supplemental job displacement benefit. This is a nontransferable voucher of up to \$6,000 for education-related retraining and/or skill enhancement at state-approved schools, and other services and resources to help you get back to work.

## Benefit Payments

- **Medical Care:** All medical bills for reasonable and necessary treatment will be paid directly by the claims administrator, so you should never receive a bill. The name and phone number of the claims administrator are at the end of this pamphlet and are posted at your workplace.
- **Temporary Disability:** If you are unable to work for more than three days, including weekends, you are entitled to temporary disability (TD) payments to help replace your lost wages. About two weeks after reporting the injury, you'll get a check from the claims administrator. You will continue to receive TD checks every two weeks after that until the doctor says you can return to work, or that your medical condition is "permanent and stationary." (Payments won't be made for the first three days, however, unless you're hospitalized as an inpatient or unable to work more than 14 days.) The amount of these checks will be two-thirds of your average wage, subject to minimums and maximums set by the state legislature. It probably won't be the full amount of your regular paycheck, but there are no deductions and the payments are tax free. Under state law, TD payments for a single injury may not extend for more than 104 compensable weeks within five years from the date of injury, or for more than 240 weeks within five years from the date of injury for a few long-term injuries such as severe burns or chronic lung disease. If you reach the maximum TD payment period before you can return to work or before your medical condition becomes permanent and stationary, you may be able to obtain State Disability benefits through the California Employment Development Department (EDD). You also may be able to get these benefits if your TD is delayed or denied. There are time restrictions, however, so contact EDD at (800) 480-3287 or [www.edd.ca.gov](http://www.edd.ca.gov) for information on when and how to apply.
- **Permanent Disability:** If your injury or illness results in a permanent loss of physical or mental function that a doctor can measure, you may receive permanent disability payments. The amount depends on the doctor's report, how much of the permanent disability was directly caused by your work, and factors such as your age, occupation, type of injury, and date of injury. The minimum and maximum amounts are set by state law, and vary by injury date, but if you have a permanent disability, your claims administrator will send you a letter explaining how the benefit was calculated. In general, the total amount is set at a weekly rate spread over a fixed number of weeks. The first payment is due within 14 days after the final temporary disability payment, or if you were not receiving temporary disability, 14 days after your doctor says your condition is permanent and stationary. After that, the benefit will be paid every 14 days until you reach the maximum or until you settle your case and receive a lump sum.
- **Death Benefits:** If the injury or illness causes death, payments may be made to individuals who were financially dependent on you. These benefits are set by state law and the amount depends on the number of dependents and the date of injury. Generally, the payments are made at the same rate as temporary disability payments; however, no payments will be less than \$224 per week. Workers' compensation also provides a burial allowance.

- **Supplemental Job Displacement Benefit:** If the claims administrator receives a doctor's report that you have recovered as much as possible from your job injury, and that you have a permanent disability, within 60 days you may receive a form with an offer of regular, modified or alternative work from your employer. If 60 days after receiving the doctor's report your employer has not offered you regular, modified or alternative work, your claims administrator has 20 days to provide you a Supplemental Job Displacement Benefit. This is a voucher for up to \$6,000 that you can use for retraining or skill enhancement at a state accredited school, books, required tools, license or certification fees, or other resources that can help you find a new job. There are limits on how much you can spend for some items, but if you qualify, you'll receive a letter explaining what types of expenses are covered, the limits, documentation requirements, and deadlines for using this benefit.

## Other Resources

Workers' compensation is sometimes confused with State Disability Insurance (SDI). They seem similar, but there are important differences. Workers' compensation insurance covers on-the-job injuries and illnesses and is paid for entirely by your employer. On the other hand, SDI covers off-the-job injuries or sickness, and is paid for by deductions from your paycheck. If you are not receiving workers' compensation benefits, you may be able to get State Disability benefits. For information, call the local office of the state Employment Development Department listed in the government pages of your phone book, or learn more at [www.edd.ca.gov/disability/](http://www.edd.ca.gov/disability/).

If you receive a Supplemental Job Displacement Benefit voucher, you may qualify for additional money from the Return to Work Supplement Program. This program is administered by the California Department of Industrial Relations, so if you qualify, a check will be issued by the state, not the workers' compensation claims administrator, as this is not a workers' compensation benefit. For details on eligibility and how to apply, visit the Return to Work Supplement Program section of the Department of Industrial Relations web site at [www.dir.ca.gov/RTWSP/RTWSP.html](http://www.dir.ca.gov/RTWSP/RTWSP.html) or contact the local DWC Information and Assistance office listed in the back of this pamphlet.

## If You Have Questions

... ask your supervisor or employer representative. Or contact the workers' compensation claims administrator (the name and phone number are listed at the end of this pamphlet and are posted at your workplace).

Information prepared by the state for injured workers also is posted on the DWC web site at [www.dwc.ca.gov](http://www.dwc.ca.gov). In addition, you can contact an information and assistance officer at the State Division of Workers' Compensation (DWC). Information and assistance officers are available at no charge to answer questions, review problems and provide additional written information about workers' compensation. The local office is listed at the end of this pamphlet, posted at your workplace, and in the white pages of the phone book under State Government Offices/Industrial Relations/Workers' Compensation. For a list of all information and assistance offices throughout the state, or to hear recorded information, call (800) 736-7401.

## More About Medical Care

Good medical care is important – to you, your family and your employer. Quality medical treatment is the quickest way to recovery.

- If emergency medical care is needed, immediately call 911 or go to the nearest hospital emergency room.
- For nonemergency medical care, notify your supervisor and go to the clinic/doctor's office listed on the back of this pamphlet or on the workers' compensation poster at your worksite. If only first-aid is needed and it is available at your workplace, seek it immediately. If it's more than a simple first-aid injury, ask your employer for a claim form.
- To make sure your medical bills get paid and you get all of your benefits, complete the "Employee" section of the claim form and return it to your employer as soon as possible. Employers must notify the claims administrator and authorize medical care within one working day of receiving a claim form, so get a signed and dated copy back from your employer and keep it with the other paperwork related to your claim.
- Your claims administrator will arrange medical care that meets the applicable treatment guidelines for the injury. The doctor, who may be a

specialist for your type of injury, will be familiar with workers' compensation requirements and will report promptly so your benefits can be paid.

- Your employer may have a Medical Provider Network (MPN), which is a network of health care providers who treat workers injured on the job. If so, MPN contact information can be found on the back of this pamphlet and on the workers' compensation poster at your worksite. You also can request information on how to use the MPN by asking your employer, or by visiting the MPN website or calling the MPN phone number listed in this pamphlet and on the workers' compensation poster.
- The doctor responsible for developing your treatment plan and managing your care is your "primary treating physician" (PTP). Your PTP also will coordinate any care you receive from other medical providers. Workers' compensation medical services are subject to authorization, and must meet the state's treatment guidelines for the type of injury. If a medical service requested by your PTP or another provider is determined not medically necessary, you will receive information on how to appeal that decision, but if you choose to appeal you must do so within 30 days of receiving the decision.
- The PTP also will decide when you can return to work and may review your job description with you and your employer to define any limitations or restrictions that you may have when you go back to work. For a serious injury, the PTP will write reports about any permanent disability or need for future medical care.
- You can be treated by your personal doctor immediately if you have health care coverage for nonwork injuries and illnesses; the doctor has treated you before, has your medical records, and has agreed in advance to treat you for work injuries or illnesses; and you gave your employer the doctor's name and address in writing before the injury. This is called "pre-designating a personal physician." If you decide to pre-designate, the doctor must be someone who has limited his or her practice of medicine to general practice or be a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner; or you can pre-designate a multispecialty group of licensed doctors of medicine or osteopathy (M.D.s or D.O.s) that provides comprehensive medical services primarily for nonoccupational injuries and illnesses. You can use the Pre-designation of Personal Physician form (Optional DWC Form 9783) included in this pamphlet to give your employer the necessary information. You can use the optional DWC Form 9783.1 to name a personal chiropractor or acupuncturist, but different rules apply, and you need to see an employer-selected doctor first.
- If your employer has an MPN, but you pre-designated a personal physician prior to the injury, you may receive treatment immediately from that doctor. If your employer has an MPN but you did not pre-designate a personal physician, a network doctor will generally be your PTP for the duration of treatment. For treatment other than emergency care, your claims administrator should direct you to an MPN doctor for your first medical visit, though you may choose to be treated by another doctor in the network anytime after your first visit. If you want to switch to a chiropractor or acupuncturist, including a personal chiropractor or personal acupuncturist named prior to the injury, he or she must be in the network. Different rules apply if you are in a workers' compensation Health Care Organization (HCO). If your employer offers an MPN or if you are in an HCO, your employer will provide additional information about the network and your rights under your plan.
- Generally, if you are not covered by an MPN and did not pre-designate a personal physician, you can switch to your own doctor 30 days after the injury is reported. If you want to switch doctors before that, your claims administrator will give you a list of doctors to choose from. (Different rules apply if you are in an HCO, so check with your claims administrator if that's the case.) If you want to change doctors for any reason, choose carefully, and if you want advice on specialists, talk to the claims adjuster who works for your claims administrator. They're as interested as you are in your prompt recovery and return to work and will help you get a different doctor.
- In any event, report your choice to the claims adjuster as soon as you make it so the bills will be paid for you. Even minor injuries may need expert care. Prompt, quality medical care is the best investment you and your employer can make.

If you receive a supplemental job displacement voucher for an injury that occurred on or after January 1, 2013, you may qualify for additional money from the Return to Work Supplement Program (RTWSP) administered by the California Department of Industrial Relations (DIR). For details on eligibility and how to apply, visit the Return to Work Supplement Program section of the DIR website at [www.dir.ca.gov/RTWSP/RTWSP.html](http://www.dir.ca.gov/RTWSP/RTWSP.html), or contact the local DWC Information and Assistance office which you can find by calling (800) 736-7401, by going to [www.dwc.ca.gov](http://www.dwc.ca.gov), or by checking the workers' compensation posting notice at your work site. If you qualify, a check will be sent by the state, not the workers' compensation claims administrator, as this is not a workers' compensation benefit.

## Where Can I Get More Information?

Start by asking the workers' compensation claims administrator (the name and phone number are on the workers' compensation poster at your workplace). Many times problems can be solved and questions answered with a simple phone call. In addition, you can get recorded information or order free written materials about workers' compensation by calling the State Division of Workers' Compensation (DWC) at (800) 736-7401, or by visiting the DWC web site at [www.dwc.ca.gov](http://www.dwc.ca.gov).

If you are not represented by an attorney and would like a State Information & Assistance Officer to explain your rights, solve problems, or provide other information, you can call and leave a message at the nearest local office of the DWC. The address and phone number are on the DWC web site, are posted at your workplace, and are listed in the State Government section of the phone book under "Industrial Relations Department." The state's information and assistance services are free.

## More About Medical Care

Good medical care is important -- to you, your family and your employer. Quality medical treatment is the quickest way to recovery, so report all work injuries and illnesses to your employer as soon as possible so appropriate medical care can be arranged.

- If it's more than a first-aid injury, your employer will give you a claim form. To make sure you get all your benefits, complete the "Employee" section of the form and return it to your employer as soon as possible. Within one working day, your employer should give you a signed and dated copy, send a copy to the claims administrator, and your medical treatment will be authorized. If additional treatment is necessary, your claims adjuster will arrange for medical care that meets applicable treatment guidelines for your injury.
- The doctor who will develop your treatment plan and manage the care of your injury or illness is your "primary treating physician" (PTP). The PTP also decides when you can return to work, and he or she may review your job description with you and your employer to determine your capabilities for returning to work. This doctor also will coordinate the care you receive from other medical providers, and will write reports about your medical condition and treatment, temporary disability, permanent disability, and other issues that will affect your benefits.
- If on the date of injury you have health care coverage for non-work injuries and illnesses, you can be treated right away by your own doctor if you gave your employer the doctor's name and business address in writing prior to the injury, and the doctor has treated you before, has your medical records, and agreed to treat you for work injuries or illnesses prior to the injury. This is called predesignating a personal physician. The state requires that a predesignated physician

must have limited his or her practice of medicine to general practice, or that they be a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, or a multispecialty group of licensed doctors of medicine or osteopathy (M.D.s or D.O.s) that provides comprehensive medical services primarily for nonoccupational injuries and illnesses. Different rules apply if you gave your employer the name of your personal chiropractor or acupuncturist before the injury, and you may need to see a doctor selected by the claims adjuster first, so check with your claims adjuster.

- If, prior to the injury, you did not predesignate a personal doctor who meets the state requirements, you may be sent to a doctor you don't know, but that doesn't mean it's a "company doctor." The doctor may be a specialist for the specific injury. In addition, the doctor will be familiar with workers' compensation requirements and will report promptly so your benefits will be paid.
- Your employer may have a Medical Provider Network (MPN), which is a network of health care providers who treat workers injured on the job. If so, MPN contact information, including a phone number to help you find an MPN physician should be on the workers' compensation poster at your worksite. You also can request information on how to use the MPN by asking your employer, or by calling the MPN number or visiting the MPN website listed on the posting notice.
- Generally, if you did not predesignate a personal physician prior to the injury and you are not covered by an MPN or a workers' compensation Health Care Organization (HCO), your employer will select the PTP you will see for the first 30 days. If you want to switch doctors within the first 30 days, your claims adjuster will give you a list of doctors to choose from.
- If you are covered by an MPN or an HCO, different rules apply. For example, if you are in an MPN, your claims administrator should direct you to an MPN doctor for your first medical visit for treatment, and a network doctor will generally be your PTP for the duration of treatment. You may switch to another doctor in the MPN any time after your first visit; but if you want to switch to a chiropractor or acupuncturist, including one named prior to the injury, he or she must be in the MPN. State law allows a chiropractor to be a treating physician for up to 24 visits, but beyond that you may need to switch to another doctor, so check with your claims administrator.
- If your employer has an MPN, but you have a predesignated personal physician, you may receive treatment immediately from that doctor.
- Workers' compensation medical services are subject to authorization for medical necessity and must be consistent with treatment guidelines for the type of injury. If a medical service requested by your PTP or another provider is determined not medically necessary, you will receive information on how to appeal that decision. If you do decide to appeal, there are time limits, so don't delay.
- If you are in an MPN or HCO and you have questions, ask your employer or claims adjuster for more information about the network and about your rights under your plan. In any event, if you're thinking of changing doctors, consider this decision carefully. If you want advice about specialists, or want to change doctors for some other reason, talk to your claims administrator and always report your choice as soon as you make it so your bills will be paid for you.

Above all, report promptly. Even minor injuries need expert care, and prompt, quality medical treatment is the best investment for you and your employer.

## WORKERS' COMPENSATION FRAUD IS A FELONY

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be punished by imprisonment in county jail for one year, or in state prison for up to five years, and/or fined up to \$150,000 or double the value of the fraud (whichever is greater), and ordered to pay restitution for any medical evaluation or treatment. (IC §1871.4).

If you are being provided a temporary disability check, please note the following:

**WARNING:** You are required to report to your employer or the insurance company any money that you earned for work during the time covered by this check, and before cashing this check. If you do not follow these rules, you may be in violation of the law and the penalty may be jail or prison, a fine, and loss of benefits.

Si se le está proporcionando un cheque por incapacidad temporal, por favor note lo siguiente:

**ADVERTENCIA:** Es necesario que usted le avise a su patron o a su compañía de seguro todo dinero que usted ha ganado por trabajar, durante el tiempo cubierto por este cheque, y antes de cambiar este cheque. Si usted no sigue estos reglamentos, usted puede estar en violación de la ley y el castigo podría ser cárcel o prisión, una multa, y pérdida de beneficios.

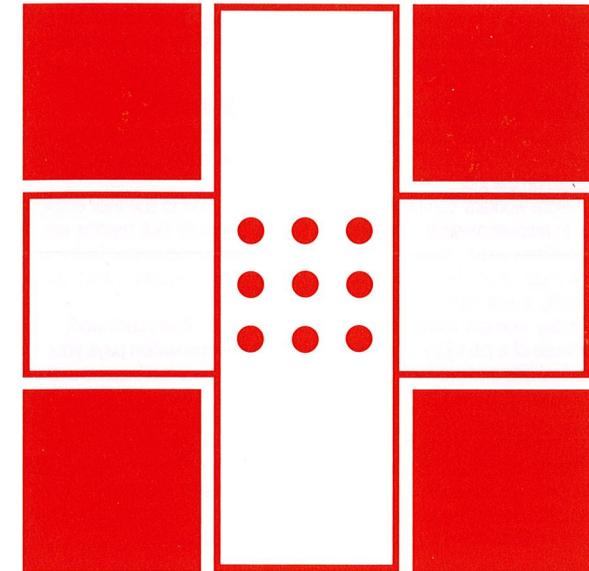
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This pamphlet provides an overview of California workers' compensation for workers who are injured on the job and describes the workers' compensation system as of the revision date noted below. It is not intended to provide legal advice. Workers may check for updates in the Communications section of our website under FAQs for Employees, or on the Division of Workers' Compensation (DWC) website.

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To reorder: Supplies of this pamphlet, as well as state-approved workers' compensation posting notices, the workers' compensation pamphlet for new hires, and the DWC-1 claim forms may be ordered from the store at [www.cwci.org](http://www.cwci.org), or you may request an order form by calling 510-251-9470.



# FACTS FOR INJURED WORKERS

## Hurt On The Job?

That can be a terrible experience. But fortunately, the California workers' compensation system takes away a lot of the worry about job injuries and illnesses. It's no-fault insurance, paid for by employers and supervised by the state. This guide explains this valuable benefit.

## What's Workers' Compensation?

California's workers' compensation law, passed by the state Legislature more than 100 years ago, guarantees prompt, automatic benefits to workers injured on the job.

Before workers' compensation, injured workers had to sue their employers to recover medical costs and lost wages. Lawsuits took months and sometimes years. Juries and judges had to decide who was at fault and how much, if anything, would be paid. Too often, the injured worker got nothing. It was costly, time consuming and unfair.

Today, workers' compensation is faster and fairer. If you can't work because of a job injury or job illness, workers' compensation pays your medical bills and provides money to help replace your lost income until you can return to work.

## Who's Covered?

Nearly every working Californian is protected by workers' compensation, but there are a few exceptions. People in business for themselves, some domestic workers, and unpaid volunteers may not be covered. Maritime workers and federal employees are covered by federal laws.

## What's Covered?

Any injury caused by the job is covered -- everything from minor injuries to serious accidents. It can be caused by one event, such as a fall, or repeated exposures, such as doing a repetitive motion over time. Job-related illnesses are covered too. (For example, common colds and flu aren't covered, but if you catch tuberculosis while working at a TB hospital, that's covered.) Workers' compensation even covers physical or psychiatric injuries resulting from a workplace crime. The key is whether the injury or illness is caused by your job.

## When Am I Covered?

Coverage begins the first minute you're on the job and continues anytime you're working. With the exception of certain psychiatric injuries and residential workers, you don't have to work a certain amount of time or earn a certain amount before you're protected. Coverage is automatic and immediate.

## How Do I Get Benefits?

Report the injury to your employer or supervisor immediately and complete a claim form if it is more than a simple first-aid injury. The claim form will ask what, where, when and how it happened.

Prompt reporting is the key because your medical bills and any other workers' compensation benefits can't be paid until your workers' compensation claims administrator knows about the injury. The claims administrator is the company responsible for handling your claim and notifying you about your eligibility for benefits. Under state law, medical treatment must be authorized within one working day of the employer's receipt of the claim form. After you return the claim form, your employer will notify the claims administrator, you will be directed to a doctor, clinic or hospital if necessary, and a claims adjuster will be assigned to handle your claim. Until a claim is accepted or rejected, up to \$10,000 in medical treatment may be covered. State law requires pre-authorization of non-emergency medical care, and there are limits on some types of treatment, so stay in touch with your claims adjuster to make sure you get appropriate care and your bills will be paid.

Ensure your right to benefits by reporting every injury, no matter how slight, and request a claim form if it's more than a minor injury requiring only

first aid. You may not be able to get benefits if your employer doesn't learn of the injury within 30 days of the date of injury. If your injury or illness developed over time, report it as soon as you learn it was caused by your job. If your claim or benefits are denied you have a right to challenge the decision, but there are deadlines for filing the necessary paperwork, so don't delay.

## What Are The Benefits?

California law guarantees three kinds of worker's compensation benefits:

- **Reasonable and necessary medical care to cure or relieve the effects of the injury or illness.** Not just doctor bills, but medicines, hospital costs, fees for lab tests, x-rays, crutches -- even travel expenses for required medical treatment. The state has set limits on some medical services -- for example the number of visits for chiropractic care, occupational therapy, and physical therapy are subject to caps set by state law, and medical services may be subject to authorization for medical necessity, but all costs for reasonable and necessary treatment are paid directly by the claims administrator without deductibles, so you should never see a bill.
- **Cash payments to help replace lost wages.** Some injuries only keep you from working temporarily, and you may receive "temporary disability" (TD) payments until the doctor says you're able to return to work or that your medical condition is "permanent and stationary." Under state law, TD for a single injury may be paid for no more than 104 weeks within five years from the date of injury, or for a few very serious types of injuries such as amputations, severe burns, or chronic lung disease, TD may be paid for a maximum of 240 weeks within five years from the date of injury. Additional cash payments will be made after you're able to work if the work injury or illness caused a permanent disability (PD) -- for example, the loss of a finger or an eye -- that your doctor says will always leave you somewhat limited in your ability to work -- or if you can't return to work at all. If the injury results in death, benefits and a burial allowance will be paid to your surviving dependents.
- **Supplemental Job Displacement Benefits.** If you have recovered as much as possible and your doctor says your injury caused a permanent disability, the doctor should send your claims administrator a "Physician's Return to Work and Voucher Report" with information on your capacity to work and any work restrictions. After the claims administrator receives this report, your employer has 60 days during which they may send you an offer of regular, modified or alternative work. If after 60 days your employer has not offered you regular, modified or alternative work, your claims administrator has 20 days to provide you a Supplemental Job Displacement Benefit. This is a voucher for up to \$6,000 that you can use for retraining or skill enhancement at a state-accredited school, books, tools, license and certification fees, or other resources that can help you find a new job. There are limits on how much you can receive for some items, but if you qualify, you will receive information on the types of expenses that are covered, the limits, documentation requirements, and deadlines for using the benefit.

## How Much Are The Cash Payments?

Temporary disability payments generally are two-thirds of your wages -- subject to minimums and maximums set by the state. At the beginning of each year, the minimum and the maximum weekly TD rates that will apply for injuries that occur during that year are subject to adjustments based on increases in the state average weekly wage, so the amount of your payments depends on your date of injury. For example, for injuries occurring in 2018, the minimum weekly TD payment is \$182.29 and the maximum is \$1,215.27. Your claims adjuster will send you a letter explaining how much your TD payments will be based on your earnings and the rate in effect at the time of injury. If you are still

eligible for temporary disability payments two years after the injury, any TD payments made after that will be adjusted to the current rates if justified by earnings.

- TD isn't paid for the first three days you're unable to work -- unless you're hospitalized as an in-patient or unable to work for more than 14 days. In these instances, even the "waiting period" will be paid.
- If you report the injury promptly, your claims administrator should mail your first TD check within 14 days. After that, you'll receive a check every two weeks until the doctor says you can go back to work or that your medical condition is "permanent and stationary," or the time limit set by the state is reached.
- After you recover to the fullest extent possible, the doctor who treated you will evaluate the permanent effects of your injury. You and your employer may agree to rely on the treating doctor's report to establish your permanent disability (PD) payment. If you have questions about the report, or disagree with the treating doctor's opinions, you may contact the claims adjuster, an information and assistance officer at the Division of Workers' Compensation, or your attorney if you are represented. They can explain your rights and the process for resolving disputes, which varies depending on a number of factors.

Your level of permanent disability will be based on the doctor's opinion about how much of the PD was directly caused by your work, as well as other factors including your age, pre-injury occupation, type of injury, and the date of injury. The weekly benefit amount is subject to minimums and maximums set by the state, which vary according to the date of injury and your level of permanent disability. If you have a permanent disability, the calculation of the benefit will be fully explained in a letter from the claims administrator.

- Death benefit payments to survivors who were financially dependent on a deceased worker are set by state law according to the number of dependents and the date of injury. Generally, payments are made at the same rate as TD benefits, however, no payments will be less than \$224 per week. Workers' compensation also pays a burial allowance of up to \$10,000. Workers' compensation payments are tax free. There are no deductions for state or federal taxes, Social Security, union or retirement fund contributions, etc. For some workers the compensation check will be close to regular take-home pay.

## What If There's A Problem?

Fortunately most claims are handled routinely. After all, workers' compensation benefits are automatic and the amounts are set by the Legislature.

But, mistakes and misunderstandings do happen. If you think you haven't received all your benefits, start by calling workers' compensation claims adjuster. Many questions can be cleared up with a phone call.

- If you still have questions, contact the nearest office of the State Division of Workers' Compensation (DWC). Information & Assistance Officers are employed by the state to protect your rights, review your claim, and let you know what steps you can take. For example, they can tell you about the procedures for resolving medical disputes and direct you on how to proceed. Information and Assistance Officers also can provide you with free written materials about workers' compensation. Information and Assistance services are free. For the nearest office check the State Government Offices section of the phone book under "Industrial Relations Department," call (800) 736-7401 for recorded information and the location of a local office, or visit the Division of Workers' Compensation website at [www.dwc.ca.gov](http://www.dwc.ca.gov).

- Some problems may need to be resolved by the Workers' Compensation Appeals Board, the state agency responsible for handling many disputes. The Appeals Board is a court of law. You can represent yourself or you can hire an attorney, but you should be aware that attorneys are paid out of the injured worker's permanent disability benefits awarded by the Appeals Board. Attorney fees generally are 12 to 15 percent of your award, and must be approved by a judge. For example, if the Appeals Board awards you \$10,000 for permanent disability, less 15 percent for attorney fees, your attorney will get \$1,500 and you will get \$8,500.
- You also need to be aware that if you hire an attorney, other people involved in your case -- including your claims adjuster -- may no longer be allowed to speak directly to you about important matters, and the Division of Workers' Compensation Information & Assistance Officers may be unable to advise or assist you with certain issues. If you choose to stop having an attorney represent you, or you want to change lawyers, your original lawyer can still claim a portion of your benefits as attorney fees.
- Delays in reporting may delay workers' compensation benefits, and you may not be able to get benefits if your employer doesn't learn of your injury within 30 days of the date of injury, or if you don't file a claim within one year of the date of injury, the date you knew the injury was work related, or the date benefits were last provided. To ensure your right to benefits, report every injury, no matter how slight, and request a claim form if it's more than a simple first aid injury. You also have the right to challenge the decision if your claim or benefits are denied, but there are deadlines for filing the necessary papers, so don't delay.
- Keep in mind, it is illegal for an employer to fire or discriminate against employees just because they file, intend to file, or settle a workers' compensation claim -- or because they testify for a coworker who was injured. A worker who proves this kind of discrimination will be entitled to job reinstatement, lost wages and increased benefits, plus costs and expenses up to a maximum set by the state Legislature.

## Other Resources

If the injury is very serious -- one where you won't be able to work for a year or more -- you may be eligible for additional benefits from Social Security. For information, contact the nearest office of the Social Security Administration (listed in the white pages of the phone book under "United States Government"), go to the website at [www.ssa.gov](http://www.ssa.gov), or discuss it with your employer or claims adjuster.

Workers' compensation sometimes is confused with another state program, State Disability Insurance (SDI). They seem similar, but there are important differences. Workers' compensation takes care of on-the-job injuries and illnesses, and is paid for by your employer. On the other hand, SDI covers off-the-job injuries or sickness and is paid for by deductions from your paycheck. If you are not receiving workers' compensation benefits -- for example, if TD has been delayed or denied, or the maximum TD payment period expires before you can return to work, you may be able to get State Disability benefits. There are time restrictions, however, and you need to apply in advance, so for forms and information, call the local office of the state Employment Development Department (EDD) listed in the government pages of your phone book, or (800)480-3287, or go to the EDD website at [www.edd.ca.gov](http://www.edd.ca.gov).

## NOTICE TO EMPLOYEES UNEMPLOYMENT INSURANCE BENEFITS

This employer is registered under the California Unemployment Insurance Code and is reporting wage credits to the Employment Development Department (EDD) that are being accumulated for you to be used as a basis for Unemployment Insurance benefits.

### You may be eligible to receive Unemployment Insurance benefits if you are:

- Unemployed or working less than full-time.  
and
- Out of work due to no fault of your own and physically able to work, ready to accept work, and looking for work.

### Employees of Educational Institutions:

Unemployment Insurance benefits based on wages earned while employed by a public or nonprofit educational institution may not be paid during a school recess period if the employee has reasonable assurance of returning to work at the end of the recess period (California Unemployment Insurance Code section 1253.3). Benefits based on other covered employment may be payable during recess periods if the unemployed individual is in all other respects eligible, and the wages earned in other covered employment are sufficient to establish an Unemployment Insurance claim after excluding wages earned from a public or nonprofit educational institution(s).

Note: Some employees may be exempt from Unemployment and Disability Insurance coverage.

**The fastest way to file for Unemployment Insurance (UI) is with UI Online at [www.edd.ca.gov/UI\\_Online](http://www.edd.ca.gov/UI_Online).**

You may also file for Unemployment Insurance by calling toll-free from anywhere in the U.S. at:

English	1-800-300-5616	Mandarin	1-866-303-0706
Spanish	1-800-326-8937	Vietnamese	1-800-547-2058
Cantonese	1-800-547-3506	TTY	1-800-815-9387

Note: Waiting to file a claim could delay benefits.

EDD representatives are available Monday through Friday between 8 a.m. and 12 noon (Pacific Time).

**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS  
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,  
SEXUAL ASSAULT AND STALKING**

***Your Right to Take Time Off:***

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

***Your Right to Reasonable Accommodation:***

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

***Your Right to Be Free from Retaliation and Discrimination:***

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

***You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.***

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: [www.dir.ca.gov/dlse/DistrictOffices.htm](http://www.dir.ca.gov/dlse/DistrictOffices.htm). If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

**TIP CREDIT** Employers of “tipped employees” who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

## FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

## STATE AND LOCAL GOVERNMENT EMPLOYEES

### OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

Law enforcement and fire protection personnel: You may be paid overtime on the basis of a “work period” of between 7 and 28 consecutive days in length, rather than on a 40-hour workweek basis.

### COMPENSATORY TIME

Employees may receive compensatory time off instead of cash overtime pay, at a rate of not less than 1½ hours for each overtime hour worked, where provided pursuant to an agreement or understanding that meets the requirements of the Act.

### EXEMPTIONS

The Act does not apply to persons who are not subject to the civil service laws of State or local governments and who are: elected public officials, certain immediate advisors to such officials, certain individuals appointed or selected by such officials to serve in various capacities, or employees of legislative branches of State and local governments. Employees of legislative libraries do not come within this exclusion and are thus covered by the Act.

Certain types of workers are exempt from the minimum wage and overtime pay provisions, including bona fide executive, administrative, and professional employees who meet regulatory requirements.

Any law enforcement or fire protection employee who in any workweek is employed by a public agency employing less than 5 employees in law enforcement or fire protection activities is exempt from the overtime pay provisions.

### YOUTH EMPLOYMENT

16 years old is the minimum age for most occupations. An 18-year old minimum applies to hazardous occupations. Minors 14 and 15 years old may work outside school hours under certain conditions. For more information, visit the YouthRules! Web site at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

### ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

### ADDITIONAL INFORMATION

- Some state laws provide greater employee protections; employers must comply with both.
- Employees under 20 years of age may be paid a youth minimum wage of not less than \$4.25 an hour during their first 90 consecutive calendar days after initial employment by an employer.
- Employers are required to display this poster where employees can readily see it.

**The law requires employers to display this poster where employees can readily see it.**



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# EMPLOYEE RIGHTS

## FOR WORKERS WITH DISABILITIES PAID AT SUBMINIMUM WAGES

This establishment has a certificate authorizing the payment of subminimum wages to workers who are disabled for the work they are performing. Authority to pay subminimum wages to workers with disabilities generally applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such subminimum wages are referred to as "commensurate wage rates" and are less than the basic hourly rates stated in an SCA wage determination and/or less than the FLSA minimum wage of **\$7.25 per hour**. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

*Employers shall make this poster available and display it where employees and the parents and guardians of workers with disabilities can readily see it.*

### WORKERS WITH DISABILITIES

Subminimum wages under section 14(c) are not applicable unless a worker's disability actually impairs the worker's earning or productive capacity for the work being performed. The fact that a worker may have a disability is not in and of itself sufficient to warrant the payment of a subminimum wage.

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as: An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.

Disabilities which may affect productive capacity include an intellectual or developmental disability, psychiatric disability, a hearing or visual impairment, and certain other impairments. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

### WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

### KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever there is a change in the job or a change in the prevailing wage rate, such as when the applicable state or federal minimum wage is increased.

### WIOA

The Workforce Innovation and Opportunity Act of 2014 (WIOA) amended the Rehabilitation Act by adding section 511, which places limitations on the payment of subminimum wages to individuals with disabilities by mandating the completion of certain requirements prior to and during the payment of a subminimum wage.

### EXECUTIVE ORDER 13658

Executive Order 13658, Establishing a Minimum Wage for Contractors, established a minimum wage that generally must be paid to workers performing on or in connection with a covered contract with the Federal Government. Workers covered by this Executive Order and due the full Executive Order minimum wage include workers with disabilities whose wages are calculated pursuant to certificates issued under section 14(c) of the FLSA.

### FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the SCA wage determination.

### OVERTIME

Generally, if a worker is performing work subject to the FLSA, SCA, and/or PCA, that worker must be paid at least 1 1/2 times their regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

Minors younger than 18 years of age must be employed in accordance with the child labor provisions of the FLSA. No persons under 16 years of age may be employed in manufacturing or on a PCA contract.

### PETITION PROCESS

Workers with disabilities paid at subminimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, D.C. 20210.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

## EMPLOYER RESPONSIBILITIES

## ENFORCEMENT

For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**www.dol.gov/whd**

U.S. Department of Labor | Wage and Hour Division



# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
|---|---|

### ▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



WH1422 REV 03/20

# Break Time for Nursing Mothers

under the Fair Labor Standards Act (FLSA)



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR



The Fair Labor Standards Act (FLSA) requires employers to provide **break time and space** for a covered nonexempt nursing mother to express breast milk for her nursing child for one year after her child's birth.

- Employers must allow reasonable **break time** whenever a covered employee needs to express breast milk.
- Employers must provide covered employees with space that is:
  - functional for expressing milk
  - shielded from view
  - free from intrusion
  - available as needed, AND
  - **NOT a bathroom.**

If an employer has fewer than 50 employees **AND** can demonstrate that compliance with this law would impose an undue hardship on the employer, that employer does not have to provide nursing breaks.

**Note:** The FLSA requirement of break time for nursing mothers to express breast milk does not preempt state laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond one year after the child's birth).

## UNLAWFUL ACTS

Any employee who is "discharged or in any other manner discriminated against" because he or she has filed a complaint or cooperated in an investigation may file a retaliation complaint with the Wage and Hour Division or directly in court seeking appropriate remedies.



1-866-4US-WAGE  
[www.dol.gov/whd](http://www.dol.gov/whd)



# SEXUAL HARASSMENT

## FACT SHEET

# DFEH



Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

## THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **“Quid pro quo”** (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **“Hostile work environment”** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

## SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within three years of the last act of harassment or retaliation.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

## EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

# SEXUAL HARASSMENT

## FACT SHEET



### CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

### ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1.** Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- 2.** Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- 3.** Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
  - Be in writing.
  - List all protected groups under the FEHA.
  - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
  - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
  - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
  - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
  - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- 4.** Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
    - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
    - Sending the policy via email with an acknowledgment return form.
    - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
    - Discussing policies upon hire and/or during a new hire orientation session.
    - Using any other method that ensures employees received and understand the policy.
  - 5.** If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
  - 6.** In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained during calendar year 2020, and, after January 1, 2021, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

### TO FILE A COMPLAINT

#### Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

# TRANSGENDER RIGHTS IN THE WORKPLACE

# DFEH



## WHAT DOES “TRANSGENDER” MEAN?

Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender expression is defined by the law to mean a “person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.” Gender identity and gender expression are protected characteristics under the Fair Employment and Housing Act. That means that employers may not discriminate against someone because they identify as transgender or gender non-conforming. This includes the perception that someone is transgender or gender non-conforming.

## WHAT IS A GENDER TRANSITION?

1. “Social transition” involves a process of socially aligning one’s gender with the internal sense of self (e.g., changes in name and pronoun, bathroom facility usage, participation in activities like sports teams).

2. “Physical transition” refers to medical treatments an individual may undergo to physically align their body with internal sense of self (e.g., hormone therapies or surgical procedures).

A person does not need to complete any particular step in a gender transition in order to be protected by the law. An employer may not condition its treatment or accommodation of a transitioning employee upon completion of a particular step in a gender transition.

## FAQ FOR EMPLOYERS

### • What is an employer allowed to ask?

Employers may ask about an employee’s employment history, and may ask for personal references, in addition to other non-discriminatory questions. An interviewer should not ask questions designed to detect a person’s gender identity, including asking about their marital status, spouse’s name, or relation of household members to one another. Employers should not ask questions about a person’s body or whether they plan to have surgery.

### • How do employers implement dress codes and grooming standards?

An employer who requires a dress code must enforce it in a non-discriminatory manner. This means that, unless an employer can demonstrate business necessity, each employee must be allowed to dress in accordance with their gender identity and gender expression. Transgender or gender non-conforming employees may not be held to any different standard of dress or grooming than any other employee.

### • What are the obligations of employers when it comes to bathrooms, showers, and locker rooms?

All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee’s gender identity, regardless of the employee’s assigned sex at birth. In addition, where possible, an employer should provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason. Use of a unisex single stall restroom should always be a matter of choice. No employee should be forced to use one either as a matter of policy or due to harassment in a gender-appropriate facility. Unless exempted by other provisions of state law, all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency must be identified as all-gender toilet facilities.

## FILING A COMPLAINT

If you believe you are a victim of discrimination you may, within three years\* of the discrimination, file a complaint of discrimination by contacting DFEH.

To schedule an appointment, contact the Communication Center below.

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

## CONTACT US

Toll Free: (800) 884-1684  
TTY: (800) 700-2320  
contact.center@dfeh.ca.gov  
www.dfeh.ca.gov